used to finance the export of U.S. commodities, to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes; to the Committee on Banking and Currency.

By Mr. EDWARDS of California:

H.R. 8182. A bill to amend the Public Health Service Act to authorize grants to public and nonprofit private hospitals for the acquisition of renal dialysis equipment and grants for training of persons to operate and maintain such equipment; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 8183. A bill to protect ocean mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MAHON:

H.R. 8190. A bill making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. DANIELSON:

H.J. Res. 616. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. FRASER (for himself, Mr. ROSENTHAL, Mr. BINGHAM, Mr. FRELINGHUYSEN, Mr. HALPERN, and Mr. FINDLEY):

H.J. Res. 617. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H.J. Res. 618. Joint resolution instructing the Secretary of the Interior to call for an international meeting on the preservation, conservation, and protection of endangered species of fish and wildlife; to the Committee on Foreign Affairs.

H.J. Res. 619. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission; to the Committee on Foreign Affairs.

By Mr. LENT:

H.J. Res. 620. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.J. Res. 621. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. WOLFF:

H.J. Res. 622. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. HALPERN:

H. Con. Res. 292. Concurrent resolution calling for suspension of military assistance to Pakistan until the present conflict in the country is resolved; to the Committee on Foreign Affairs.

By Mrs. HICKS of Massachusetts:

H. Con. Res. 293. Concurrent resolution calling for the immediate recision by the President of any orders withholding certain Federal funds meant to assist local communities in constructing housing, and for other purposes; to the Committee on Appropriations.

By Mr. STEELE (for himself and Mr. GIAIMO):

H. Con. Res. 294. Concurrent resolution expressing the sense of Congress that the Government of the United States should not undertake to guarantee any loan to the Lockheed Aircraft Corp. or any of its creditors with respect to the production of the L–1011 airbase unless assurances are given that the L–1011 airbase will utilize engines manufactured in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS:

H. Res. 431. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H. Res. 432. Resolution expressing the commendation and appreciation of the House of Representatives to the U.S. Capitol Police force for its loyalty, dedication, vigilance, and efficiency in responding to emergency conditions and situations at the Capitol, and for other purposes; to the Committee on House Administration.

By Mr. WINN:

H. Res. 433. Resolution creating a select committee to conduct an investigation and study of the problems of urban areas; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BUCHANAN:

H.R. 8184. A bill for the relief of Guiseppe Vella; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 8185. A bill for the relief of Francesco Castelli and Giuseppa Castelli (also known as Giuseppina Castelli); to the Committee on the Judiciary.

H.R. 8186. A bill for the relief of Francisco and Mario Chirino; to the Committee on the Judiciary.

H.R. 8187. A bill for the relief of Giuseppe Namio and his wife, Anna Namio, and their child, Josefina Namio; to the Committee on the Judiciary.

H.R. 8188. A bill for the relief of Antonino Taourmina; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 8189. A bill for the relief of Sammy Morris Gully; to the Committee on the Judiciary.

SENATE—*Thursday, May 6, 1971*

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

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

O God, our Father, help us now to put aside for one brief moment all that obstructs Thy presence and to be deaf to all earthly sounds that we may hear again "Thy still small voice of calm" which comes from above and beyond to the deep and unfathomable world within us. Invest our finite and temporal existence with a sense of the infinite and eternal. Keep ever before us the distant vision of the coming of Thy perfect kingdom, and give us the wisdom and courage to do those things we can do now to advance Thy kingdom of justice and righteousness—and to Thee shall be the thanksgiving and praise, now and evermore. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today appear at the end of the Senate proceedings.)

ENROLLED BILLS PRESENTED TO THE PRESIDENT

The Secretary of the Senate reported that on May 5, 1971, he presented to the President of the United States the following enrolled bills:

S. 70. An act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; and

S. 531. An act to authorize the United States Postal Service to receive the fee of $2 for execution of an application for a passport.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, with an amendment, the concurrent resolution (S. Con. Res. 22), designating "Human Development Month" and "Voluntary Overseas Aid Week," in which it requested the concurrence of the Senate.

The message also announced that the House had passed, without amendment, the bill (S. 1260), to amend the Small Business Act.

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

H.J. Res. 583. A joint resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers Week"; and

H.J. Res. 602. A joint resolution authorizing the President to proclaim the period from May 22, 1971, through May 28, 1971, as "National Rescue Mission Week."

ENROLLED BILLS SIGNED

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

S. 1260. An act to amend the Small Business Act; and

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H.R. 4246. An act to extend certain laws relating to the payment of interest on time and savings deposits and economic stabilization, and for other purposes.

HOUSE JOINT RESOLUTIONS REFERRED

The following joint resolutions were read twice by their titles and referred to the Committee on the Judiciary:

H.J. Res. 583. A joint resolution designating the last full week of July of 1971 as "National Star Route Mail Carriers Week"; and

H.J. Res. 602. A joint resolution authorizing the President to proclaim the period from May 22, 1971, through May 26, 1971, as "National Rescue Mission Week".

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 5, 1971, be dispensed with.

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

VIETNAM—U.S. PRISONERS OF WAR

Mr. MANSFIELD. Mr. President, over the past several days, a proposal has been made by means of which prisoners of war from both sides in Vietnam would be interned in Sweden.

President Nixon has indicated his approval. The Swedish Government has indicated its interest, if both parties agree in Paris. But, as of this moment, Hanoi has not agreed.

Perhaps, when the time comes, that might be one way to face up to the situation, if an agreement can be reached between Hanoi and Washington in Paris.

However, up to the present time, there seems to be no possibility of such an agreement.

But, Mr. President, the question of the POW's has been receiving significant attention both in this country and in Paris as well as in Hanoi. The number of POW's has been estimated at approximately 1,500 but figures have been given by North Vietnam to the effect that they hold approximately 400 U.S. prisoners of war.

The question of the POW's figures significantly and, in some respects, overridingly in the matter of ending the war in Vietnam. The administration has said that we will maintain forces in Vietnam until all POW's are released. Hanoi has said that they will not even begin to discuss the fate of the prisoners until a termination date has been set and then, according to press reports from the North Vietnamese delegation in Paris, they have indicated this matter could be settled promptly.

If a termination date were set and negotiations in earnest begun, there would be no useful reason, in my opinion, for North Vietnam to keep the U.S. POW's there. If a termination date is not set, then we are confronted with the paradoxical situation which results in more and more American casualties, perhaps more and more POW's and more and more of a determination on the part of North Vietnam to hang on to the POW's.

A terminal date for ending the war could lead to the release of the POW's. A continuation of the war with increased casualties and an increase in the number of POW's would make a bad situation worse. As it is now, it appears to me that both sides of the coin are the same as far as the POW's are concerned. The present approach makes hostages of the POW's with the result that the possibility of their release fades into the distance even as the casualties and the cost increase week by week, month by month, year by year. If we agree to a termination date and the prisoners are not released, we still retain all our options and, thereby, lose nothing in the attempt.

On April 16 the President gave another reason in addition to the POW issue for not fixing a terminal date on the involvement. That was to give South Vietnam at least a chance to defend itself against North Vietnam. With an army which is larger than North Vietnam's, equipped, trained, supplied, paid and advised by Americans over a period extending from 1955 to the present, I would say that if they are not in a position now to have at least a chance to defend themselves, then they never will be. It is their country. It is their future. It is their decision, not ours.

Over the years I have not deviated from my position that we had no business becoming involved, militarily, in Vietnam. We have no foundation and never have had for the pursuit of our intervention there.

As of April 27, 1971, 352,794 casualties, $120 billion wasted, demoralization and divisiveness at home and abroad, drug addiction, graft, corruption, fraggings, the laying waste of a country and the wasting of lives—that is what Vietnam has entailed, that is what Vietnam means—even now.

Mr. AIKEN. Mr. President, I was quite impressed by the remarks of the able majority leader concerning the advisability of bringing the war in Southeast Asia to a close.

He referred particularly to the matter of prisoners of war. I believe, correctly, that if the President should fix a date for terminating the war and then the prisoners are not released, the date would, of course, become useless, but we would not have lost anything.

The Senator from Montana also referred to the President's statement that we would end the war whenever we felt that South Vietnam had a reasonable chance to look after its own affairs.

It occurs to me with 1 million well-armed men in South Vietnam, that if they do not have a reasonable chance to defend themselves now against a force one-third their size from the north, then the situation would appear to be somewhat hopeless and it would certainly look like something was wrong with it.

Mr. President, I was, however, impressed the other night with the President's statement that on October 15 he would make another statement regarding further withdrawals.

My hope is that by October 15, at the latest, the President would be able to announce a definite date for the withdrawal of our forces from Southeast Asia. If he sets that date and if, as the Senator from Montana has said, the North Vietnamese and the Vietcong do not then live up to their promises, then the situation would not be changed from what it is now.

I am inclined to think that North Vietnam would like to get out of this war as much as most of us would.

Thus, I hope that when the President makes his statement on October 15, which has been set ahead somewhat from the earlier dates which had been named, we will see results which will give this country and the world at large a great deal more hope regarding the Southeast Asia situation than we have had for the past several years.

Mr. COOPER. Mr. President, I, too, had the opportunity to hear the distinguished majority leader and his comments regarding the war in Vietnam and our prisoners of war.

I must say that no one has been more consistent in his approach to this war and his objective of bringing it to an end than has the distinguished Senator from Montana (Mr. MANSFIELD).

I recall in 1954 when it appeared that consideration was being given to the use of U.S. forces in Vietnam, after the surrender of the French, the Senator from Montana (Mr. MANSFIELD) spoke against our intervention. That was 17 years ago. President Eisenhower refused to send troops. Consistently throughout the years, the Senator from Montana has continued to urge that our participation in the Vietnam war be ended. He has been a great leader in this effort.

I have been happy on several occasions to be associated with him. I know that his efforts will continue.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I ask unanimous consent to yield my time under the standing order to the distinguished Senator from South Carolina (Mr. THURMOND).

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

Mr. THURMOND. Mr. President, I wish to thank the able and distinguished Senator from Pennsylvania.

(Mr. THURMOND'S remarks when he introduced S. 1796, appear in the RECORD under Introduced Bills and Joint Resolutions.)

HANDLING OF MAY DAY RIOTERS BY OFFICIALS IN WASHINGTON

Mr. THURMOND. Mr. President, our country and the basic liberties for which

it stands have recently withstood a most serious assault upon the concept of freedom. Since its inception, this Nation has maintained in its Constitution, supported by its courts, individual liberties not to be transgressed by governmental or private actions.

The attempted siege of our Nation's Capital during the last few days has demonstrated that there are those who, under the guise of lawful dissent, would totally usurp the rights of law-abiding citizens. Wanton violations of the law were not only advocated by the May Day leaders, but were perpetrated by the participants.

The purpose of the attempted siege was to "shut down the Government" by physically strangling the traffic into and out of the city of Washington. This was to be accomplished at the expense of those who live in the city and those who commute to and from the city. The means by which these anarchists attempted to accomplish their mission was to destroy the property of innocent citizens who were attempting to go to and from work to earn a living for their families.

Mr. President, with thousands of these demonstrators dedicated to the unlawful seizure of the city, only a determined effort by those charged with keeping law and order could have prevented utter chaos.

The Metropolitan Police Department under the leadership of Chief Jerry Wilson deserves the congratulations of every citizen in this country who believes in justice through law and order. Chief Wilson and his men met thousands of massed anarachists and with professional dignity and expertise apprehended those who were flagrantly breaking the law. They prevented the destruction of property and protected the rights of the hundreds of thousands of citizens who live and work in and around Washington. The police were supported by elements of the Active and Reserve Armed Forces who also should be commended for their fine contributions.

Mr. President, these men who carried out the orders of their superiors acted under the most trying circumstances. Not only did they have to work extended shifts but they were subjected to all types of physical and mental abuses. They proudly demonstrated their professional competence by resisting the urge to retaliate to insults and harassment by maintaining strict discipline.

Not only do those who actually maintain order deserve our praise, but we should pay special tribute to the echelons of responsibility that made the decision to enforce the law rather than bow to insurrection. It is obvious that the administration in conjunction with Chief Wilson courageously met the challenge of rebellion and made the decision that individual liberties, public and private property, and the order of our society would not be compromised.

Mr. President, this is not the first time that Washington has felt the siege of massed anarchy. This is, however, the first time that organized insurrectionists have been effectively met by a determined administration which denied them full reign in carrying out unlawful activity. Not only has this city and its citizens been fully protected during the last few days of this Mayday revolt, but the firm stand by law enforcement officials will be a strong deterrent to future disturbances. Hopefully, other metropolitan areas throughout the country will heed the lesson taught here and realize that law and order should be unyielding to any cause which seeks to accomplish its goal unlawfully.

Mr. President, the authorities who dealt with these anarchists employed very basic principles of a lawful society. They arrested those who were in willful violation of the law and prevented unlawful attack upon citizens and property before they could occur. These principles are so basic that they are often compromised when demonstrators mass in large crowds. However, they need not nor should they ever be compromised.

The courage of the present administration in handling this recent insurrection in Washington makes one wonder how it happened that our Nation's Capital was virtually cut off from tourism during the spring and summer of 1968 because the streets were unsafe. At that time, property and people were objects of violence, because often defiance of the law in many cases was only met with observance. During that period, millions of dollars were lost from the economy of Washington because people were afraid to visit their Capital and millions of dollars of property was destroyed. This was intolerable and, as recently demonstrated, was unnecessary.

Mr. President, let me reiterate the highest praise for the men of the police department and the armed services who maintained order in Washington. Most important, however, tribute should also go to those who made the decision to use these men and to refuse to yield to anarchy.

PROPOSED SUBMISSION OF A RESOLUTION

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Nebraska (Mr. CURTIS) I announce that the resolution he intended to submit today to commend the police and others for their activities during the recent demonstrations in Washington will be submitted on Monday. If any Senator desires to be a cosponsor all he has to do is to contact the office of the Senator from Nebraska.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the Senator from New Mexico is recognized for 15 minutes.

WOE UNTO THOSE WHO HAVE EARS BUT DO NOT HEAR

Mr. MONTOYA. Mr. President, America numbers among her citizens today more than 9.2 million Spanish-speaking people, according to the U.S. Bureau of the Census. Most live below the poverty line. Most are confronted, as their forebears were, by staggering obstacles to social and economic progress. Today such barriers have been compounded by recession, social upheaval, and an ever-increasing pace of change.

The Census Bureau report shows the total includes 5.1 million persons who told census officials they were of Mexican origin, 1.5 million Puerto Ricans, and 600,000 each of Cuban and Central or South American origin. Another 1.6 million people are included in a general category entitled "Other Spanish-Speaking People." I believe there are 10 million such people.

The new report also shows that more Spanish is spoken in American homes than any language except English. Five Southwestern States hold 61 percent of this population, but colonies of these citizens are to be found almost everywhere. Several hundred thousand now reside in the Chicago area. New Jersey and lower New England contain significant groupings.

All the Rocky Mountain and Great Plains States contain growing communities of these people. That census count also shows that their jobless rate is nearly twice that of any other group.

America continues to pay loud lip-service to the aspirations of these people. Such superficial concern is surpassed only by the paucity of what our society is doing to aid them escape conditions of life afflicting so many of them. It is one of our worst national disgraces, staining our national conscience indelibly.

One other element has changed in this disgraceful equation—the attitude of Spanish-speaking people themselves. Today there is a burning awareness of heritage, pride, and history among them that has hitherto been subdued. They know conquistadores were here carving out a new world before any others arrived to lay claim to it. They know blood has been spilled by exploiters—that young Spanish Americans have so often perished for causes our country has espoused. This is especially true today.

Many call themselves "Chicanos."

In their mouths it becomes a title of pride. Great numbers are returning veterans who have given of health and years to the Nation. They seek justice, economic opportunity, and social recognition. America denies it to them at her peril.

Such people look at our world through new eyes. They have seen what can be be attained: through education, through equal opportunity, through hard work. All they seek is a chance. Yet, it is just that which America continues to deny them. Today's society can no longer afford the shameful luxury of barring any road to advancement to such a significant group of Americans.

Our Spanish-speaking people are now well aware of their guaranteed rights as citizens. They understand our State and

Federal constitutions and wonder why so many double standards exist.

They ask how it can be that Spanish-speaking Americans are subjected to brutality by certain elements in selected areas of our Nation. They ask why some judges and prosecuting officers of more than a few courts can make examples of Spanish-speaking people who violate laws, while Anglos are seemingly judged by different standards entirely. It is proper that they should wonder aloud at such injustices, for it is a sad truth they are widespread.

They are aware disproportionate numbers of them are drafted into our Armed Forces. This imbalance is reflected in casualty figures in Vietnam. One statistic bearing on my own State of New Mexico is indicative of this situation. Defense Department figures show 44.6 percent of all New Mexico fighting men killed in Vietnam between 1961 and 1967 were Spanish surnamed. Yet, about 30 percent of the population of New Mexico is Hispano-surnamed.

The same Pentagon figures are revealing across-the-board: 25 percent of all Texans killed there in that same period are Spanish surnamed; 24 percent of those from Colorado; 17 percent of Arizonans; 15 percent of all Californians. Death in combat of Spanish-American boys crosses our domestic/political boundaries with ease. I am also informed that there are combat units close to 90-percent Chicano.

Hundreds of thousands of young Spanish-speaking people have been taken into military service. Up to now they have gone with scarcely a murmur to do battle for their country, exhibiting fervent patriotism. This is their kind. This is their quality. America seems to have taken little notice of this cumulative sacrifice.

In fact, precious little has been done voluntarily or even under pressure to roll back barriers of bigotry, prejudice, and discrimination confronting our Spanish-speaking citizens.

Consider the image scores of millions of Americans presently entertain regarding Spanish-speaking Americans. That mental picture is a totally degrading steretotype. Let me remind you of what it consists of. A sleepy, lazy, dirty Mexican in a sombrero dozing under a cactus. A greasy-looking, overweight, bandit type with bandoleers slung across his body, galloping off to stir a tinpot revolution. An image of a person lacking ambition, honesty, elementary habits of hygiene and self-respect.

It is disgusting. But it is prevalent. It is being fostered by mass media and advertisting agencies running campaigns to tell, among other things, Frito-Lay products. It fosters bigotry in the name of humorous selling of a product. Hurrah for bigotry, as long as it is profitable.

Some people think the Frito bandito is cute, as he dances across our publicly licensed airwaves. The Americans he caricatures do not think so, and have said so publicly again and again. Why do not the Frito-Lay people and their advertising agency personnel journey to Vietnam and play their "cute" commercials to Spanish boys risking their lives over there daily—I would enjoy such a presentation—or journey to our barrios and give special showings? It should prove enlightening.

I would appreciate seeing the executives of Young & Rubicam and Foote, Cone & Belding, who are responsible for these Frito bandito advertisements, putting across to young Chicano soldiers their concept of charm in commercials.

It is time to expose the hitherto faceless agencies behind such commercials. For too long they have been getting away with anonymous perpetration of these media atrocities.

And while such disgusting parodies persist, realities of Spanish life in America grow uglier daily. It is worth taking careful note of such Americans for time is running out. There has been violence in recent months in several Spanish-speaking barrios. Such disturbances are indications of what is coming. We should heed them immediately.

Our Spanish-speaking citizens have never before participated in or initiated massive urban violence. The Los Angeles "zoot suit" disturbances were begun by outsiders invading barrio areas. This time matters have taken a different ugly turn. Usually peaceful people have taken to the streets in violent protests. But only after a serious situation has shown no signs of alleviation or improvement. The leadership of periodic protest rallies has called for nonviolent demonstrations. Yet Ruben Salazar is dead. And during the last upheaval another young Spanish boy was killed.

I see ominous portents of things to come. A small but growing group in our Spanish-speaking community is be inning to despair of making real progress. It feels only deliberately fostered turbulence will awaken our power structure and Nation to their needs. I reject such an approach entirely, yet certainly understand both the motivation, frustration behind it. America must seek a deeper, swifter comprehension of it as well.

The most notable success achieved by Spanish-speaking Americans has been through the religious-oriented nonviolent Union of Farmworkers of Caesar Chavez. His bitter drawn-out struggle inches along in the face of staggering obstacles. Younger Chicanos admire him but also note the barriers consistently thrown in his path. Most do not feel they should have to battle so long for elementary progress on a road traveled successfully long ago by so many others.

They see prejudice against Mexican Americans enduring 122 years after the Mexican War. They observe their culture under incessant attack as that belonging to a conquered people. It is constantly disparaged in a thousand ways as bad or worse than the media stereotype I mentioned earlier. A recent report from the Census Bureau put an official stamp upon America's shame. Americans of Spanish origin stand on one of the lowest rungs of America's ladder. I ask unanimous consent to have printed in the RECORD, a recent article from the Washington Post summarizing the findings of the report.

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

LATINS IN UNITED STATES TRAIL IN INCOME

(By William Chapman)

Americans of Spanish origin earn only about 70 per cent of the average American family's income, are more likely to be out of work and have limited access to white-collar jobs.

They also are persons with strong family ties, as likely to speak Spanish as English at home, and they are less educated than other Americans—though this gap is closing.

That profile of Spanish-origin Americans emerges from a Census Bureau analysis regarded as the most extensive social and economic study yet of this group.

It provides support for the contention of Spanish-surname lobbying groups that their people are disadvantaged, somewhat isolated from American life, and deserving of more public aid.

An official of the Cabinet Committee for the Spanish Speaking asserted that the study should pave the way for a greater share of federal education and urban development funds for his people.

At the same time, the official, Executive Director John Bareno, claimed that the study grossly underestimated the number of Spanish-origin residents in the U.S.

The survey identified 9.2 million Spanish-origin residents in November, 1969. Bareno claimed that local and state reports he has examined indicate the total is closer to 12 million, including perhaps one million working here illegally on temporary visitation permits.

The census study identified 55 per cent of the people as Mexican, 16 per cent as Puerto Rican, 6 per cent as Cuban, 6 per cent as Central or South American and 17 per cent as "other Spanish." Three-fifths live in five Southwestern states.

Within those classifications were found substantial differences. Reflecting the flight from Castro's Cuba of middle-class emigres, the Cucan population now in this country is older, better educated and more prosperous than, for example, Mexicans and South Americans.

SPECIFIC POINTS

Among the study's specific findings were the following:

Spanish-origin workers are more concentrated in lower-paying occupations than other Americans. Only 25 per cent of the men were in white-collar jobs, compared with 41 per cent of men of all other origins. But the percentage of Cuban males in those jobs was nearly twice as high as the Mexican-born.

In November, 1969, the seasonally adjusted unemployment rate for the Spanish-origin worker was 6 per cent, compared with 3.5 per cent for the remainder of the civilian population. Bareno claimed that even that 6 per cent figure understates unemployment because it does not include the thousands of Mexican-Americans employed seasonally as migrant farm workers.

Although Spanish-origin citizens lag significantly in formal education—as measured by years of school attended—there are signs of a closing of the gap. For example, half of the Mexican-Americans over 35 years old had completed only 7.3 years of school. In a younger group, 25 to 34, the Mexican-Americans had averaged 10.8 years. The younger Cubans and other immigrants, however, averaged 12.4 years.

The average family income of Spanish-origin families was $5,600 in November, 1969,

about 70 per cent of that earned by families of other origins.

Spanish is currently spoken in the homes of half of the Spanish-origin population and, with the exception of English, is spoken by more persons than any other language in the U.S. The Census Bureau interpreted that as indicating unusually strong family bonds.

English was more apt to be spoken in Mexican-American homes than in those occupied by Puerto Ricans, Cubans and Central and South Americans.

Mr. MONTOYA. Mr. President, it is possible to add further figures to those revealed in this article. More than one-third of the Mexican American population in our five Southwestern States is illiterate or functionally so, compared to 5 percent of the Anglo population so rated.

In East Los Angeles, 75 percent of Mexican American real income dropped between 1960 and 1965. Homeownership declined. Housing deteriorated. Ninety percent of Mexican Americans there noticed no results whatsoever from civil rights efforts on their behalf.

A Mexican American is seven times more likely to live in substandard housing than an Anglo. The chance that his baby will be born dead, or will die before his first birthday, is roughly twice as great.

When touching on jobless statistics among the Spanish-speaking it is well to remember that 80 percent of those employed work at unskilled or semiskilled jobs.

Numerous vocational education projects are one of the keys to changing this, as I have maintained through the years. Unfortunately, adequate funds for such endeavors have not been forthcoming.

Numerous academic and social practices are such, so as to impose upon Mexican American children a sense of social and cultural inferiority. Only in the past several years have we managed to undertake bilingual education programs and appropriate minimal funds for their extension. As matters stand now, we have had to battle bitterly just to keep this concept barely alive.

The U.S. Government has done more to help citizens of other lands learn English than it has for non-English-speaking American citizens in this country.

Meanwhile, selective service boards across the Southwest contain slightly less than 6 percent Spanish-speaking American membership. Yet, Chicanos account for nearly 20 percent of all southwesterns killed in Vietnam.

The United States-Mexico Border Development and Friendship Commission ceased to exist on November 5, 1969, because of funding.

In a report published by the U.S. Civil Rights Commission, entitled "Mexican Justice in the Southwest" we find the following quote:

Belief in law enforcement prejudice is widespread and indicative of a serious problem of Police-Community relations between Police and Mexican-Americans in the southwest.

Mr. President, I believe the statement to be not only true but the politest possible way of stating the case. A recent event in New Mexico illustrates in the most devastating manner the double standard too often found in criminal cases involving Mexican Americans.

Two Mexican American boys in Roswell, N. Mex., were caught stealing several kegs of beer. They were placed in jail and kept there for 11 days. Bond was set for them at $3,000 each. Their parents are humble people who could no more afford a $3,000 bond than they could $3,000,000 worth. The victimized distributor actively sought to drop all charges. The district attorney, Mr. Hanagan, insisted upon pressing charges. Numerous prominent citizens sought alleviation of the boys' situation. A presentencing report recommended leniency in sentencing. The judge, George Reese, saw fit to sentence these two young people to 60 days in the State penitentiary, less the 11 days they had spent in county jail. These 49 days were to begin January 16, 1971. Both boys are presently seniors in high school. Total sentence each received was 5 years, with all suspended except for the actual 49 days.

Gov. Bruce King of New Mexico, showing true compassion and understanding, pardoned both boys. After I spoke out against this abuse of authority in a speech before a joint session of the New Mexico State Legislature, one member got up to excuse the judge's prejudice by saying he had a right to do what he did. I find no fault nor have any dispute with the right of any district attorney to prosecute offenders or any judge to pronounce sentence. I do roundly condemn as evil, backward, and barbarous such practices as I have described. They were out of place by the turn of this century.

There are thousands of district attorneys and judges similar to the two I have just mentioned. They are scattered across the land, filled with apprehension and indignation because those who have heretofore remained silent have found new voices. They deem as upstarts and presumptuous those among Spanish speaking Americans who will no longer accept a double standard in the administration of justice. They feel the full weight of authority must be used in an attempt to intimidate those who have the temerity to speak out.

Let such prosecuting officers and judges beware of the indignation of an aroused people, who will persist in seeking the full protection of our system of justice in a most energetic fashion. Such realities as I have described, however, are what millions of Spanish-speaking Americans must live with on a daily basis across this country. It is unendurable for them any longer.

There are too many law enforcement people who are heavy-handed rather than judicious in enforcing laws as they affect these people. They prefer to yearn for yesterday's status quo instead of heeding today's realities. A new state of mind is germinating in Spanish-America's consciousness. It will not accept that status quo or the backwardness, persecution, discrimination and double standards that are part of it. America must realize this and take immediate, constructive action to anticipate their desires—to correct these wrongs. It must be done.

Yet, it is our Federal Government itself which has been setting the worst possible example in one instance after another. Its non-record in opening up doors to Spanish-speaking Americans is shameful. Thirty-four agencies did not have a single hispano in any capacity under the GS pay system. The least it could do is provide the same proportion of opportunities for them to advance at home in government as it does for them to die abroad in military service. We are first in janitors, first in infantry units, last in equal opportunity. Although we are at least 5 percent of the population, we possess less than 3 percent of the Federal jobs.

A few weeks ago, the FBI released figures on its employees. This agency has slightly more than 100 non-Anglo agents among its force of nearly 8,000. Of these, 41 are Spanish-speaking Americans. Of 18,592 employees, including several agents, it possesses 257 Spanish-speaking Americans.

What kind of chance do such citizens find in other areas of our Government structure? What doors have opened for them? In 1968, there were three ambassadors of Spanish descent. Now there are none. Granted that Messrs. Raymond Tellez, Ben Hernandez, and Raul Castro were of a different political persuasion than is the present administration. Yet, could they not have been replaced with other competent Spanish Americans? Such appointments would reflect credit and prestige upon our entire Spanish-speaking community. To deny such elementary recognition is a blatant insult to them. No such appointments have been made.

Dr. Hector Garcia was an American representative to the U.N. He has been replaced. No prominent Spanish-speaking American has been named by this administration in his stead. This in spite of the vast number of dealings we consistently engage in with the sprawling Spanish-speaking world.

The only high-ranking Spanish Americans appointed by the administration have been callously let go. One was Hilario Sandoval, former head of the Small Business Administration. Next to leave was Martin Castillo, former Chairman of the Cabinet Committee on Opportunities for the Spanish speaking. The Equal Employment Opportunity Commission in Washington has few Spanish-surnamed employees on its staff, particularly in higher positions. Its legal counsel in Washington headquarters does not have a single Mexican-American or Spanish-surnamed individual on its staff. There is not a single such person in charge of any EEOC divisions in Washington.

At the National Institutes of Health, there are 59 Spanish-surnamed employees out of a total work force of 11,167. This comes to a staggering total of 0.5 percent of all workers there.

There are no Spanish-surnamed employees in grades 16 through 18 in the

Department of State, Aid, and Peace Corps. Our dealings in each of these vital areas with Spanish-speaking nations are numerous and on the upswing. Yet, when such countries deal with us, they have few encounters at upper levels with people they can relate to directly. This is short-sighted and injurious to America as well as direct evidence of discrimination.

The same is true of these same Government grades at the Department of the Treasury as well as at the Army, Navy, and Air Force. I cannot help but call to mind scores of thousands of young Chicanos who have volunteered to fight for America in each of our modern conflicts. How freely they have sacrificed for her. How bravely they have fought. Their blood has stained a thousand battlefields. Yet they are not represented in the upper echelons of those very services they serve in and die for. And many wonder why there is anger in some young hearts and violence in the barrios of several American cities. Let us probe a bit deeper. There are no Spanish-surnamed employees in GS grades 16 through 18 in the Departments of Agriculture and Commerce. The last two are particularly strange situations, in light of the fact so many Spanish-speaking Americans live close to the land, and that Commerce deals so extensively with Spanish-Americans who would be instant assets to our Government in dealing with essential areas of responsibility.

At the rate of progress these agencies have been making, an award of some kind should go to the Departments of Justice, Interior, and Labor. Let us call it the order of tokenism, first class, because each of these vast organizations has one Spanish surnamed employee operating in this high area of employee responsibility.

HEW has two such people at these levels. Perhaps their order of tokenism should come with an oak leaf cluster. HUD, GSA, NASA, VA, and AEC each emerge with a blank in these categories as far as Spanish-speaking employees are concerned. Such an accomplishment, Mr. President, speaks for itself. It is a national disgrace, inexcusable by nature, and degrading in fact. My list is as long as it is sad. One difference, however can be shown between this situation and the past. Now millions of Spanish-speaking people are fully aware of what is going on. This is especially true of younger people and returning Vietnam veterans—scores of thousands of them.

Yesterday's shame burns in their hearts and minds. Today's discrimination and bigotry is a lump in their collective throats they absolutely refuse to swallow. America ignores their indignation and turns her back on their outrage at her peril.

Today it is the norm to pay lipservice to equality while denying it in reality. America's Hispanos are fully aware of this as well. Their faith in broken promises and paper programs is waning rapidly.

Here lies the nub of our tragedy. Anglo America actually believes in the reality of the image of the Hispano it has itself created. Most Americans even peripherally aware of such problems do not consider it in any kind of serious light. It will go away, they feel. They are not really serious, they think. They will go back to their chile and siestas, many actually believe. And our media does nothing to disabuse the mass of Americans of either such false images or false sense of security. Rather, they make matters worse. So the explosion, growing increasingly more severe, actually comes as a shocking surprise to most Anglo Americans.

Further, certain elements in American national life are exacerbating the situation by their actions and comments.

The formerly revered and once respected Director of the FBI makes derogatory comments about Mexican-Americans in a national magazine interview. Height qualifications for law enforcement personnel effectively bar most Hispano citizens from entering such vital work. This in spite of excellent qualifications possessed by so many returning veterans. They are seemingly good enough to make excellent marines and airborne troops, but not qualified to make policemen or State troopers.

Cesar Chavez goes to jail because his poor exploited farmworkers seek to gain in 1971 what most American labor realized and has been enjoying since the New Deal. And the Pentagon repeats an atrocious policy by escalating lettuce buying just as it suddenly discovered a need in past years to support nonunion grape growers through increased purchase of grapes. I am just selecting some of the worst random samples. There are many, many more in addition to local atrocities taking place everyday in America. They range from coldblooded shooting of Hispanos in rural Texas towns to the incident I referred to in the city of Roswell in my own State.

Wounds bleed daily. How, then, can people wonder at young Chicano rage at a society they seek a share of, but which bars them at each turn? There are, although exact figures are unavailable, probably more Hispanos in penitentiaries and in jails than there are in our institutions of higher learning.

Now is the time to lay out these facts, and I have sought to do just that. More data is available and I shall offer it. Yet I cannot help but wonder aloud as to whether any tangible advances will be made.

Will anyone lift a finger to make their dreams move forward even slightly? What is going to be done on behalf of the thousands upon thousands of young Chicanos returning monthly to their homes from military service?

These young men are leavening the lump. They are pushing into the realm of activism. Many vigorous protests are going to be forthcoming in times to come in what most Americans will consider the most unlikely places. Chicano communities demand political power and equal opportunity. If it is not forthcoming, there will be terrible violence, like it or not.

Mr. President, I have spoken in this manner not because of any desire to posture or aggravate an already severe situation. It is well known that I have raised my voice again and again on behalf of moderation and working within the system. It is because of my love of our ideals and my people that I speak out now.

It is imperative that America listen closely, intently, and sincerely. Above all, it is vital that we act. Promises are not enough.

At a very minimum, demeaning characterizations of Hispanos must be removed from publicly licensed facilities and airwaves. If Frito Lay will not act, then Government and the communications industry must.

Outrageous discrimination existing in higher levels of Government employment must be removed instantly. The Civil Service Commission and administration have the power to act and should immediately do so.

Appointments of capable Spanish Americans to an entire series of high-visibility, high-responsibility positions should come high on our agenda of reform. Such signs of recognition and accomplishment regardless of politics, are vital as a sign of the Nation's Hispano community.

Relaxation of ridiculous restrictions which insult more than they protect the public should come next. The Federal Government can and should set an example. If willing young men are refused work on minor technical grounds, they will shortly strike at society in angered frustration from the outside.

Above all, however, let the administration recognize that these people are outraged, frustrated, and increasingly impatient. Let our society open its eyes as to what is going on in the minds and hearts of these millions of good people. We shall have no excuse of ignorance to plead this time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the Chair recognizes the distinguished Senator from Virginia for 15 minutes.

SPAIN SHOULD BECOME A MEMBER OF NATO

Mr. BYRD of Virginia. Mr. President, it is my view that the time has come to invite Spain to become a member of the North Atlantic Treaty Organization.

During the Easter recess of the Congress, I visited Spain, North Africa, and NATO headquarters at Brussels in an effort to assess two things:

The extent and significance of Soviet penetration of the Mediterranean region, particularly North Africa; and

The situation concerning the commitments of the United States and our partners in the North Atlantic Treaty Organization in Europe.

I came away deeply impressed with the strategic importance of Spain in the

defense of Europe and the Mediterranean.

Spain always has been of great importance in European defense plans. The United States recognized this as early as 1951, when diplomatic relations between this country and Spain were renewed after the interlude of World War II and the immediate postwar period.

In 1953 the United States negotiated its first base agreement with the Spanish Government, which has been twice extended, with modifications.

Today the Spanish bases have greater importance than ever before.

One reason why this is so is the extensive penetration of the Middle East, the Mediterranean, and North Africa by the Soviet Union. During my visit to that region, it was driven home to me that the Russians are seeking to become the dominant power in the entire Mediterranean area.

Not only do the Soviets maintain a sizable fleet in the Mediterranean waters, but they have become the major force supporting the Arab Nations in their continuing struggle against Israel.

Today Egypt has become virtually a dependency of the Soviet Union. And just this month an Arab federation was formed.

Actually, of the five nations on the African shore of the Mediterranean, only Tunisia and Morocco are friendly to the West. Algeria, while not yet in the Soviet orbit, is unfriendly to the Western allies and represents a fertile field for Russian penetration.

After a revolution deposed the former Government of Libya, the United States was forced to close down the operations at Wheelus Air Base located in that country. These operations were moved to Zaragoza, one of two modern U.S. air bases in Spain. A third air base is on a standby basis in Spain.

The U.S. naval base at Rota, on the Spanish Atlantic coast near Gibraltar, is extremely important to the operations of the U.S. 6th Fleet in the Mediterranean Sea.

Given the present political and strategic situation in the Mediterranean region, it is clear that Spain is of critical importance to the south flank of the NATO alliance.

The exclusion of Spain from NATO results primarily from the opposition of powerful socialist parties in several European nations, notably Norway, Denmark, the Netherlands, and Belgium.

Much of the opposition to Spanish entry into NATO can be traced to the role of Spain in the early years of World War II.

It seems to me that it is time for such matters to be forgotten. We should bear in mind that two of this Nation's strongest allies are Japan and Germany, the nations who were the chief opponents of the Allies in World War II.

Portugal is already a member of NATO. Inclusion of Spain in the alliance would extend NATO coverage across the Iberian Peninsula. This in turn would greatly strengthen the position of NATO both in Europe and in the Mediterranean.

The peacetime army of Spain consists of five divisions and 16 brigades. The mobilization potential of this army is considered to be 40 divisions.

Spain also has a navy of 80 ships and an air force of nearly 200 modern aircraft. Both the navy and the air force could be more than doubled in time of war.

In overall military power, only two of our NATO partners—West Germany and Turkey—clearly are stronger than Spain. Spanish membership in NATO certainly would represent a desirable strengthening of the alliance.

I think it would be a step in the direction of realism if Spain were to be admitted to NATO. Differences of political ideology within member countries of the alliance have not destroyed it in the past, and there is no reason to suppose that the addition of Spain to the ranks of the allies would in any way weaken it.

We should bear in mind that the Soviet Union is never reluctant to cooperate with other nations whose governments are ideologically opposed to communism.

Realism suggests that the members of NATO should not attempt to insist that all members of the alliance be models of democracy.

Addition of Spain to NATO could help reduce the burden on the United States of maintaining a huge contingent of forces in Europe. Today the United States has 300,000 servicemen and 200,000 dependents in the European area.

There has been a great deal of discussion in this country as to whether the United States should maintain its present level of troop commitments in Europe. In the Senate itself, Senator MANSFIELD has sponsored a resolution calling for a reduction in the U.S. troops level in Europe.

Addition of Spanish forces to NATO would help to make feasible a reduction in the American burden and would make a solid contribution to the strength of the alliance.

Spain is a member of the West European family of nations. She belongs in the ranks of the alliance which is the principal instrument of West European security.

THE DEFENSE POSTURE OF THE UNITED STATES

Mr. BYRD of Virginia. Mr. President, the current issue of Newsweek contains an article by Stewart Alsop, and I shall read the first paragraph of that article, datelined Washington:

> In recent weeks, a shudder of uneasiness has passed through the tiny community of people who know, and care, about the nuclear-strategic balance between this country and the Soviet Union. The uneasiness has been reflected in veiled hints from Secretary of Defense Laird, Senator Jackson and others. It is important to understand the realities that lie behind the hints.

This is the end of that quotation from the Alsop piece.

This article then goes into some detail, and it brings out hitherto unpublished information in regard to our defense posture.

I shall end by quoting the last paragraph of the Alsop article, following which I ask unanimous consent that the entire article be placed in the RECORD.

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

(See exhibit 1.)

Mr. BYRD of West Virginia. The last paragraph of the Alsop piece reads as follows:

> In short, the available clues suggest that the Russians are now going all-out to achieve in the near future a really decisive nuclear-strategic superiority. This is no cause for panic—it does not mean that the Russians are plotting to knock out the U.S. in a first strike. Even so, serious people do have a duty to examine the facts seriously, without ducking behind the currently fashionable cliches, about cold-war thinking and the military-industrial complex.

I think that thoughtful people do have an obligation to consider all of the facts in regard to the Soviet nuclear buildup. I agree with Stewart Alsop that it is no cause for panic. It does not mean the Soviets are plotting to knock out the United States on a first strike. But I think it is important that the American people realize the tremendous buildup there has been in recent years, which buildup is now continuing in the Soviet nuclear capability.

EXHIBIT 1

WHAT'S GOING IN THE HOLES?

(By Stewart Alsop)

WASHINGTON.—In recent weeks, a shudder of uneasiness has passed through the tiny community of people who know, and care, about the nuclear-strategic balance between this country and the Soviet Union. The uneasiness has been reflected in veiled hints from Secretary of Defense Laird, Senator Jackson and others. It is important to understand the realities that lie behind the hints.

Until a few months ago, when the Russians were installing one of their huge, 25-megaton SS–9 missiles, they always went about the business in precisely the same way. First they would build two fences, sometimes three, around a 100-acre site. Then they would dig a big, flat hole, about 100 feet across and 25 feet deep. This hole, easily detectable to the all-seeing eyes of the intelligence satellites, was always a signal to the intelligence analysts that another SS–9 was going on.

Inside the first hole, the Russians would then dig another, deeper, hole, about 30 feet across and 120 feet down. They would line the hole with concrete, put a steel liner inside that and then lower the big missile into the liner. In the remaining empty space of the first big hole, they would build a complex of work rooms, generators, fuel pumps and so on, and cover the whole thing with a thick, steel sliding door.

Then they were in business, with an operational weapon about twenty times as powerful as the American Minuteman missile. Between 1965, when they planted their first SS–9, and last autumn, the Russians had gone through this procedure in precisely the same way again and again, installing some 275 SS–9 missiles.

WORK STOPS

Last autumn, digging had started on eighteen more SS–9 sites, and the intelligence analysts assumed that the Russians would soon raise SS–9 deployment to more than

300. Then, in October, work on these eighteen holes stopped, totally and abruptly—the empty holes are still there, easily visible in the satellite photographs.

Perhaps, it was thought, this was good news. Perhaps it was a signal from the Russians that they were serious about limiting strategic weapons through the SALT talks. But then something happened to cause the shudder. The Russians started to dig a new kind of hole. This new kind of hole is about the same size as the second, deep hole that houses the SS–9—but it lacks the first, big, shallow hole.

These different holes have been dug at a furious pace—41 of them at last count, suggesting that the schedule calls for at least 70 a year. The holes have been dug among the six existing SS–9 complexes in South Central Russia, and they could be for some new kind of point-defense anti-missile missile. But the experts think the odds are heavy that the holes are, instead, for intercontinental missiles.

TESTS CONDUCTED

At about the same time the Soviets stopped construction on the eighteen SS–9 holes, they conducted a series of 21 tests of their MRV's—multiple reentry vehicles. The Russian MRV's controlled by a rather primitive but effective system of pointing rails, are designed to fall in a predetermined fixed pattern on their targets—the primary targets, the experts unanimously believe, being the thousand U.S. Minuteman missiles that constitute our chief nuclear deterrent.

Because the pattern is fixed, the MRV's are relatively vulnerable to our now-building ABM system. But two of the 21 tests appeared to be, not MRV's, but MIRV's—multiple, *independently targeted*, re-entry vehicles. The MIRV's would be far less vulnerable to a missile defense—it was to counter the expanding Soviet ABM system that our Minuteman 3 and Poseidon missiles, were equipped with MIRV's.

It is possible that the two seeming MIRV's were simply malfunctioning MRV's. Perhaps the Soviets are simply redesigning their SS–9 configuration—the upper hole and its contents are more vulnerable to a near miss than the missile itself, despite the steel door. But if this is the case, certain questions remain unanswered.

Why should the Russians wholly abandon the eighteen SS–9 holes and start digging new and different holes? Why not simply move the contents of the upper hole to another place? And why the extraordinary haste to dig the new holes?

The experts have a working hypothesis to answer the questions—that the new holes are for a newly designed, multi-MIRVed missile, at least as powerful as the SS–9. If the hypothesis is correct, the MIRV's will almost certainly be in multiples of more than three since the 25-megaton SS–9 warhead provides a much bigger nuclear pie to slice, as it were, than the 1-megaton Minuteman. The new missile could be ten-MIRVed, or twelve-MIRVed, or more, but the usual guess is that it will be a six-MIRVed. A six-MIRVed SS–9-sized missile would provide six nuclear warheads each more powerful—about a megaton and a half—than a single Minuteman warhead.

If a multi-MIRVed, 25-megaton Soviet missile is what is going to be put into those new holes, that means the end of our Minuteman complex as a credible nuclear deterrent, perhaps within three years, or even two. The peculiar nuclear mathematics make that almost totally predictable. If the Russians are as methodical as usual, we shall know what is going into the new holes by next autumn. According to the almost unvarying Soviet schedule, that will be the time for operational testing of the new missile—if that is what it is.

There is another fact to be considered. In March, the Russians successfully completed their third test series of a non-nuclear satellite intercept vehicle. These then are the facts that have caused the shudder—and they *are* facts, for the intelligence in these matters is now absolutely "hard." No one will know, until or unless the Soviets test a new missile, just what these facts mean. But any reader of detective stories will discern a pattern of clues, all pointing in the same direction.

A SOVIET CAPABILITY?

The Soviets are bargaining at the SALT talks for eliminating ABM protection for the Minuteman deterrent complex. At the same time, they have probably already achieved the capability (which we lack against them) to blind our intelligence satellites. And the experts are betting about 2 to 1 that they are also on the way to achieving the capability to knock out, with very powerful multi-MIRVed missiles, our land-based nulear deterrent.

In short, the available clues suggest that the Russians are now going all-out to achieve in the near future a really decisive nuclear-strategic superiority. This is no cause for panic—it does not mean that the Russians are plotting to knock out the U.S. in a first strike. Even so, serious people do have a duty to examine the facts seriously, without ducking behind the currently fashionable clichés about cold-war thinking and the military-industrial complex.

ORDER FOR ADJOURNMENT UNTIL MONDAY, MAY 10, 1971, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock on Monday morning next.

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

ORDER FOR CONVENING AT 10 A.M. ON NEXT TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY, MAY 10–14

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Tuesday, Wednesday, Thursday, and Friday of next week the Senate convene at 10 o'clock.

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

ORDER TO EXTEND TO 5 HOURS THE PASTORE RULE OF GERMANENESS NEXT WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Pastore rule of germaneness each day next week be extended to 5 hours, beginning from the time that the unfinished business is laid before the Senate.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, for a period not to exceed 30 minutes, with a limitation of 3 minutes to each Senator to be recognized.

THE SUPREME COURT DECISION ON DESEGREGATION

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point two excellent editorials from the Arkansas Democrat.

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

[From the Arkansas Democrat, Apr. 22, 1971]

WHAT CAN BE DONE?

The Supreme Court's desegregation decision was barely an hour old when the predictions began to roll in: "This will mean the end of the public school system in the South."

What can be done to prevent that grim prophecy from coming true?

First, it's necessary for the parents and the school boards to understand that this is the end of the line. Nothing short of an amendment to the Constitution is going to prevent federal judges from ordering even the most "bizarre" (the Supreme Court's word) remedy to wipe out all traces of segregation. This means mass busing of even elementary-school students and the elimination of one-race neighborhood schools.

Once we understand this, it should not be difficult to make up our minds that we don't want a federal judge operating the schools. Not only is this a perversion of the Constitution but it is bad for the schools. Judges don't know anything about education. The job will be done much better by our professional educators and school boards. Will they accept the challenge and do the job before the judges? That, of course, is the big question. It will be far easier on the children and the community if they do.

In this county there is one obvious answer—the consolidation of the three school districts. This would reduce the cost of busing and the distance children would have to ride. It would also eliminate any movement to the white sanctuaries, which are bound to exist for a while.

The only acceptable alternative to this is for the establishment of super campuses within each district—one for elementary schools, another for junior highs and a third one for high schools. These complexes have worked well in some areas in the secondary school level. The idea is not just one huge school, which would be hard to manage and dehumanizing. There would be several schools on the same plot of ground, each with its own program of instruction and faculty. There could be sharing of facilities and expertise, however, resulting in some economies, which are going to be needed to produce the money for the busing the Supreme Court has ordered.

The goal should be to give all students the same kind of educational opportunity, which also means giving each child and his parents the same kind of problems. If this can be done, there will be less discontent and, therefore, not nearly as much interest in starting private schools.

Private schools in Pulaski County would not mean the end of our public school system, as they could in some deep South areas. But there's no doubt but that they would hurt the public schools here, especially if they are established in a grand style. Many of our most influential and well-to-do persons would send their children to them, and,

naturally, would no longer take an interest in the public schools or be willing to pay higher taxes to support them.

[From the Arkansas Democrat, April 25, 1971]

THE DOUBLE STANDARD

It is the double-standard the government follows in desegregation that many Southerners find objectionable. There was an abundance of it last week.

First, the Supreme Court approved the use of almost any technique—busing, pairing, racial quotas, etc.—to wipe out the last vestiges of segregated schools—in the South. There were no orders for segregated schools in other sections of the country. The reason, said Chief Justice Warren Burger, was that these schools were segregated because of housing patterns, whereas schools in the South had been segregated by laws.

As far as the black child is concerned, why is one form of segregation more invidious than another? After all, dual schools were perfectly legal until 1954 when the Supreme Court changed its attitude. Since then the South has abandoned its segregationist laws and, as a result, 38 per cent of the black children in the South now attend school with white children. In the north, however, only 27.6 per cent of the blacks go to school with whites.

Yet, the Supreme Court persists with the double-standards. The only explanation for it is that it considers it a form of punishment—the sins of the fathers are being visited upon the children. What kind of a role is this for the Supreme Court to play? Dragging children out of their neighborhoods because, before most of them were born, the schools in their town had been rigidly segregated. What makes it worse is that the court would do this to some Americans but not all.

You would think that the other branches of government would be outraged. But they aren't. On Wednesday, Sen. Abe Ribicoff, D-Conn., tried his hardest to pass an amendment to a bill providing desegregation funds that would have required all suburban and big-city schools to be desegregated within 12 years. Simple justice demanded its passage. While Sens. J. W. Fulbright and John McClellan voted for it (as did Sen. Edward Brooke, R-Mass., the only black man who had a vote), unhappily, the amendment was defeated 51 to 35.

The leader of the opposition was Sen. Jacob Javits, R-N.Y., whom Senator Ribicoff called a hypocrite. This might have been the only honest statement of the entire debate. Javits and others who opposed it said they did so because they were afraid it would endanger the entire bill. The Nixon administration agreed. Others said they feared the amendment would delay segregation in the South.

How phony! The southerners who voted against it did so because they are afraid to cast any vote for any kind of desegregation (and also because they enjoy some segregated suburbs, like those around Washington). Other senators voted no because they don't want their constituents to have to practice what they preach.

Mr. McCLELLAN. The first of the editorials was published in the April 22, 1971, issue, and is entitled "What Can Be Done?" It deals with the recent Supreme Court desegregation decision. The second appears in the April 25, 1971, issue of the paper, and is entitled "The Double Standard."

While I do not agree with every statement made in those editorials, or necessarily with every conclusion that might be drawn from them, I do agree with, and I support, their general thrust. The theme is, I think, of great interest, and should be of great interest, to every American citizen. I think the editorials should be read and the provocative thoughts that they raise should be seriously pondered by all of us.

IMPOSTOR UNMASKED

Mr. DOLE. Mr. President, substantial attention was paid recently to a group of veterans who assembled in Washington to protest against the war. Their arrival was well publicized by the news media, and several Members of Congress, and other leaders endorsed their activities. Some generated considerable publicity for themselves by nighttime forays into the veterans' encampment, but I wonder if some are having second thoughts about their activities in light of a disclosure involving one of the supposed leaders of the veterans' group.

On Monday, Walter Cronkite, reporting on CBS radio, disclosed that this leader and others in the movement were engaging in bold-faced deception and were misrepresenting this individual's military record—including his rank, his service and the source of his service-connected disability. I ask unanimous consent that the script of this report by Walter Cronkite which was broadcast on CBS radio May 3, 1971, be printed in the RECORD at this point.

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

WALTER CRONKITE, CBS NEWS, MAY 3, 1971

Among the thousands arrested in Washington today was Al Hubbard, who attracted considerable attention two weeks ago as one of the leaders of the Vietnam Veterans Against the War. Today Hubbard was back in a leadership role—directing a group of about twenty demonstrators arrested for throwing bags of cow manure on the steps of the Pentagon. Some thoughts, after this.

During the camp-in by the Vietnam Veterans in Washington two weeks ago, a lot of newsmen wanted to find out more about one of the more impressive of the group's leaders—Al Hubbard. And Hubbard and his associates were more than helpful. He'd been an Air Force captain, they said. And he's seen some pretty tough action. They told how he'd been flying a transport plane into DaNang one day, when he ran into some flak and caught some shrapnel in the spine. He spent a long time afterwards in hospitals, they said.

That's what Hubbard and the Vietnam Vets said then. But at the end of the camp-in, Hubbard allowed as how he'd been lying about part of that story. He wasn't a captain, he said, but instead a sergeant. As Hubbard put it: "I've allowed this lie to continue because I recognize in this country that it's very important that one has an image."

And along with that admission from Hubbard, came these other details from the Pentagon. Hubbard, according to the Air Force, had spent fourteen years in the service, and when discharged in 1966 was stationed at McCord Air Force Base in Tacoma, Washington. The Air Force said it had no record of Hubbard having ever served in Vietnam, although it did say that since he was an air crew member he, quote, "could have been in Vietnam for brief periods during cargo-loading and unloading periods or crew rest purposes."

That's what the Pentagon says. In response the Vietnam Veterans say Hubbard was in Vietnam frequently, flying many missions in and out in 1965 and 1966. Today a spokesman added there was a plane crash in Da Nang in '66, and Hubbard was injured, although, according to the spokesman, he wasn't actually hit by any shrapnel. The problem here is not the question of one man's credibility, but the doubt that this sort of dissembling casts on the leadership of the protest movements.

Mr. DOLE. Mr. President, let me read specifically from what Mr. Cronkite said:

Among the thousands arrested in Washington today was Al Hubbard, who attracted considerable attention two weeks ago as one of the leaders of the Vietnam Veterans Against the War. Today Hubbard was back in a leadership role—directing a group of about twenty demonstrators arrested for throwing bags of cow manure on the steps of the Pentagon.

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This has been Walter Cronkite reporting for CBS News.

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

Mr. BRYD of West Virginia. Mr. President, if the Chair will recognize me, I yield my 3 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOLE. I certainly agree with Mr. Cronkite's observation that this fraudulent misrepresentation casts doubt on the

leadership—if not on the fundamental motivation—of the protest movement.

I should think this revelation would be cause for some reconsideration by any supporter of this and other demonstrations; for if these organizers and their spokesmen do not furnish truthful biographical information about themselves, how can they be expected to be candid about their protest activities and motivations?

This incident underlines another and equally disturbing fact in contemporary American life: the readiness of the news media, especially network television, to lend credibility, dignity, and publicity to every antimilitary, peace-pondering movement or self-styled spokesman appearing at the studio doors.

This same Al Hubbard, was lionized along with another "leader" of the Vietnam Veterans Against the War on the April 18 NBC news program "Meet the Press."

At this point in my remarks, I ask unanimous consent to have printed in the RECORD an excerpt from the transcript of the April 18, 1971, "Meet the Press" program.

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

MEET THE PRESS, APR. 18, 1971

(Produced by Lawrence E. Spivak)

Guests: John Kerry and Al Hubbard. "Vietnam Veterans Against the War' (Two leaders of the organization).

Moderator: Lawrence E. Spivak.

Panel: Peter Lisagor, Chicago Daily News; Crosby Noyes, Washington Evening Star; Neil Sheenan, The New York Times; Robert Goralski, NBC News.

Mr. SPIVAK. Our guests today on MEET THE PRESS are two leaders of the Vietnam Veterans Against the War: Al Hubbard, a former Air Force Captain, and John Kerry, a former Navy lieutenant J.G. Their organization begins a five-day anti-war demonstration in Washington tomorrow. Both men were decorated and injured in Vietnam.

Mr. Hubbard attended the University of Washington, served 12 years in the Air Force and was a pilot. Mr. Kerry spent two and a half years in the Navy after graduation from Yale University and is now in the Reserves.

I'd like to start the questions with Mr. Hubbard.

Mr. Hubbard, you were in the Air Force for 12 years and you served, I believe, for two years in Vietnam. When and why did you decide that your country was wrong to fight in Vietnam?

Mr. HUBBARD. Well, I think I was fully aware before I went to Vietnam that our country was wrong in what it was doing. I thought while I was in Vietnam that I would be able to come to grips with that and I found that I couldn't, that I rationalized as a result of about 12 years in the service that our military forces were needed all over the world and I thought maybe I did not have the full picture of what was going on in Vietnam so it was not until after I came back that I started actively dealing with my problems a relating to that.

Mr. DOLE. It is regrettable that neither the program director nor any of the panelists felt it necessary to inquire about Hubbard's credentials. They might not have gotten a straight answer, but at least an effort would have been made. However, it is inexcusable that NBC news in preparing this program was willing to swallow the pretentions of an unknown, unvouched-for radical, and present him to the American people as a former Air Force officer and pilot.

This incident is not only an example of shoddy journalism and careless reporting, it is further vivid testimony to the prejudices and hunger for sensationalism at work in the broadcasting networks.

Little could be done to diminish the impact of "Meet the Press" role in the Al Hubbard masquerade. Retraction is always less effective than the original publication. But the American people have a legitimate right to expect more from NBC news than the lax standards and carelessness it exhibited in producing its supposedly "distinguished" interview program.

I do not dispute NBC's right to permit anyone of its choosing to appear on "Meet the Press" or any other news program. But I do believe that NBC—just as CBS, ABC, and any newspaper or magazine—owes the public a duty of accuracy and responsibility in the presentation of individuals and information through its auspices. NBC obviously failed to meet its duty in this case.

GUARANTEED LOANS TO LOCKHEED

Mr. GAMBRELL. Mr. President, the President and the Secretary of the Treasury have recently indicated that they plan to seek Federal financial assistance to assure the continuation of several of the airplane production programs of Lockheed Aircraft Corp. While the precise terms of the proposal have not been made public, it appears that Congress will be asked to enact legislation by which additional financing supplied by commercial banks will be guaranteed by the U.S. Government. The arrangement by which continued financing will be supplied has been under negotiation between Lockheed, the Rolls-Royce Co., the British Government, and various airlines which have orders to purchase the L–1011 Tristar aircraft.

I will support Federal legislation to guarantee $250 million in loans to Lockheed which are necessary for the continuation of the L–1011 Tristar program. These are my reasons:

First. The parties interested in continuing the program—the British Government, Rolls-Royce, Lockheed, and the airlines—have found such a guarantee to be necessary in order to induce banks to continue financing L–1011 production.

Second. Lockheed would not be able to survive without continuation of the L–1011 program, and this would eliminate it as the country's largest supplier of defense-related materials, including the C–5A military transport being built in Marietta, Ga.

Third. Unlike the SST, the L–1011 is a mass transportation airplane which can be used immediately for the transportation of the average commercial air passenger rather than just a few.

Fourth. The jobs of tens of thousands of Lockheed employees both in the L–1011 and the C–5A projects are in jeopardy.

Fifth. This is a guarantee and not a direct cash subsidy plan.

In its April 21, 1971, issue, the Atlanta Constitution published a column by Harold Martin relating to the Lockheed situation which I commend to the Senate. I ask unanimous consent that this column be printed in the RECORD.

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

THE C–5A CONTROVERSY

(By Harold Martin)

The big controversy over the C–5 airplane has now entered a new dimension. Senator Proxmire, over a considerable period of time, has been making the point that the C–5 cost about twice as much as expected.

That is obvious to anybody who knows that four billion dollars is twice as much as two billion dollars. Lockheed made no attempt to deny the cost over runs. It did question some of Senator Proxmire's detailed figures, and it of course did not agree that the break through the ceiling was due to mismanagement and a careless disregard for the taxpayers money. The same people designed and built the C–5 Galaxy that had built the magnificently successful C–141 Starlifter. They pushed that airplane from drawing board to roll out on time, and within cost estimates and it does not make sense to assume that these same men should suddenly have lost all their talents and skills. The American is not much of a man for resting on his laurels, if he does a good job on one project, he immediately lifts his sights and tries to do an even better job on the next.

That is one thing that happened on the C–5 Galaxy. This is a plane that pushed the state of the airplane building art far beyond any frontiers that had been known before in size and range and weightlifting capacity and the ability to put down on rough short fields.

And a portion of the cost overrun was undoubtedly caused by these ventures into the unknown. The main thing, though, that pushed the cost so high, so fast, was inflation. The C–141 was built at a time when the airplane manufacturing industry was hungry for work. The C–5 contract costs were figured on the assumption that the economic doldrum would continue to prevail. It didn't. When Lockheed started building the C–5, every plant in the industry had more work than it could do, and costs of labor and materials both were soaring.

This was an economic fact of life. It was not due to the fact that Lockheed's management had suddenly turned stupid or careless with its cost accounting, or that the Air Force had quit keeping a sharp eye on its industrial partners.

They both were caught in the same inflation that had caught everybody else. General George Brown, Commander of the AF Systems Command, which is in charge of the testing and development of all AF planes, made the point that whether you were pushing the state of the art out to new frontiers or not, you were still riding the inflationary balloon. There was nothing new, and difficult and challenging in the construction of the Sam Rayburn House Office Building. But that structure will cost about twice as much as the $64 million which was first estimated. There was nothing in the construction of the

John F. Kennedy for the Performing Arts that builders have not known about for years. But it was supposed to cost $46 million and will come nearer costing $66 million.

Now Mr. Proxmire has come out with the statement that the C–5 airplane is not only too costly, it is unreliable and can't perform its tactical missions. He then cites a long list of bugs that have turned up as the airplane went through its tests—which is the reason for the tests in the first place. Most of these were known, and publicized a year ago, and many have been fixed. Some were trivial. Some, like kneel-down landing gear, the brakes, and a problem that required some redesign of the wing, were serious problems, but to be expected in a plane so far advanced in technology.

At any rate, it seems that we poor bewildered taxpayers will at least get some hard factual answers. The plane will either do what it is supposed to do, or it won't. The way to find that out is by testing, and by use in service. The planes are now flying all over the world, hauling heavy and outsized cargoes, including such awkward shapes as helicopters, to both the Pacific and European theaters. They are being flown at 80 per cent of load capacity, as a safety measure, until the ground test program is completed in 1973. But if there were some national emergency, and we had to put an Army division on the ground somewhere across the world in a hurry—that limit would be thrown out the window. The big planes would be loaded to full capacity and beyond—with the Air Force feeling confident they could safely do their job.

Mr. Proxmire says we won't know until 1973 what these planes will do—which is true. But at that time we will know what the plane will do over its whole useful lifetime. It will have been put through a simulated 30 years of service, loadings, takeoffs flights and landings. So, until that test period is over and the evidence is in, it seems to me that we ought to figure that Lockheed-Georgia has built a good airplane.

WASHINGTON'S REACTION TO THE DEMONSTRATIONS

Mr. PACKWOOD. Mr. President, there have been and there will continue to be a great number of varied reactions to the recent protest demonstrations which have taken place in the Nation's Capital. The entire country is watching Washington, D.C., and without doubt most of the world is watching, too. All will see the photographs of the demonstrators doing their thing and the policemen, maligned because they are in uniform, doing their best to keep sane.

Depending upon the point of view of the writer, there will be articles ranging the gambit of emotion from one end of the pendulum swing of ideology to the other.

One type of reaction, however, which is not likely to get much attention outside of Washington, D.C., is that of the Washington, D.C., residents themselves—persons whose daily lives have been affected and whose environment has been damaged by what has gone on in their city. It is only fair to give these feelings a little more circulation, to set upon the record some mail witness to the feelings of the citizens of Washington.

I, therefore, ask unanimous consent that an editorial from the Washington Evening Star for Wednesday, May 5, and certain letters to the editor published in the Thursday, May 6, Washington Post relating to this subject, be printed in the RECORD at this point.

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

THE MOB AND THE LAW

The spring offensive launched by the Mayday Collective and the People's Coalition for Peace and Justice so far has failed, as it so richly deserved to do. The process of government has gone on relatively undisturbed. Downtown merchants have suffered a loss of business, and many ordinary citizens have been grievously inconvenienced. But nobody has been killed and only a few hurt, which is the most important thing.

It will be some time before final judgment can be pronounced on the handling of this difficult business by those charged with enforcing the law in this city. It is clear, however, that a sharp distinction must be drawn between the situation that prevailed Monday as compared to yesterday. Monday's mass disorder, all things considered, was dealt with appropriately and effectively. But on Tuesday, when the discouraged demonstrators exhibited much less aggressive behavior, there were numerous instances of questionable judgment on the part of those ordering arrests. Rough and random treatment of long-haired youngsters, not engaged in serious misbehavior or not misbehaving at all, was an unfortunate and perhaps predictable reaction on the part of weary police.

The most serious question raised thus far involves the decision, at the height of Monday's disorder, to arrest protestors wholesale without observing customary amenities. On this issue, the emergency actions taken seem wholly justified.

Because of the record-breaking number of arrests—there were more than 7,000 persons detained on Monday—police failed to follow the arrest procedure recommended by the Committee for the Administration of Justice Under Emergency Conditions, set up after the 1968 disorders here. This would have required the police to have written out the name, address, charge and circumstances surrounding the arrest of each demonstrator, in addition to obtaining a photograph of the individual.

The fact that this was not generally done on Monday will make it difficult if not impossible to obtain convictions of those charged. While this is regrettable, it is clear that the police, who were dealing with mobile mobs collectively numbering perhaps 17,000 persons, were physically unable to go through the prescribed procedure. When they were able—as in the situation outside the Justice Department yesterday—they did so. But on Monday morning, they were faced with what police general counsel Gerald M. Caplan called a "potentially riotous situation," and their first responsibility was to prevent that potentiality from becoming a reality. The size of the willfully lawless mob they confronted made it essential, as speedily as possible, to get these people off the streets.

In the process, some innocents were swept into the police net. Again, that was unfortunate but—under the circumstances—probably unavoidable. The majority of those temporarily detained unquestionably deserved precisely what they got, even if the charges cannot be made to stick in court.

It is more than likely that we have not seen the last of the Mayday "tribesmen." Should they persist in their illegal efforts to disrupt the city and the government, it is hard to see how they can expect to be met with anything less than the force necessary to thwart their designs.

Order has been preserved, as it had to be. There remains the task of cleaning up the mess made by Rennie Davis & Company—and paying the bill for the whole sorry business. This, as we observed Sunday, ought to be picked up by the federal government, against which the demonstration was aimed.

OBSERVATIONS ON THE DEMONSTRATIONS AND THE HANDLING OF THEM

Why, oh why do we, who live in the District of Columbia because we love it, work hard, pay taxes, have had nothing but good relations with the D.C. police department and the local court system, and get involved with local politics, not to mention jury duty, and refuse to flee to the suburbs, have to put up with a bunch of undisciplined kids supported by their parents hard-earned money. Most of them are there for the heck of it—sort of "Let's go to Washington and give the establishment a bad time."

The veterans showed us how a demonstration should be carried out—and earned the respect of all of us. They carried themselves with great dignity. The testimony before Sen. Fulbright's committee deserves the highest commendation.

It is apparent to most that Vietnam has become utter nonsense, and President Nixon (although I helped defeat him in California in 1962) is doing an excellent job in winding that thing down. These kids are creating anarchy, despoiling the most impressive demonstration of the veterans, and acting like spoiled brats. They should be treated as such.

FRANCES OBERHEIM.

WASHINGTON.

My two sons, ages six and seven, are watching the demonstration on the "Today" show. They don't understand why the protesters for peace are starting a war in Washington if they want peace. I'm 35 and I fail to see the logic in these moves also.

CAROLINE E. WUGOFSKI.

SILVER SPRING.

The Sunday edition (April 25) of The Washington Post was the most outrageous example of reporting I have ever seen. The articles and columns written by the simpering, bleeding heart staff writers and others about the war protesters and their shenanigans was enough to make a person vomit. The pictures of the goons waving Viet Cong flags from the monuments, the bums climbing flag poles and tearing down the flag of the country that allows them to do their protesting in this destructive manner, the pigs laying all over our parks and littering them for all the world to see.

One decent report on someone trying to get our prisoners-of-war some comfort received a couple of column inches way back in the paper while the rubbish about the vandals and hyenas roaming the nation's capital was spread from page to page. The Russian Communists have bragged that they could take this country without firing a shot—that they would just bury us from within. With the help of our Communist sympathizers they may just do that, and with a few more issues like your Sunday issue, it will show how easy this task will be.

AL MORE.

I'm sure you would call me one of the silent majority. However, I'm getting tired of being silent, and it's time to speak up.

We have allowed this country to get into the hands of mobs, and that's exactly what they are. Most of these people, and I use the word, people, lightly, look like bums, and

have contributed nothing to society. We of the older generation have worked our entire lives to build, and now we are allowing these people to destroy everything. Most of them have no idea what its all about, and they don't even know why they're marching, just that someone told them to. It's time *they* stop and take a good look at *themselves* and ask the question, "Have I the right to destroy what my parents, and the generations before them built?"

MARIANNA CRAIG.

OXON HILL.

We are visiting in Washington with our four young sons. On our walk today (April 27) we saw hippies living in tents, bathing in the reflecting pool, and demonstrating in front of Selective Service. We did not look for them; they were everywhere. This, by the way, happens to be what they had written in paint on the walk of the reflecting pool: "We are everywhere." It was an upsetting day.

These young people are crying for their rights and freedoms, and yet, by their very actions, they are limiting the freedoms of others. For example, the Washington Monument was closed to us because of them.

Therefore this letter is my protest. As a person I protest their disruptive behavior. As a mother, I protest their destructive behavior. As a citizen I protest their defacing our national monuments. It is a shame that this is allowed to exist in such a manner in the heart of our country.

ANNE E. CATALDO.

WRENTHAM, MASS.

I hope the District courts display enough intestinal fortitude to require the "peace demonstrators" to pick up the mess they have strewn over Washington's streets.

Judge Greene and his cohorts might take a page from the book of the late Major General Smedley D. Butler, USMC, a Philadelphia Quaker of some note, one to be reckoned with in his day.

In all probability Old Gimlet Eye would have surveyed the holding pens at the jails and said, "We've got all the working party we need." Scorning such niceties as shovels and brooms he would have continued, "They put this stuff down by hand, let them pick it up the same way!"

JOHN H. MAGRUDER III,
Colonel, U.S.M.C. (Ret.).

WASHINGTON.

The most difficult thing for me to understand about the various demonstrations that come to Washington, is why the laws that are enforced on local residents are not enforced in regard to demonstrators. I am speaking especially of the drug laws, but also cerain "public decency" laws. From press reports, demonstrators who are treated for drug abuse are neither arrested nor questioned as to sources, for example. Drugs are killing our youth in mind and body. Why is not some effort made to "sanitize" the demonstration camps? Or is this one of those instances where the various Washington police forces have jurisdictional problems? I would certainly like to be able to read an explanation of this.

DOROTHY D. HODGES.

OXON HILL.

DEMONSTRATIONS AT THE CAPITOL

Mr. METCALF. Mr. President, I was disturbed yesterday when I did not have an opportunity, adequately, to participate in the discussion that the Senator from New York (Mr. JAVITS) and the Senator from Michigan (Mr. HART) had in protesting some of the activities of the police and did not sufficiently add my voice to their protest.

I was further disturbed yesterday when I stood at the window of my office and watched a very peaceful and a respectful demonstration on Delaware Avenue, when a group of young men and young women walked up and down the avenue in single file and courteously stepped aside as other pedestrians went about. They were orderly, not shouting obscenities but behaving themselves as protesting citizens. All at once, a group of police come in, swept them all up, transported them someplace—I do not know where—in paddy wagons, including one Hertz rent-a-truck, which had, eloquently, on one side "A One-Way Trip."

So, yesterday, when I felt that I had not sufficiently stood up to protest, when I went across the Capitol Grounds, I saw, on the steps of the House of Representatives, Representative DELLUMS being pushed around, again I did not say anything.

I said to myself, "I am going on over into the House side and go about my business," when all at once, not realizing that there was a police line, I found a policeman with his hand in my chest, saying that I could not go through the Capitol Plaza. I identified myself and did go through.

I feel that I have to say a little more about the demonstrations. I am one of those who live in Washington. I live down the street from the Capitol, on First Street; and I feel that, except for my home in Helena, Mont., I am a resident of Washington. I own a piece of property here, pay taxes here, and respect the police and fire departments which have the duty and responsibility of protecting all property in the city.

I have had the highest regard, during recent months, for the Police Chief, Mr. Wilson. I believe that he has done a superb job. But if he is the man who was responsible—as the morning Post says he is—for sweeping these people up, whether they were loitering or protesting or irresponsible, or whether they have legally been on the streets without any justification for arrest, without filling out arrest forms, then he should be admonished that a police chief does not make such arrests in a free country.

If the Department of Justice is responsible for it, as has been charged, then the Attorney General of the United States, who is primarily charged with the protection of our basic rights and liberties, should also be admonished that he is not doing the job we expect of him.

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

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I will be glad to yield 3 minutes to the Senator from Montana.

Mr. METCALF. I thank the Senator from West Virginia.

Mr. President, when I went into Normandy, I recall, in the towns of Carentan and St. Lo, and all across France and Germany, the smell of death, a sickening, sweet smell, that all of us identify as the smell of war. I recall that as we went into Nordhausen, one of the displaced persons and labor camps that my unit took, we could smell the dead and dying, the inmates of that camp for miles outside. Mr. President the smell of tyranny and oppression is in my nostrils today.

I wondered why decent people, people such as the Germans, permitted those conditions to continue. Yet, yesterday I found some of the reasons in my own thoughts, in my own ideas, because I failed to stand up and protest about illegal arrests, illegal detention, and illegal activities on the part of the police.

This city is the showcase of the world. Washington, D.C., is the Capital—and a beautiful capital—of the leading democracy in the world. If we cannot protect our people without violation of basic civil rights, violation of basic liberties, then we should hire more and better trained policemen. We should do a better job of administering the city ourselves.

When World War II was over, I was in charge of a camp called Gernlinden. Some of the people in that camp were of the finest lineage, from Hungary and Poland—authentic aristocrats of generations and generations of intellectual and artistic superiority. Yet they were living like beasts, because they had been dehumanized by the Nazis.

This week we did some of these things here in Washington. We gathered people together—sent them to internment camps, if you please—without toilet facilities, without any opportunity to take care of themselves for food, for ordinary basic things of life, and left them without human dignity or decency. That is the way—not brutality, not beating—to dehumanize people. That is what we did to the rank and file of hundreds of citizens of this community whose only offense was to happen to be on the streets or happen to come out of a building when the police were mopping up or sweeping up everybody in sight.

I want to say that I feel that the police of Washington, by and large, are superb. They are one of the superior police forces in America. I think that we are beginning to have an adequate police force in and around the Capitol. But when the police deliberately embark and launch a program of arresting people without consideration of the legality of the arrests, as this morning's newspaper reports, it is a deliberate encroachment upon our civil rights that can lead us down the road to a police state.

So today I want to join some of the others who have stood on the floor of the Senate and protested that this is not the way to have civil obedience and not the way to curb the civil disorders.

SALUTE TO AGRICULTURE

Mr. DOLE. Mrs. President, the farmers of this Nation have not received the recognition they deserve. The efficiencies of our farmers have been the foundation for the success of our industry—our econ-

omy—our personal well-being and comfort.

The food produced by the farm sector is the biggest bargain in the world; and the farmers of the Nation deserve credit; and more important, they deserve support from the Federal Government to improve their position in America's economic picture.

President Nixon is emphasizing his concern for American farmers with his "salute to Agriculture," which takes place tomorrow at the Department of Agriculture and the White House. Last Sunday, President Nixon outlined his appreciation of agriculture and his plans to assist our farmers.

I ask unanimous consent that the text of President Nixon's remarks be printed in the RECORD at this point.

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

A SALUTE TO AGRICULTURE

Good afternoon, my fellow Americans: Next Friday, May 7th, I ask the people of the United States to join with me in celebrating the Salute to Agriculture Day. As a part of that celebration, I am honoring representatives of agriculture at a series of events in Washington, D.C.—including a special dinner at the White House. I officially designate this day, however, in the hope that our celebrations will extend far beyond Washington—and that it will give our people, in every walk of life, an opportunity to learn more about both the accomplishments of the American farmer and the problems he confronts.

During the last quarter century, I have had the opportunity to visit some 75 countries around the globe. I have spent a good deal of time in studying their agricultural systems and their techniques of farming. I have talked with peasants in Poland, with cultivators in India, with shepherds in Africa, with South American guachos. And I have often been very impressed with what I have learned.

But nothing I have seen anywhere on earth can even begin to compare with the success story written by the men and women of agriculture in our own country. The surging vitality of our agriculture has made our country the best fed, the best clothed nation on earth, and it has contributed immensely to our strength abroad and here at home. I have been involved in international diplomacy and international economics since my first visit to Europe as a Member of Congress in 1947. Again and again, I have seen the problems which result for a country when its leaders must deal from a position of agricultural weakness rather than agricultural strength. Some even have had to cope with the inability of their farmers to feed their own people.

For American leaders, on the other hand, the situation has been just the reverse; our farmers have not only provided a solid base for the United States economy, they have also helped to feed the people of other lands. Our strong international position has grown even stronger in the last few years. As recently as the 1968 Fiscal Year, farm exports actually dropped by half a billion dollars, a condition which I promised in 1968 to remedy during my Presidential term. I am happy to say today that we have delivered on that promise. Our agricultural exports this year will be at an all time high. Their volume will be some six percent higher than it was a year ago and their value is expected to reach $7.4 billion.

Today, we are exporting the production from approximately one acre out of every four we harvest in America. Two-thirds of our rice crop, more than half of our wheat and our soybean crop, and one-third of our cotton crop are now going to foreign markets. This is a very good record. And yet we want to do even better. We would like to be exporting some $10 billion worth of American farm products each year. To help achieve this goal, I am announcing today an increase of $1 million in the Fiscal Year 1972 budget for the Foreign Agricultural Service—the Federal agency which helps our farmers expand their sales abroad. And I also pledge that we will continue our efforts to lower trading barriers to our farm exports around the world.

From Rotterdam to Singapore, from Galveston to Duluth, a new current of energy has been felt along the trading lanes of the world in the last few years. Aspirations are rising, economies are growing, purchasing power is increasing—and our farmers have proven their ability to capitalize on these new opportunities. We know that American agriculture can compete successfully—whenever it has the chance. And we are determined to see it has that chance.

The new market energy we see abroad has also been felt in our own country. For example, beef consumption per person has gone up by one-third in the last 10 years. This means that for every three pounds of beef he consumed in 1960, the average American is consuming four pounds in 1971.

What these growing markets can mean, of course, is growing farm income. As a result, in part, of expanding markets, soybean prices, for example, have been running a good half dollar a bushel above the price support level. Grain prices and cotton prices are also well above loan levels. Cattle prices have recovered and stand above their levels of a year ago. Hog prices, of course, are still too low. To help meet this situation, the Department of Agriculture has already purchased over 145 million pounds of pork for its food distribution and school lunch programs in this fiscal year. This is the highest level of pork purchases since 1956. Our purchase program is continuing and we expect that hog prices will show substantial improvement later this year.

All in all, it is clear that the total income of American farmers will be higher this year than ever before in our history. But this brings me to another of the major difficulties which confront our farmers, the fact that increases in total income are not always reflected in more net income. Now the reason, of course, is the high cost of farming. Over two-thirds of agriculture's gross income goes right back out again to pay for farm expenses.

This is why the farmer has such a tremendous stake in the battle against inflation. In a sense, he has a double stake, for inflation hits farmers in two ways. It drives up both the cost of farming and the cost of living. I am particularly pleased, therefore, to report that while the battle is far from won, we are definitely making progress against inflation. The rate of inflation in the first quarter of 1971 was the lowest in four years, only one-half of what it was in 1970. We are working very hard, then, to ease this perennially troublesome cost-price squeeze. At the same time, we recognize that the supply of farm credit is now extremely tight and we are working to expand it.

To begin with, I am recommending that the level of farm operating loans be increased in Fiscal Year 1972—just as soon as the Congress enacts my proposal to allow the Farmers Home Administration to insure loans for operating expenses—as it can now do for ownership purposes. In addition, I am directing the FHA to increase the availability of its insured ownership loans by almost three-fourths—from $210 million in the current fiscal year to $350 million next year.

It is my hope that these efforts to expand farm credit will be especially helpful to the farmers of the southwest who have been suffering so much from one of the worst droughts in history.

And I hope, too, that expanded credit will strengthen the position of younger farmers, of the hundreds of thousands of family farm operators, because they are still the backbone of American agriculture.

Let me turn now to another set of problems—crop, plant and livestock disease. I am today announcing several measures to step up our fight in this area. In the first place, I am asking Congress to provide an additional $7.6 million to the Agricultural Research Service and to the State Agricultural Experiment Stations. A good deal of this money would go for fighting Southern leaf blight which recently created such major problems for corn farmers. Some of this added research money would also be used to find new ways of controlling insects, including cattle ticks, and do needed work on the relationship between hosts and parasites, and on disease resisting plants.

At the same time, I am offering or ordering the use of two million from this year's budget for more applied research on controlling the fire ant and the gypsy moth which is seriously threatening our Eastern timber stands.

I have also directed that more money be used for accelerated research on matters like cotton seed proteins and insect pests.

Another area where government should do more to provide technical assistance for farmers is that of soil and water conservation. Long before most Americans were thinking very much about the environment, our farmers, our ranchers, our woodland owners, were working together with the Government to conserve our natural resources. I believe we should now be providing more help for our dedicated corps of soil conservationists whose number has dropped sharply in the last four years.

I am therefore increasing my new budget request for the Soil Conservation Service by $12 million to provide more manpower for this valuable work. I am also proposing that Federal grants for small watershed projects be increased by $28 million to a level of $105 million, and that 75 new projects be authorized. I am further recommending quadrupling of loan programs to help local communities finance their share of these projects.

In many other ways we are working to fulfill our responsibilities to the agriculture community. For example, I am ordering an additional increase of $100 million this year and $111 million next year in our insured loan program for building water and sewer systems in rural areas. Through such programs I know that this Administration can work closely with farmers, with farm organizations, and with the Congress to serve agricultural America more effectively. Working together we can resolve difficult issues involved in pesticide control, farm labor, farm bargaining legislation, other complex matters, as well as the many aspects of other national policies that bear directly on the lives of farmers.

But even as I mention all of these government programs, I know that the agricultural community also shares my feeling that in the final analysis the problems of American agriculture can best be solved by those who know farming best, farm people themselves, with government backup when necessary. That is one reason why I have high hopes for the new farm programs which are in effect this year. They remove some of the old restraints in a way which gives every

farmer a chance to make more of his own decisions about the kind of farming that suits him best. At the same time, we are continuing our research for better methods of maximizing the receipt of farm income from the market.

After all, some 60 percent of farm income comes from commodities that are not price supported and have not been supported in the past. Moreover, the major supported commodities are now selling well above loan levels. It seems to me that the brightest future for agriculture lies in actions that stimulate new energy in the free market system.

As I think about the challenges that confront American agriculture, it occurs to me that farmers must, by nature, be incurable optimists. Like everyone else they are concerned about the great questions of war and peace, about the economy, and education and crime, and all the other issues that face our society. But in addition, the agricultural community also has its own special problems to worry about, including such uncertain factors as the weather, the condition of volatile markets, and even the direction of government policies in this country and abroad. Their vocation, moreover, requires them not only to be good farmers, but also to be good scientists, skilled engineers, able businessmen. All of these challenges have been successfully met by America's farmers.

In that process, they have achieved a remarkable record of production, setting a brisk pace for the rest of our economy. And they have also provided a continuing source of moral and spiritual strength for America, giving shape and substance to our national character from the very heartland of America.

And so we approach Salute to Agriculture Day in a spirit of gratitude with a sense of obligation to the farmers of this country. Though only a small group of farm representatives will be able to be with us at the White House next Friday night, I feel that every farmer and rancher in America, his wife, his family, will be with us in spirit.

What we will be saying on that occasion is very simply this: Agriculture was America's first industry. For most of our history it was our largest industry. Today it continues to hold an honored place in our society, a keystone not only for our economic strength but also for our entire way of life.

PROPOSED NUCLEAR REPOSITORY AT LYONS, KANS.

Mr. DOLE. Mr. President, today I received a copy of the comments prepared by the Environmental Protection Agency on the potential environmental impact of the radioactive waste repository proposed to be located near Lyons, Kans. The tentative decision of the Atomic Energy Commission to locate the nuclear repository in Kansas has created considerable controversy. Many Kansans have raised questions concerning the safety and environmental implications of the project.

In reviewing EPA's comments, I find that they are consistent with recommendations I made to the Joint Committee on Atomic Energy in hearings held in March on the nuclear repository.

The questions raised by EPA are further evidence that an independent review of this project is needed. I have asked President Nixon to appoint an advisory council to review the risks attendent to the proposed repository adequate to satisfy not only the Federal Government, but the citizens of Kansas. This council would consist of one representative from each of the following: Council of Environmental Quality, Office of Science and Technology, Environmental Protection Agency, Atomic Energy Commission, and two representatives from Kansas to review the safety and environmental implications of the proposed repository.

Because of the importance of the development of an acceptable means of nuclear waste disposal, I ask unanimous consent that the letter of transmittal and the comments of EPA on the Lyons, Kans., radioactive waste repository be printed in the RECORD at this point.

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

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., Apr. 29, 1971.

Mr. JOHN A. ERLEWINE,
Assistant General Manager for Operations, U.S. Atomic Energy Commission, Washington, D.C.

DEAR MR. ERLEWINE: The enclosed report summarizes comments of the Environmental Protection Agency on the potential environmental impact of the Radioactive Waste Depository to be located at Lyons, Kansas. We appreciate the opportunity to comment on your draft environmental statement on this proposed facility.

The long-term disposal of high-level radioactive wastes is, of course, of great interest to this Agency, since a proper method of handling these wastes is vital to maintaing environmental quality as a result of the expected expansion of nuclear power generation. We recognize that the disposal or long-term storage of highly radioactive wastes in salt structures has been under rather extensive investigation by the AEC for over a decade. Although it appears that storage in salt formation offers, at least at this stage, the best method of such disposal, we do not believe the Commission has adequately developed or referenced in the environmental impact statement the results of work it has done on this problem and which presumably relate to the conclusions contained in the impact statement. Accordingly, it is not possible for us to assess fully the environmental impact of this proposed operation on the basis of the statement as received.

Because of the scope and nature of this proposed undertaking and its importance relative to the development of nuclear power in this country and the public interest and concern in this area, we believe a more detailed documentation of the environmental and safety aspects of the proposed activity is in order.

In addition to discussing more fully the basis for, and assumptions used in calculations and interpretation of experimental and field data, we think you should also develop:

1. The various factors relating to the long-term integrity of the salt formation and its ability adequately to contain the deposited radioactive material and to prevent contamination of terrestrial and hydrologic environments.

2. The need for contingency plans to recover the deposited material should this be required.

3. The demonstration nature of the project and the Commission's plans to evaluate periodically the technical progress of the project relative to actual environmental impact or geological changes that may have occurred.

4. The extent and nature of long-term environmental studies and a determination as to who will conduct such studies to assess discharges that might occur and their environmental effects.

Also, while we appreciate that the environmental aspects of the salt repository operation can be addressed without reference to other major phases of an overall waste management system, we believe that it would be highly desirable, if not essential, to consider, in detail, the environmental aspects of the two major related operations; namely, the waste solidification process at various locations and the transport of the solidified, encapsulated material. A description should also be included of how the interfaces between these three major parts of the total system will be managed so as to provide appropriate protection for the environment.

It would seem appropriate and useful for a proposed project of this scope and nature to be accompanied by a detailed report similar to the safety analysis report for a proposed nuclear reactor.

Our staff would be available to review further material that you develop on the above points, and we would be pleased to assist you in any other way in connection with this proposed project.

Sincerely yours,

ARTHUR H. WOLFF,
Acting Deputy Commissioner Radiation Office.

ENVIRONMENTAL IMPACT REVIEW, RADIOACTIVE WASTE REPOSITORY, LYONS, KANS.

INTRODUCTION AND CONCLUSIONS

The purpose of this report is to summarize the results of an evaluation by the Radiation Office and the Water Quality Office of the Environmental Protection Agency of the potential environmental effects of the Radioactive Waste Repository proposed to be located at Lyons, Kansas. The repository, a federally-owned facility, will utilize an existing 200-acre nonproducing salt mine about 1,000 feet underground and approximately 800 acres of the adjoining salt formation. It will be used for the ultimate disposal of both alpha waste and high-level waste. Alpha waste is material contaminated with plutonium and/or transuranic elements during nuclear fuel fabrication and will generally be at relatively low activity levels with a very long half life. High-level wastes are basically fission products separated from spent fuel at a fuel reprocessing plant and are characterized by high beta-gamma radioactivity levels and relatively long half-lives. All wastes are to be treated and stored as solid waste.

This evaluation is based upon the Environmental Statement (1) which was submitted by the Atomic Energy Commission for the proposed facility and a report by the Committee on Radioactive Waste Management entitled, "Disposal of Solid Radioactive Wastes in Bedded Salt Deposits." (2) The conclusions of this evaluation, based on the information presented, are as follows:

1. Disposal of solid radioactive material in nonproducing salt mines is feasible, practicable, and has advantages over other considered methods of disposal. The proposed facility should, however, be considered as a demonstration one and operated accordingly until considerable operational experience in-

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[1] United States Atomic Energy Commission, "Environmental Statement—Radioactivity Waste Repository—Lyons, Kansas—Draft," November, 1970.

[2] Committee on Radioactive Waste Management, "Disposal of Solid Radioactive Wastes in Bedded Salt Deposite," National Academy of Sciences—National Research Council, Washington, D.C., November, 1970.

dicates that no adverse environmental effects occur from this method of high-level disposal of radioactive wastes.

2. Radionuclide inventory assumptions and release modes used in estimating the discharge levels from the Radioactive Waste Repository should be presented in the final Environmental Statement.

3. All discharges of radioactive material from the facility should be carefully measured and accurately recorded during the operation of the facility.

4. The potential off-site population doses should be calculated and the results presented in the final Environmental Statement along with all pertinent assumptions.

5. An extensive environmental surveillance program for the site should be established and continued throughout operation of the repository. This program should also continue following decommissioning of the facility to determine whether radioactive material is being released to the environment.

6. No information concerning emergency planning was presented in the draft Environmetal Statement; therefore, we recommend that emergency planning be discussed in the final Environmental Statement for the Radioactive Waste Repository. Emergency plans should be established which could be initiated in the event of any foreseeable type of emergency situation, particularly the case of an in-transit accident involving a shipment of radwaste to the repository.

HANDLING, PROCESSING, AND DISPOSAL OF WASTES

The waste handling procedures and emplacement of wastes into the mine should be further discussed. The terms used for waste containers (casks, waste packages, high-level waste containers, etc.) should be defined to give a better perspective of the operation. It should be pointed out if there is any limit on container size or the amount of activity per container of high-level waste. If not, spacing of holes for thermal control in the floor of the mine may need to be determined for each container. Additionally, the containers should not be placed next to beds of shale or anhydrite that contain gypsum because shale and gypsum when heated can yield moisture and corrode the metal containers. Comments in this regard should be included in the Statement.

Air will be circulated through the facility from areas of low contamination potential to areas of successively higher contamination potential. Return ducts will be equipped with high efficiency particulate air filters, and all air will be routed through absolute filters before being discharged to the atmosphere.

Nevertheless, it is expected that small amounts of gaseous and airborne particulate radioactive material will be discharged to the atmosphere and estimates of annual discharges are given on p. 32 of the Environmental Statement.[1] The assumptions made in estimating the annual discharge to the atmosphere from operation of the repository were not presented in the Environmental Statement.[1] Radionuclide inventory assumptions and release modes used in the estimated discharge levels should be presented in the final Environmental Statement so that an independent estimate of discharge levels can be made. The nature of the vent through which the exhaust from the ventilation system will be discharged to the atmosphere should also be discussed.

Since it is indicated[1] that decontamination facilities will be provided at the repository site, discharge levels of radioactive waste material resulting from decontamination operations should be included in the radionuclide discharge estimates for the facility. Decontamination procedures, the treatment of the resulting radioactive wastes, the mode of discharge of any of these wastes to the environment, and monitoring procedures should be adequately described.

Consideration of the possible need for alternate or supplementary control facilities during operation of the facility is imperative. It may be necessary to incorporate additional waste control facilities if unanticipated adverse environmental effects should be detected.

For these reasons, it should be shown that the processes provide sufficient flexibility so that protective and preventive measures can be taken. The Atomic Energy Commission should also indicate the means by which the site and surrounding property will be kept and maintained in perpetual care.

ENVIRONMENTAL IMPACT

In assessing the potential environmental impact due to radioactive discharge to the environment from the Radioactive Waste Repository, an estimate of radiation doses to the population during operation of the repository should be made for evaluating potential radiological effects. Average annual off-site concentrations resulting from repository effluents were presented in the Environmental Statement;[1] however, the data necessary to verify these estimates were not included. Meteorological data that were utilized in calculating off-site dilution factors and air concentrations of gaseous radioactive effluents should be presented. Potential off-site population doses from these estimated air concentrations should be calculated and presented in the final Environmental Statement along with all pertinent assumptions.

Hydrologic studies being made should also determine the need to control man's activities on the surface from new agriculture development and industrial installations that may precipitate unintentional changes in the ground-water regime above the salt beds. Over several decades this could adversely affect salt storage areas.

ENVIRONMENTAL SURVEILLANCE

No mention is made in the Environmental Statement[1] of an off-site environmental surveilance program. Such a program is essential to confirm that the facility is operating as anticipated and to insure that the general public is not being unduly exposed to radiation originating at the site. Adequate surveillance should be done by the Atomic Energy Commission and the Kansas Department of Health to insure that there is no encroachment of radioactivity into drinking water supplies or other critical environmental pathways to man.

Since the site and its surroundings are principally agricultural areas, food crops produced in the area should be sampled regularly. Airborne particulate and gaseous samples should also be collected and analyzed as part of the surveillance program. All radioactive discharges from the site, including any wastes discharged as a result of decontamination procedures, should be monitored. The ventilation exhaust system should also be equipped with appropriate monitoring devices to measure ^{85}Kr, ^{3}H, and airborne particulate activity levels.

Surface water monitoring was not mentioned in the Statement.

Although there is apparently no direct discharge of liquid radioactive wastes to surface waters, contamination could occur from waste discharges to the atmosphere or from surface drainage from the site. Surveilance of the surface waters traversing the site should be undertaken, at least during the early stage of operation.

Salt is to be mined continuously during operation of the facility and much of the salt will be used for backfilling, but it is expected that there will be an excess of salt. One proposed use of this excess salt is to sell it commercially. Since salt mined from the repository could possibly be contaminated with radioactive material, any salt shipped off-site should be monitored carefully. The possibility of plutonium and/or other transuranic element contamination makes this particularly important. Precautions should be taken to assure that above ground storage of this excavated salt or other handling or disposal is conducted in such a way that the quality of surface or ground water is not impaired. It was stated that the repository would be insulated from underground aquifers in the area. It was likewise mentioned that there were several wells for both human and livestock consumption in the vicinity of the repository. There is the possibility of induced movement of water in the aquifers resulting from increased temperatures caused by the decay of nuclear wastes. Although it is not anticipated that any radioactive material will permeate into these aquifers, water samples should still be taken and analyzed to confirm the absence of additions of radioactive materials to the aquifer water. This practice is in keeping with the demonstration nature of the facility. While water from the aquifers might not be used, the samples taken should show whether the water could be used if so desired and as an indication that similar waste repositories could be operated in areas where there are active aquifers.

The surveillance program for the Radioactive Waste Repository should be established and initiated before operations at the facility begin. Preoperational data can establish the characteristic background levels which can be used as a base line to determine if operation of the repository is resulting in increased radiation levels in the environs. The surveillance program should also be continued after the decommissioning of the facility to confirm that the radioactive wastes are being contained in the repository with no releases of radioactivity.

EMERGENCY PLANNING

No information concerning emergency planning was presented in the draft Environmental Statement. The operation of the facility represents a potential for radiation incidents thus emergency planning should be discussed in the final Environmental Statement for the facility. Potential emergency situations may be divided into basically two categories: (1) On-site occurrences which could expose the surrounding off-site environs and general public to abnormal radiation levels, and (2) In-transit accidents involving radioactive material being transported to the site. Both of these types of emergencies should be considered and plans established to alleviate the effects of any possible accident before operations at the facility begin.

Emergency procedures should be established to protect the surrounding environs and minimize exposure of the general public in the event of an on-site accident involving radioactive material. Arrangements should be made by which the Atomic Energy Commission, the facility operator, will notify the Kansas Department of Health and local authorities in the event of an abnormal on-site occurrence which could affect off-site areas. The specific types and magnitudes of potential accidents should be determined and appropriate plans to protect both the general public and on-site personnel should be established.

All shipments of radioactive waste material to the repository will be conducted under appropriate Atomic Energy Commission and Department of Transportation regulations. However, the possibility of an accident involving the release of radioactive material during an in-transit accident should not be overlooked. Those States through which

major shipping routes will cross should be informed as to the type of wastes that will be shipped and potential accidental situations that may result so that they will be able to respond if the accidental situation arises. The scope of such potential in-transit accidents should be anticipated, and the authority with which responsibility lies for protection of the general public and the handling of cleanup operations following an accident should be established and agreed upon by all parties involved before any shipments are made.

GIRL PAGES

Mr. COOPER. Mr. President, I understand that a very important resolution S. 112, will be reported from the Senate Committee on Rules and Administration on the burning issue concerning girl pages. I understand that some information has been given to the press about amendments to the resolution, which were adopted by the committee.

I voted against the resolution and I voted against the amendments. I believe the amendments confirm the impracticability of the proposal.

Mr. President, I do not consider this to be a matter of discrimination on account of sex. It is a question of the demanding physical requirements of the job.

I just want to say that I voted against all amendments and the resolution.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. GAMBRELL). The Chair, on behalf of the Vice President, appoints the Senator from Utah (Mr. BENNETT) to attend the 12th annual meeting, Board of Governors, Inter-American Development Bank, Lima, Peru, May 10–14, 1971.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION RELATING TO PRACTICES IN MARKETING OF PERISHABLE AGRICULTURAL COMMODITIES

A letter from the Under Secretary of Agriculture, submitting a draft of proposed legislation to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the improper use of enlisted personnel by the Department of the Army (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGAL SERVICES CORPORATION ACT

A letter from the Director, Office of Economic Opportunity, submitting a draft of proposed legislation to establish a Legal Services Corporation and for other purposes (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Senate of the State of Hawaii; to the Committee on Interior and Insular Affairs:

"RESOLUTION RELATING TO NATIONAL PARKS IN HAWAII

"Whereas, two National Parks in the State; namely, Haleakala National Park on Maui and Hawaii Volcanoes National Park on the Island of Hawaii, feature chiefly volcanic wonders and are conspicuously poor in plant life and in animal life developed over the ages to live on or with such plants; and

"Whereas, there exists on the Island of Hawaii a large area consisting of a park-like transition forest that gradually meets downhill into an unexcelled tropical jungle of endemic plants and animals in the cloudbelt, a unique feature found in no other place in the Nation or the world; and

"Whereas, this unspoiled forest and jungle area on the Island of Hawaii meets the criteria for selection of areas to be set aside as national parks: (1) national parks should be broad and spacious lands, (2) they should present scenic wonders, (3) they should encompass unique features, (4) they should offer primary scientific values, and (5) they should offer other scientific values; and

"Whereas, instead of planning an extension of Hawaii Volcanoes National park which would duplicate the existing national park lands in the State and which would primarily feature additional lava and pahoehoe flows, volcanic ash, and clinkers, steps should be taken immediately to incorporate the adjacent unspoiled forest and jungle land into the present national park thereby adding diversity to the park features; now, therefore.

Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1971, that the United States Department of Interior, National Park Service, initiate the preliminary agreements for incorporating the forest and jungle lands of the Island of Hawaii which are located mauka of the 4,000 foot contour elevation and makai of the "proposed parkway" as shown on page five of 'The Island of Hawaii, Resource Study and Master Plan A Summary', 1970 edition; and

"Be it further resolved that members of the Hawaii delegation to Congress be requested to use their best efforts towards incorporating the forest and jungle land on the Island of Hawaii into the Hawaii Volcanoes National Park; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii delegation to Congress, and the Secretary of the United States Department of the Interior."

A resolution adopted by the Assembly Rules Committee of the Assembly of the State of California; to the Committee on the Judiciary:

"RESOLUTION RELATIVE TO THE OBSERVANCE OF NATIONAL RAISIN WEEK—MAY 3RD THROUGH MAY 9TH, 1971

"Whereas, the week commencing May 3rd has been designated as National Raisin Week; and

"Whereas, This year constitutes the 62nd anniversary of the first observance of this, the oldest national food week; and

"Whereas, The great San Joaquin Valley of California is the very heart of the raisin industry, and in fact grows and processes virtually all raisins produced in the nation—and one-half of the world's supply of raisins; and

"Whereas, The vineyards and the related industries engaged in the producing and processing of raisins constitute one of California's major industries; and

"Whereas, Since raisins are a wonderfully delicious and nutritious food, packed with energy and the health-giving qualities of captured sunshine, it is most fitting that in this special observance week their praise be sung throughout the land, that even more people may come to know and enjoy them as we do and know that Californians take a special pride in this unique industry; now, therefore, be it

"Resolved by the Assembly Rules Committee, That the Members urge all the many Californians privileged to know the delightful and health-giving attributes of San Joaquin raisins to observe California Raisin Week as a part of the celebration of National Raisin Week, to proclaim the goodness of raisins to the end that even more people throughout the nation and the world will be introduced to and learn to enjoy this splendid food product; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Army and Air National Guard Association of New Jersey in recognition of the need for continuation of inductions into the armed services; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARTKE, from the Committee on Commerce, without amendment S. 904. (Rept. No. 92–94).

Mr. HARTKE. Mr. President, I report from the Committee on Commerce S. 904, a bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases.

At the present time, the people of my own State of Indiana are adversely affected by the Uniform Time Act. That law makes it mandatory for States exempting themselves from daylight savings times to exempt the entire State. The State legislature has exercised this option in Indiana. The result has been chaos for the six northwestern and six southwestern counties in Indiana which are in the central time zone. These 12 counties have become an oasis of central standard time caught between eastern standard and central daylight time zones.

This bill would promote uniformity in time zones and permit a speedy end to the chaos and confusion regarding time which is taking place in Indiana. For this reason, I urge the Senate to give this bill speedy consideration.

By Mr. MOSS (for Mr. MAGNUSON), from the Committee on Commerce, without amendment:

S.J. Res. 92. A joint resolution to direct the National Railroad Passenger Corporation to make a study with respect to expanding the Basic National Rail Passenger System (Rept. No. 92–95).

By Mr. PASTORE, from the Committee on Commerce, with amendments:

S. 382. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes (Rept. No. 92–96).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable executive report of nomination was submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Dwight J. Porter, of Nebraska, a Foreign Service officer of the class of Career Minister, to be the deputy representative of the United States of America to the International Atomic Energy Agency.

BILLS INTRODUCED

The following bills were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CURTIS:

S. 1782. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof. Referred to the Committee on Commerce.

By Mr. PACKWOOD:

S. 1783. A bill relating to the disposition of mineral resources in wilderness areas; and

S. 1784. A bill relating to mineral resources in lands comprising the Three Sisters Wilderness, Oreg. Referred to the Committee on Interior and Insular Affairs.

By Mr. BOGGS:

S. 1785. A bill for the relief of Earl E. Lofland, Inc., Wilmington, Del. Referred to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 1786. A bill for the relief of Fernando da Silva Matos;

S. 1787. A bill for the relief of Judite da Conceicao Frias;

S. 1788. A bill for the relief of Armando Franco Edwards;

S. 1789. A bill for the relief of Alvarino Martins de Lemos;

S. 1790. A bill for the relief of Mario Nicolau;

S. 1791. A bill for the relief of Americo Oliveira and his wife, Maria Ajuda de Oliveira; and

S. 1792. A bill for the relief of Aldino Avila Bettencourt and his wife, Maria Picano Bettencourt. Referred to the Committee on the Judiciary.

By Mr. METCALF:

S. 1793. A bill to amend the Federal Coal Mine Health and Safety Act of 1969. Referred to the Committee on Labor and Public Welfare.

By Mr. NELSON (for himself, Mr. ALLEN, Mr. CHILES, Mr. HART, Mr. CRANSTON, Mr. PERCY, Mr. GURNEY, Mr. GAMBRELL, and Mr. PEARSON):

S. 1794. A bill to authorize pilot field-research programs for the control of agricultural and forest pests by integrated biological-cultural methods. Referred to the Committee on Agriculture and Forestry.

By Mr. BYRD of West Virginia for Mr. HARRIS:

S. 1795. A bill to authorize the Seminole Nation of Oklahoma to elect its principal officer as provided by its Constitution. Referred to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 1796. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes. Referred to the Committee on Public Works.

By Mr. MAGNUSON (for himself and Mr. COTTON (by request)):

S. 1797. A bill to protect the public health and safety by reducing the risks of death, illness, and injury associated with the use of consumer products. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 1798. A bill to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities, and for other purposes; and

S. 1799. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. HART):

S. 1800. A bill to establish an independent commission to evaluate and assess developments in the fields of commerce and technology. Referred to the Committee on Commerce.

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

S. 1801. A bill authorizing and requesting the President to proclaim 1971 and the years leading up to and through the bicentennial year 1976 as a period to discover America, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 1802. A bill to revise and improve the laws relating to the documentation of seamen. Referred to the Committee on Commerce.

By Mr. GRIFFIN:

S. 1803. A bill to amend title II of the Social Security Act (and applicable provisions of the Internal Revenue Code of 1954) to provide automatic cost-of-living adjustments in Social Security benefits, to provide automatic adjustment of the contribution and benefit base, and to liberalize the earnings test. Referred to the Committee on Finance.

By Mr. MONTOYA:

S. 1804. A bill for the relief of Alfredo Alex Wetter. Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S. 1805. A bill to provide relocation assistance, training assistance and interest supplements to adversely affected workers separated from their employment because of the termination of defense and space contracts. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS

By Mr. CURTIS:

S. 1782. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof. Referred to the Committee on Commerce.

Mr. CURTIS. Mr. President, today I have introduced a bill S. 1782, relating to the power of the Department of Transportation to regulate farm vehicles and drivers of farm vehicles.

The enactment of this measure would mean that the Department of Transportation would not have authority over farmer-owned motor vehicles or motor vehicles that were owned by a farm cooperative if those vehicles are operated solely within one State. It would further provide that the Department of Transportation would not have authority to regulate driver qualifications for the driver of motor vehicles which are farmer-owned or owned by a farm cooperative whether or not they operated solely within one State.

Mr. President, the enactment of this legislation is important. The Department of Transportation is threatening to issue regulations which would prohibit individuals under 21 from transporting the farmers' products to market. Such regulations would create havoc in the agricultural areas. These young people who drive farm trucks have a good safety record. The Government at Washington should not attempt to regulate them or interfere with these activities that are so necessary for a farm family in the carrying out of its necessary work. I again repeat that the States should have the sole authority to license drivers and to revoke licenses. I urge the favorable consideration of this bill.

By Mr. THURMOND:

S. 1796. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes. Referred to the Committee on Public Works.

LIMITATION ON USE OF PUBLICLY OWNED OR CONTROLLED PROPERTY

Mr. THURMOND. Mr. President, in light of recent events, I believe that affirmative steps should be taken to protect publicly owned property from destruction. We can hardly afford to charge the American taxpayer with a bill for the destructive acts of a few. In 1968 the occupants of Resurrection City left us with a bill for approximately $2 million to restore our Capital to its original beauty. What the bill will be for this year's assault on the Capital City remains to be seen.

The legislation I propose today was approved overwhelmingly in the House in 1969 and has been reintroduced this year. The provisions of the bill merely require the showing of financial responsibility by persons wishing to use public property in such a way that damage may occur, and that no erecting of structures or overnight occupancy will be allowed.

This bill is not designed in any way to abridge the right of the people to petition the Government for a redress of grievances. Neither is this bill designed to deny the poor the right to protest. It provides for bond only where damage is likely to result from the demonstration, and it does not suspend the normal operation of criminal law pertaining to destruction of Government property. The bill merely provides that where one wishes to use public property and there is a likelihood that damage will occur, then more than an oral promise of good behavior is required. To avoid the bond,

there need be only a reasonable showing that no damage is likely to result.

While I do not agree with many of these protests, I have always defended the right to protest. I cannot, however, defend those who abuse their democratic rights, and destroy public property.

Many hundreds of thousands of Americans come to the Capital each year and do not need to burn park benches or destroy property. I feel that it is intolerable for us to continue to pay for the irresponsible acts of a few; this is a free country, but this freedom does not mean freedom to destroy, freedom to plunder or freedom to disrupt.

Mr. President, I introduce this bill for appropriate reference and ask unanimous consent to have it printed in the RECORD.

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

S. 1796

A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in the case of any real property within the District of Columbia which is owned by or under the control of the United States Government or the Government of the District of Columbia, no officer or employee of the United States or of the District of Columbia shall issue a permit for or authorize or otherwise permit the use of (including any renewal or extension of any such permit, authorization, or permission) any such real property for camping, sleeping, sitting in, or other overnight occupancy, or for constructing or erecting any temporary building or structure upon such property. Nothing in this Act shall be construed to prohibit any governmental activity.

(b) In issuing permits or in granting permission for any other use of such real property (including any renewal or extension of any such permit, authorization, or permission) any officer or employee of the United States or of the District of Columbia having power to issue a permit or to give such permission shall, where he has reason to believe that damage may occur, require that the applicant post a money or surety bond or furnish insurance, in an amount determined by such officer or employee to be reasonable, to idemnify or insure the United States for the cost of repairing any damage or restoring the premises to its condition immediately prior to such use and to save the United States harmless from any injury to property or persons caused by the applicants' use of such real property.

(c) Any permit, authority, or other permission (including any renewal or extension of such a permit, authority, or permission) in effect on the date of enactment of this section which could not be issued or given after such date except in accordance with this section, is hereby revoked.

By Mr. MAGNUSON (for himself and Mr. COTTON (by request):

S. 1797. A bill to protect the public health and safety by reducing the risks of death, illness, and injury associated with the use of consumer products. Referred to the Committee on Commerce.

CONSUMER PRODUCT SAFETY ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce by request, for myself and Mr. COTTON, for appropriate reference, a bill to protect the public health and safety by reducing the risks of death, illness, and injury associated with the use of consumer products, and ask unanimous consent that the letter of transmittal and section-by-section analysis be printed in the RECORD with the text of the bill.

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

S. 1797

A bill to protect the public health and safety by reducing the risks of death, illness, and injury associated with the use of consumer products

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Product Safety Act of 1971".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby declares that the public must be protected from the risks of death, illness, and injury associated with the use of consumer products. It is therefore the purpose of this Act to provide for the establishment by the Secretary of Health, Education, and Welfare (hereinafter in this Act referred to as "the Secretary") of a consumer product safety program which shall include the promulgation and enforcement of product safety standards to reduce such risks to consumers of products for use in and around the household, the schools, or in recreation, or of products otherwise distributed for the personal use, consumption, or enjoyment of the consumer.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "consumer product" means a product which is customarily produced or distributed for sale to a consumer for his personal use, consumption, or enjoyment in or around a household or residence, a school, in recreation, or otherwise, but does not include food, drugs, cosmetics, motor vehicles, economic poisons as defined by the Federal Insecticide, Fungicide, and Rodenticide Act, tobacco and tobacco products, or any product with respect to any risk to health or safety which may be subjected to regulation under the Federal Hazardous Substances Act; the Radiation Control for Health and Safety Act of 1968; the Flammable Fabrics Act; the Clean Air Act, part F of title II of the Public Health Service Act; the Act of March 4, 1913, 37 Stat. 832; the Poison Prevention Packaging Act of 1970; the Occupational Safety and Health Act of 1970; the Act of August 2, 1956, 70 Stat. 953; or the Atomic Energy Act of 1954;

(2) the term "commerce" means commerce among or between the several States, or within the District of Columbia;

(3) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands or the Canal Zone; and

(4) the term "product safety standard" means a product safety standard promulgated under this Act.

COLLECTION AND DISCLOSURE OF INFORMATION ON CONSUMER PRODUCT RISKS

SEC. 4. (a) The Secretary shall collect, evaluate, and disseminate, on a continuing basis, information on the frequency and causes of death, and the types, frequency, severity, and causes of illness or injury, associated with exposure to or use of consumer products, and [illegible] means to test, measure, or evaluate the risks of death, illness, or injury associated therewith. In carrying out his functions under this section the Secretary, in addition to or in aid of the foregoing—

(1) shall collect data or perform research or studies to enable him to establish a need for product safety standards and to evaluate their efficacy in reducing risks associated with consumer products;

(2) shall plan, conduct, coordinate, or provide technical assistance to research activities, development of methods, training of personnel, or operations, designed to minimize the risks associated with consumer products, or designed to develop means to test, measure, or evaluate such risks;

(3) shall secure information on the risks associated with consumer products from other Federal or State departments and agencies with related interests, professional organizations, industry, industry or labor associations, and other public or private agencies, organizations, or institutions.

(4) shall make available, through publications and by other appropriate means, the results of, and other information concerning, research and studies relating to the nature and extent of the risks associated with consumer products, and may include recommendations for the reduction of such risks, or information on the means of testing consumer products for risks; and

(5) may procure (by negotiation or otherwise) consumer products for research and testing purposes, and sell or otherwise dispose of such products.

(b) The Secretary is authorized to obtain from any person by subpoena issued pursuant to regulation information in the form of books, records, or other writings in his possession pertinent to the frequency or causes of death, or the types, frequency, severity, or causes of illness or injury associated with exposure to or use of consumer products. The district courts of the United States shall have jurisdiction to enforce such subpoenas upon application of the Attorney General. An action for such enforcement may be brought in any district court of the United States for the district wherein such person is found or transacts business.

(c) (1) Nothing contained in this Act shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public. The Secretary shall not make public information obtained by him under this Act which would disclose trade secrets, formulas, processes, costs, methods of doing business, or other competitive information not otherwise available to the general public; or the names or other means of identification of ill or injured persons without their express written consent.

(2) (A) Except as provided by subparagraph (B) of this paragraph, not less than thirty days prior to his public disclosure of any information obtained under this Act, or to be disclosed to the public in connection therewith, the Secretary shall provide such information to each manufacturer of any consumer product to which such information pertains, if the manner in which such consumer product is to be designated or described in such information will permit the public to ascertain readily the identity of such manufacturer, and shall provide such manufacturer with a reasonable opportunity to submit comments to the Secretary in regard to such information. Upon the request of such manufacturer, the Secretary shall publish such comments or a fair summary thereof, or a statement of the manufacturer

of reasonable length in lieu thereof, concurrently and in association with the disclosure of the information to which such comments or statement appertain. The Secretary shall take reasonable steps to assure, prior to his public disclosure thereof, that information from which the identity of such manufacturer may be readily ascertained is accurate, and that such disclosure is fair in the circumstances and reasonable related to effectuating the purposes of this Act. If the Secretary finds that, in the administration of this Act, he has made public disclosure of inaccurate or misleading information which reflects adversely upon the safety of any consumer product, or the practices of any manufacturer of, distributor of, importer of, or dealer in consumer products, he shall, in a manner similar to that in which such disclosure was made, publish a retraction of such inaccurate or misleading information.

(B) Subparagraph (A) (except for the last sentence thereof) shall not apply to the public disclosure of (i) information about any consumer product with respect to which product the Attorney General has filed an action (or an action against a manufacturer thereof with respect to such product) under section 12, or which the Secretary has reasonable cause to believe is in violation of section 15, or (ii) information about any administrative or judicial proceeding under this Act.

(d) The Secretary shall communicate to each manufacturer of a consumer product, insofar as may be practicable, information as to any significant risk to health or safety associated with such product.

AUTHORITY TO PROMULGATE STANDARDS FOR CONSUMER PRODUCTS

SEC. 5. Whenever the Secretary finds a need for such action to reduce or eliminate unreasonable risk of death, or of serious or frequent illness or injury, associated with exposure to or use of a consumer product or any type or class of such products, he may by regulation, in accordance with the requirements of this Act, promulgate for such product, or type or class of such products, a product safety standard relating to its performance, composition, or properties (including its compatibility with systems or environments in which it is intended to be used), or relating to two or more of such factors, or amend any such standard previously established.

INITIATION OF PROCEEDING TO PROMULGATE A PRODUCT SAFETY STANDARD

Notice of Proceeding

SEC. 6. (a) A proceeding to promulgate a product safety standard shall be initiated by the Secretary by publication in the Federal Register of a Notice of Proceeding. Such Notice shall invite public comment with respect to the initiation of such proceeding and shall include—

(1) a description or other appropriate designation of the product or type or class of products with respect to which the proceeding is initiated;

(2) the risk or risks intended to be controlled;

(3) a summary description of the data upon which the Secretary has found a need to initiate the proceeding, and the manner, consistent with subsection (c) (1) of section 4, in which interested persons may examine such data;

(4) information with respect to any existing standard known to the Secretary which may be relevant to the proceeding; and

(5) an invitation for any person, including any Federal agency, within 30 days after the date of publication of the Notice, (A) to submit to the Secretary an existing standard as such proposed product safety standard; or (B) to offer to develop such proposed product safety standard in accordance with regulations of the Secretary prescribing procedures for such development.

Use of Existing Standard

(b) If the Secretary (1) finds that there exists a standard which has been published by any Federal agency or other qualified agency, organization, or institution (2) has made reference to such standard (unless it is a standard submitted pursuant to section 6(a)(5)(A)) in his Notice pursuant to subsection (a)(4), and (3) determines that such standard may be substantially acceptable to him as a product safety standard, then he may, in lieu of accepting an offer pursuant to this section, publish such standard as a proposed product safety standard pursuant to section 9.

Acceptance of Offers to Develop Proposed Product Safety Standards

(c)(1) Except as provided by subsection (b), the Secretary shall accept one, and may accept more than one, offer to develop a proposed product safety standard pursuant to the invitation prescribed by subsection (a)(5)(B), upon his determination that—

(A) the offeror is technically competent and is likely to develop an appropriate standard within a reasonable period of time; and

(B) the offeror has the capacity to comply with regulations of the Secretary prescribed pursuant to section 8.

The Secretary shall publish in the Federal Register the name and address of each person whose offer he accepts, and a summary of the terms of such offer as accepted.

(2) Upon an offeror's application therefor prior to the acceptance of his offer under this subsection, the Secretary may agree to contribute to the offeror's cost in developing a proposed product safety standard, if the Secretary determines that such contribution is likely to result in a more satisfactory standard than would be developed without such contribution, and that the offeror is financially responsible. Regulations of the Secretary shall set forth the items of cost in which he may participate, and shall exclude any contribution to the acquisition of land or buildings.

DEVELOPMENT OF A PROPOSED PRODUCT SAFETY STANDARD BY THE SECRETARY

SEC. 7. If the Secretary has published a Notice of Proceeding as provided by section 6(a), and—

(1) he has accepted neither an existing standard pursuant to section 6(b) nor an offer to develop a proposed product safety standard pursuant to section 6(c); or

(2) he has accepted an offer pursuant to section 6(c), but determines (in accordance with such procedures as he may by regulation prescribe) that the offeror is unable or unwilling to continue satisfactorily the development of the proposed standard which was the subject of the offer or that the standard which has been developed is not satisfactory;

then the Secretary may proceed to develop a proposed product safety standard pursuant to procedures prescribed under section 8.

REGULATIONS GOVERNING DEVELOPMENT OF STANDARDS

SEC. 9. The Secretary shall prescribe regulations governing the development of proposed product safety standards under sections 6 and 7 of this Act, which regulations shall not be considered rules of agency organization, procedure, or practice for purposes of section 553 of title 5 of the United States Code. Such regulations shall include requirements—

(1) that standards recommended for promulgation be supported by test data or such other documents or materials as the Secretary may reasonably require to be developed, and be suitable for promulgation pursuant to section 9;

(2) that standards recommended for promulgation contain such test methods as may be appropriate for measurement of compliance with such standards;

(3) for opportunity by interested persons to participate in the development of such standards;

(4) for the maintenance of such records as the Secretary prescribes in such regulations to disclose the course of the development of standards recommended for promulgation, the comments and other information submitted by any person in connection with such development, including comments and information with respect to the need for such recommended standards, and such other matters as may be relevant to the evaluation of such recommended standards; and

(5) that the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records, relevant to the expenditure of any contribution of the Secretary, pursuant to section 6(c), to the development of such recommended standards.

PROMULGATION OF PRODUCT SAFETY STANDARDS; DECLARATION OF BANNED HAZARDOUS CONSUMER PRODUCT

Proposal to Promulgate Product Safety Standard or to Declare a Banned Hazardous Consumer Product

SEC. 9. (a)(1) Not more than 210 days after his publication of a Notice of Proceeding pursuant to subsection (a) of section 6 (which time may be extended by the Secretary by a notice published in the Federal Register stating good cause therefor), the Secretary shall publish in the Federal Register either a notice withdrawing such prior Notice or a proposal to promulgate a product safety standard applicable to any consumer product subject to such Notice, or a proposal to declare any such subject product a banned hazardous consumer product. A proposal to promulgate a product safety standard and a proposal to declare a product a banned hazardous consumer product may be published in the alternative with respect to any consumer product subject to such Notice.

(2) A proposal to promulgate a product safety standard, or to declare a product a banned hazardous consumer product, shall set forth such standard, or the reason for such declaration, the manner in which interested persons may examine data and other information upon which such standard or declaration, or need therefor, is based (consistent with subsection (c)(1) of section 4), and the period within which all interested persons may present their comments on such standard or declaration, or the need therefor, orally or in writing. In considering those of such comments applicable to a proposed standard the Secretary shall give special weight to comments which were submitted during the development of such standard.

Order to Promulgate Product Safety Standard or to Declare a Banned Hazardous Consumer Product

(b) As soon as practicable after the publication of a proposal to promulgate a product safety standard, or to declare a product a banned hazardous consumer product, the Secretary shall, by order published in the Federal Register, act upon such proposed standard or declaration, or withdraw the applicable Notice of Proceeding. The order shall set forth the product safety standard or declaration, if any, the reasons for the Secretary's action (including reasons for the promulgation of a product safety standard materially different than that set forth in the proposal or for his failure to promulgate any standard), and the date or dates upon which such standard or declaration, or portions thereof, shall become effective. Such date or dates shall be established so as to

minimize, consistent with the public health and safety, economic loss to, and disruption or dislocation of, domestic and international trade.

Findings

(c)(1) Prior to his issuance of an order to promulgate a product safety standard pursuant to subsection (b), or to declare a product a banned hazardous consumer product pursuant to subsection (e), the Secretary shall consider, and shall make appropriate findings for inclusion in such order with respect to—

(A) data and comments submitted in the course of any proceeding under section 6 relevant to such order;

(B) the frequency and causes of death, and the types, frequency, severity, and causes of illness and injury, attributed to those aspects of the consumer products subject to such order;

(C) the approximate number of consumer products, or types or classes thereof, subject to such order;

(D) the need of the public for the consumer products subject to such order, and the probable effect of such order upon the utility, cost, or availability of such products to meet such need; and

(E) means of achieving the objective of the order with a minimum disruption or dislocation of competition and of reasonable manufacturing and other commercial practices.

(2) The Secretary shall not promulgate a product safety standard, or declare a product a banned hazardous consumer product, unless he determines, and includes such determination in the order promulgating such standard or declaration, that his findings pursuant to paragraph (1) show that such standard or declaration (including the effective date thereof) is reasonably necessary to carry out the purposes for which such standard or declaration is authorized by section 5 or subsection (e) of this section, and that the promulgation of such standard or declaration is in the public interest.

Characteristics and Limitations of Product Safety Standards

(d)(1) Product safety standards shall, where feasible, pertain to the safety performance characteristics of consumer products, except that any such standard may apply to the composition, design, construction, finish, or packaging of the product or any component thereof if the Secretary determines such application to be in the public interest.

(2) Without regard to the limitations of paragraph (1), a product safety standard may require that the product or any component thereof be marked, tagged, or accompanied by clear and adequate warnings or instructions reasonably necessary for the protection of health or safety.

Ban of Product

(e) The Secretary may declare a consumer product to be a "banned hazardous consumer product", in accordance with the procedures of this section, only upon his finding, to be included in the Secretary's order pursuant to subsection (b), that no feasible product safety standard will adequately protect the public from unreasonable risk of death, or of serious or frequent illness or injury, associated with exposure to or use of such product. A firearm may not be declared a banned hazardous consumer product.

Disputes of Fact

(f) The Secretary may conduct a hearing, in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of fact material to any finding required to be made by the Secretary under this section.

REVOCATION OR AMENDMENT OF STANDARD

SEC. 10. (a) The Secretary may revoke, in whole or in part, any product safety standard, upon the ground that there no longer exists a need therefor or that such standard is no longer in the public interest. Such revocation shall be published as a proposal in the Federal Register and shall set forth such standard or portion thereof to be revoked, a summary of the reasons for his determination that there may no longer be a need therefor or that such standard (or any part thereof) may no longer be in the public interest, the manner (consistent with subsection (c)(1) of section 4) in which interested persons may examine data and other information relevant to the Secretary's determination, and the period within which all interested persons may present their views, orally or in writing, with respect to such revocation. As soon as practicable thereafter, the Secretary shall by order act upon such proposal and shall publish such order in the Federal Register. The order shall include the reasons for the Secretary's action, and the date or dates upon which such revocation shall become effective.

(b) The requirements of sections 6, 7, 8, and 9 of this Act for the promulgation of a product safety standard shall apply to the promulgation of a material amendment of a product safety standard. The Secretary may promulgate an amendment of a product safety standard, other than a material amendment, without regard to sections 6, 7, or 8, but shall comply with the procedures set forth in subsections (a) and (b) of section 9 and shall set forth in his order promulgating such amendment such findings as he may deem appropriate in explanation thereof. As used in this subsection the term "material amendment" means an amendment that would substantially increase any performance standard applicable to a consumer product, or substantially alter the composition, design, construction, finish, or packaging of such product.

JUDICIAL REVIEW

SEC. 11. (a) Any person adversely affected by an order of the Secretary promulgated pursuant to subsection (b) of section 9, or pursuant to section 10, may, at any time after such order is published by the Secretary, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of such order. Copies of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose and to the Attorney General. The Secretary shall transmit to the Attorney General, who shall file in the court, the record of the proceedings on which the Secretary based his order, as provided in section 2112 of title 28 of the United States Code. Such record shall include such order of the Secretary and, if issued, held, or obtained in connection therewith, the Notice of Proceeding published pursuant to subsection (a) of section 6; any notice or proposal published pursuant to subsection (a) of section 9, or section 10; the transcript or summary of any proceedings and the findings arising therefrom; and any other information, including comments of interested persons, required to be considered by the Secretary in the promulgation of such order.

(b) Upon the filing of the petition under subsection (a) of this section the court shall have jurisdiction to review the order of the Secretary in accordance with chapter 7 of title 5 of the United States Code and to grant appropriate relief, including interim relief, as provide in such chapter. The order of the Secretary shall be affirmed if supported by substantial evidence on the record taken as a whole.

(c) The judgment of the court affirming or setting aside, in whole or in part, any order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code.

IMMINENT HAZARDS

SEC. 12. (a) The Secretary may request the Attorney General to file, in a district court of the United States having venue thereof, an action against an imminently hazardous consumer product, or against any person who manufactures for sale, sells, or offers for sale, in commerce, or imports into the United States, such product. Such an action may be filed notwithstanding the existence of a product safety standard applicable to such product, or the pendency of proceedings initiated pursuant to section 6. As used in this section, and hereinafter in this Act, the term "imminently hazardous consumer product" means a consumer product the use of or exposure to which presents imminent and unreasonable risk of death, serious illness, or severe personal injury.

(b) The district court in which such action is filed shall have jurisdiction to declare such product an imminently hazardous consumer product, and to grant (as ancillary to such declaration or in lieu thereof) such temporary or permanent equitable relief as may be necessary to protect the public from such risk. Such relief may include a mandatory order requiring the notification of the original purchasers of such product of such risk, public notice, the recall, the repair, the replacement, or the seizure of such product.

(c) Concurrently with the filing of such action or as soon thereafter as may be practicable, the Secretary shall initiate a proceeding, pursuant to section 6, to promulgate a product safety standard applicable to the consumer product with respect to which such action is filed, or, if the initiation of such proceeding is not feasible, shall initiate a proceedng, pursuant to section 9, to declare such product a banned hazardous consumer product.

NOTIFICATION OF FAILURE TO COMPLY; REPAIR OR REPLACEMENT OF NONCOMPLYING CONSUMER PRODUCTS

SEC. 13. If any consumer product fails to comply with any applicable order issued pursuant to this Act, the manufacturer, importer, or distributor of, or dealer in such product may be required by the Secretary (by order after opportunity for hearing subject to section 554 of title 5 of the United States Code) to give public notice and—

(1) to mail to each consumer of such product known to such manufacturer, importer, distributor, or dealer, and, in the case of a manufacturer or importer, to each distributor or dealer to whom he delivered such product, a notification of such failure containing such information as the Secretary may prescribe, upon the Secretary's determination that such notification is required in order adequately to protect health or safety,

(2) to bring such product into conformity with the requirements of such order without charge to the consumer,

(3) to replace such product with a like or equivalent product which complies with such order without charge to the consumer, or

(4) to refund the purchase price of such product upon tender of the product, less a reasonable allowance for use if such product has been in the possession of the consumer for one year or more at the time of such tender.

The manufacturer, importer, distributor, or dealer against whom an order is issued under this subsection shall reimburse each consumer of the product which is the subject of such order for any reasonable and forseeable expenses (including transportation expenses) incurred by such consumer in availing himself of the remedies provided by such order, exclusive of attorneys' fees.

INSPECTION AND RECORD KEEPING

SEC. 14. (a) For purposes of carrying out regulations, standards, or orders promulgated under this Act, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized—

(1) to enter, at reasonable times, any factory, warehouse, or establishment in which consumer products are manufactured, assembled, or held for introduction into commerce or are held for sale after such introduction; or to enter any vehicle being used to transport consumer products in interstate commerce; and

(2) to inspect, at reasonable times and in a reasonable manner, those areas of such factory, warehouse, establishment, or vehicle where or in which such products are produced, stored, or transported, and all pertinent equipment, materials, containers, and labeling therein.

A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period of inspection set forth in such notice. Each such inspection shall be commenced as soon as practicable after the delivery of such notice, and shall be completed with reasonable promptness. If the officer or employee who makes such inspection obtains any sample in the course thereof, he shall, prior to leaving the premises, give to the owner, operator, or agent in charge, a receipt therefor describing such sample.

(b) Every person who manufactures, assembles, distributes, or sells in commerce, or imports, a consumer product required to conform to a product safety standard shall establish and maintain such records, and make such reports, and provide such information as the Secretary may by regulation reasonably require with respect to such product. Upon request of an officer or employee duly designated by the Secretary, every such person shall permit the inspection of such records, and other books, records, and papers relevant to determining whether such person is in compliance with this Act and regulations, standards, and orders prescribed thereunder.

(c) The district courts of the United States shall have jurisdiction to issue any warrant in aid of an inspection or investigation under this section, if such warrant is required by the Constitution or laws of the United States, upon a finding that such inspection or investigation is for the purposes of enforcing this Act.

PROHIBITED ACTS

SEC. 15. It shall be unlawful for any person engaged in the business of making consumer products available to consumers, either directly or indirectly, to—

(1) (A) manufacture for sale or lease, in commerce, any consumer product which does not comply with a product safety standard; (B) sell or lease, or offer for sale or lease, in commerce, any consumer product which does not comply with a product safety standard (i) if such product was manufactured or assembled in the United States after the effective date of such standard, or (ii) if such product was imported into the United States in violation of clause (C); (C) import into the United States any consumer product which does not comply with a product safety standard; or (D) manufacturer for sale or lease, sell or lease, or offer for sale or lease, in commerce, or import into the United States, any consumer product which has been declared a banned or imminently hazardous consumer product;

(2) fail or refuse to comply with any order of the Secretary pursuant to section 13;

(3) fail or refuse to comply with any requirement of section 14; or

(4) alter, modify, destroy, or remove any portion of, or do any other act with respect to, a consumer product or labeling thereon or attached thereto, if such act is done while the product is being held or transported for sale, and results in the consumer product or its labeling failing to conform to a product safety standard, or renders the product a banned or imminently hazardous consumer product.

ENFORCEMENT

Civil and Criminal Penalties

SEC. 16. (a) Whoever knowingly commits any act prohibited by section 15, or, in case of commission of any such act by a corporation, the corporation and any individual director, officer, or agent of such corporation who knowingly caused in whole or in part the corporation to commit such act, shall be subject to a civil penalty of not more than $10,000 for each such act, and, if such act was wilfully committed, shall be guilty of a misdemeanor and, upon conviction, fined not more than $10,000 for each such act or imprisoned not more than 1 year, or both. As used in this subsection, the term "knowingly" means (1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including (A) knowledge obtainable upon the exercise of due care to ascertain the truth of representations, and (B) knowledge of the probable consequences of action taken in disregard of reasonable safeguards.

Injunctions

(b) Upon application by the Attorney General, the district courts of the United States shall have jurisdiction to enjoin the commission of acts prohibited by section 15, and to compel the taking of any action required by this Act.

Seizure

(c) Any consumer product which is not manufactured in compliance with an applicable product safety standard, which is not in compliance with such a standard as the result of an action made unlawful by clause (4) of section 15, or which is declared a banned or imminently hazardous consumer product, shall be liable to be proceeded against while in commerce or at any time thereafter, on complaint for forfeiture by the Attorney General, and condemned in any district court of the United States within whose district the consumer product is found. The procedure in such cases shall conform, as nearly as may be, to the procedure prescribed by subsections (b), (c), (d), and (e) of section 6 of the Federal Hazardous Substances Act.

Private Suits

(d) Any interested person may bring an action in any district court for the district in which the defendant is found or transacts business to enforce a product safety standard, or to enforce any order under subsection (e) of section 9, or under section 12, and to obtain appropriate injunctive relief. Not less than thirty days prior to the commencement of such action, such interested person shall give notice by registered mail to the Secretary, to the Attorney General, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. No separate suite shall be brought under this subsection if the same alleged violation is the subject of a pending action by the United States under this Act. In any action under this section, such interested person may elect, by a demand for such relief in his complaint, to recover reasonable attorney's fees, in which case the court shall award reasonable attorney's fees to the prevailing party.

IMPORTS

SEC. 17. (a) Any consumer product offered for importation into the United States to which a product safety standard applies (except insofar as the Secretary may otherwise provide with respect to a consumer product accompanied by a certification of compliance with such standard in a form prescribed by the Secretary) or which is declared a banned or imminently hazardous consumer product, shall not be delivered from Customs custody except as provided in section 499 of the Tariff Act of 1930. In the event an imported consumer product is delivered from Customs custody under bond, as provided in section 499 of the Tariff Act of 1930, and is declared a banned or imminently hazardous consumer product or fails to conform with a product safety standard in effect on the date of entry of such merchandise, the Secretary shall so inform the Secretary of the Treasury, and unless it appears to the Secretary that the product can be brought into compliance with all applicable requirements under this Act shall request the Secretary of the Treasury to demand redelivery. Upon a failure to redeliver, the Secretary of the Treasury shall assert a claim for liquidated damages for breach of a condition of the bond arising out of such failure to conform or redeliver in accordance with regulations prescribed by the Secretary of the Treasury or his delegate. When asserting a claim for liquidated damages against an importer for failure to redeliver such nonconforming goods, the liquidated damages shall not be less than 10 per centum of the value of the nonconforming merchandise if, within five years prior thereto, the importer has previously been assessed liquidated damages for failure to redeliver nonconforming goods in response to a demand from the Secretary of the Treasury as set forth above.

(b) If it appears to the Secretary that the consumer product can be brought into compliance with all applicable requirements under this Act, final determination as to admission of such consumer product may be deferred and, upon filing of timely written application by the owner or consignee and the execution by him of a bond as provided in the preceding provisions of this section, the Secretary may, in accordance with regulations, authorize the applicant to perform such action specified in such authorization (including destruction or export of rejected consumer products or portions thereof, as may be specified in such authorization). All such action pursuant to such authorization shall, in accordance with regulations, be under the supervision of an officer or employee of the Department of Health, Education, and Welfare or of the Department of the Treasury.

(c) The Secretary of the Treasury shall obtain without charge and deliver to the Secretary, upon his request, a reasonable number of samples of consumer products being offered for import. The owner or consignee of any such product may have a hearing before the Secretary with respect to admission of such imports into the United States. If, except as provided by subsection (b), it appears from examination or testing of such samples or otherwise that a product fails to comply with the requirements of this Act, such product shall be refused admission, and the Secretary of the Treasury shall cause destruction of such product unless it is exported, under regulations prescribed by the Secretary of the Treasury, within 90 days after notice to the importer or consignee.

(d) All expenses (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in this section, the amount of such expenses to be determined in accordance with regulations of the Secretary of the Treasury, and all expenses in connection with the storage, cartage, or labor with respect to any consumer product refused admission under this section, shall be paid by the owner or consignee and, in default of such payment, shall con-

stitute a lien against any future importations made by such owner or consignee.

EXPORTS

SEC. 18. This Act shall not apply to any consumer product manufactured, sold, or held for sale for export from the United States (or to any consumer product imported for export), if such consumer product, and any container in which it is enclosed, bears a stamp or label stating that such consumer product is intended for export and such consumer product is in fact exported from the United States; except that this Act shall apply to any consumer product manufactured for sale, offered for sale, or sold for shipment to any installation of the United States located outside of the United States.

EFFECT ON STATE STANDARDS

SEC. 19. (a) No State or political subdivision thereof shall establish or continue in effect, with respect to any consumer product, any standard or similar regulation prescribing requirements applicable to any aspect of health or safety of such consumer product, if such aspect is required to conform to a product safety standard under this Act: *Provided*, That nothing in this section shall be construed to prevent any State or political subdivision thereof from establishing or continuing a health or safety requirement applicable to a consumer product for its own use, if such requirement imposes a higher standard of health or safety than that required to comply with the applicable product safety standard under this Act.

(b) The Secretary may, upon application of a State or political subdivision thereof, exempt such State or political subdivision from the limitation of subsection (a) if a standard proposed by such application (1) imposes a higher level of health or safety than the Federal product safety standard with respect to products to be manufactured, sold, held for sale, or used in such State or political subdivision thereof, (2) is required by compelling local conditions, (3) does not unduly burden commerce, and (4) is adopted by such State or political subdivision pursuant to procedures and requirements which in the judgment of the Secretary are substantially comparable to those prescribed for product safety standards under this Act.

UTILIZATION OF OTHER FEDERAL AGENCIES

SEC. 20. In carrying out his duties under this Act, the Secretary shall, to the maximum practicable extent, utilize the personnel, facilities, and other technical support available in other Federal agencies.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
April 20, 1971.

Hon. SPIRO T. AGNEW,
President of The Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To protect the public health and safety by reducing the risks of death, illness, and injury associated with the use of consumer products." The bill has the short title of the "Consumer Product Safety Act of 1971".

Also enclosed for your convenience are copies of a section-by-section summary of the bill.

This proposed legislation would carry out the recommendation in the President's February 24, 1971, consumer message for enactment of a consumer product safety law. The proposal is designed to reduce or eliminate unreasonable risk of death, or of serious or frequent illness or injury, associated with exposure to or use of such products, by establishing in the Department of Health, Education, and Welfare a product safety program under which the Secretary would collect and disseminate information on consumer product hazards, and promulgate mandatory standards for consumer products insofar as the need for such standards is supported by injury and other data.

Provision would also be made for the banning of imminently hazardous consumer products, or unreasonably hazardous consumer products for which adequate standards cannot be set.

We would appreciate it if you would refer this draft bill to the appropriate committee for its consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

SECTION-BY-SECTION SUMMARY

SHORT TITLE

Section 1 of the bill would allow it to be cited as the "Consumer Product Safety Act of 1971".

DECLARATION OF PURPOSE

Section 2 would declare the bill's purpose as that of providing for establishment by the Secretary of Health, Education, and Welfare (hereinafter referred to as "the Secretary") of a consumer product safety program, which would include the promulgation and enforcement of product safety standards to reduce the risks of death, illness, and injury associated with the use of consumer products.

DEFINITIONS

Section 3 would define the term "consumer product" (for which product safety standards may be promulgated pursuant to section 5) as a product customarily produced or distributed for sale to a consumer for his personal use, consumption, or enjoyment in or around a household or residence, a school, in recreation or otherwise. The term would exclude food, drugs, cosmetics, motor vehicles, economic (i.e., agricultural) poisons, tobacco and tobacco products, and other products insofar as they may be subjected to health or safety regulation whether or not in fact regulated) under other statutes.

Inasmuch as the bill would authorize product safety standards for consumer products intended for introduction into "commerce" (see section 15), the term "commerce" is defined to mean commerce within the District of Columbia, or among or between the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Canal Zone.

COLLECTION AND DISCLOSURE OF INFORMATION ON CONSUMER PRODUCT RISKS

Section 4(a) would require the Secretary to collect, evaluate, and disseminate information on the frequency and causes of death, and the types, frequency, severity, and causes of illness, or injury, associated with consumer products, and on means to test, measure, or evaluate risks arising from such products.

Section 4(b) would authorize the Secretary to obtain information pertinent to the incidence of product-induced injury by subpoena enforcible by the Attorney General.

Section 4(c) would protect the Secretary's refusal to disclose information not required to be released by the public information section of what was formerly the Administrative Procedure Act (now 5 U.S.C. 552), and would expressly prohibit his disclosure of commercial secrets, or of illness or injury data revealing identity of the victim.

It would also require the provision of thirty days notice to the manufacturer of any consumer product prior to the Secretary's public disclosure of information respecting that product, if such information would reveal the manufacturer's identity. The Secretary would also be required to publish the manufacturer's statement in regard to such information, and would be required to publish a retraction of any false information disclosed under the bill. Except for the retraction requirement, these limitations would not apply to information about a product in violation of the bill's prohibitions (section 15), or against which the Attorney General has filed an action to have it declared an imminent hazard (section 12); or information about any administrative or judicial proceedings under the bill.

AUTHORITY TO PROMULGATE STANDARDS FOR CONSUMER PRODUCTS

Section 5 would authorize the Secretary to promulgate a product safety standard for any consumer product if he finds a need for such action to reduce or eliminate unreasonable risk of death, or of serious or frequent illness or injury, associated with use of or exposure to it.

INITIATION OF PROCEEDING TO PROMULGATE A PRODUCT SAFETY STANDARD

Section 6(a), Notice of Proceeding, would require that a proceeding to promulgate a product safety standard be initiated by publication of a Notice of Proceeding which, *inter alia*, would provide information with respect to existing standards which may be relevant to the proceeding, and would invite any person to submit, within thirty days, an existing standard for promulgation as a proposed product safety standard, or an offer to develop for promulgation a proposed product safety standard.

Section 6(b), Use of Existing Standard, would authorize the Secretary to publish (pursuant to section 9) an existing standard as a proposed product safety standard, in lieu of accepting an offer to develop a standard in response to the invitation contained in the Notice of Proceeding.

Section 6(c), Acceptance of Offers to Develop Proposed Product Safety Standards, would require the Secretary to accept one (and permit him to accept more than one) offer, in response to his Notice invitation, to develop a proposed product safety standard, upon his finding that the offeror is technically competent and has the capacity to comply with the Secretary's regulations under section 8. The Secretary may agree to offset the cost of developing such standard if such participation would result in the development of a more adequate standard.

DEVELOPMENT OF A PROPOSED PRODUCT SAFETY STANDARD BY THE SECRETARY

Section 7 would authorize the Secretary to develop a proposed product safety standard if he has accepted neither an existing standard nor an offer to develop a standard, in response to his Notice, or an offeror fails, after acceptance of his offer, to develop a satisfactory standard.

REGULATIONS GOVERNING DEVELOPMENT OF STANDARDS

Section 8 would require the Secretary to prescribe regulations governing the development of proposed product safety standards under the bill. The regulations would include provisions to assure that interested persons were given an opportunity to participate in that development, that the development is supported by an adequate record, and that the developed standards contain test methods appropriate for the measurement of compliance with them.

PROMULGATION OF PRODUCT SAFETY STANDARDS; DECLARATION OF BANNED HAZARDOUS CONSUMER PRODUCT

Section 9(a), Proposal to Promulgate Product Safety Standard or to Declare a Banned Hazardous Consumer Product, would require the Secretary, not more than 210

days after his publication of a Notice of Proceeding (as required by section 6(a)), to publish either a withdrawal of such Notice, a proposal to promulgate a product safety standard, or a proposal to declare a banned hazardous consumer product. The proposal would contain the standard or ban and certain other information, and would give interested persons an opportunity to comment. The bill would require special weight to be given to those comments that had been submitted during the standards development process, in order to encourage persons to comment at that earlier point.

Section 9(b), Order To Promulgate Product Safety Standard or To Declare a Banned Hazardous Consumer Product, would require the Secretary to act by order upon his proposed product safety standard or ban as soon as practicable after his proposal to promulgate it. The effective date of such standard or ban would be set by the Secretary with reference to the public interest, as provided by section 9(c)(2), described *infra*, and so as to minimize loss to, and disruption or dislocation of, domestic and international trade.

Section 9(c), Findings. Paragraph (1) would require findings in support of the order promulgating a product safety standard or ban that would include, *inter alia*, a demonstration of the injury data upon which the need for the order is predicated, the probable effect of the order on the product's availability to meet the estimated public need, and means of achieving the objective of the order with a minimal disruption of competition and of reasonable manufacturing and other commercial practices.

Paragraph (2) would prohibit the promulgation of a product safety standard or ban in the absence of a finding by the Secretary, with supporting data, that such standard or ban (including the effective date thereof) is reasonably necessary to achieve the purposes for which such standard or ban is authorized, and that the promulgation is otherwise in the public interest.

Section 9(d), Characteristics and Limitations of Product Safety Standards, would require product safety standards to be performance-based, where feasible; and would make clear that product safety standards (without regard to the preceding limitations) may require that the product or any component thereof be marked, tagged, or accompanied by warnings or instructions.

Section 9(e), Ban of Product, would authorize the Secretary to declare a product to be a "banned hazardous consumer product" (and therefore prohibited from commerce under section 15) only upon his finding that no feasible product safety standard would adequately protect the public from unreasonable health or safety risk associated with the product, and the banning of the product was in the public interest. The Secretary would not be permitted to ban firearms.

Section 9(f), Disputes of Fact, would authorize the Secretary to conduct hearings to resolve disputes of fact with respect to which the Secretary is required to make findings.

REVOCATION OR AMENDMENT OF STANDARD

Section 10(a) would authorize the Secretary to revoke all or part of any product safety standard that he has promulgated, upon the ground that a need for it no longer exists, or that it is no longer in the public interest.

Section 10(b) would require that material amendments of product safety standards be promulgated through the same procedure required for such standards, but would establish an abbreviated procedure for other amendments of standards.

JUDICIAL REVIEW

Section 11 provides for judicial review, in the appropriate United States Court of Appeals, of a product safety standard, a product ban, or a revocation of a standard, upon petition of an adversely affected person. The court would be authorized to set aside the Secretary's action unless it is supported by substantial evidence on the record as a whole.

IMMINENT HAZARDS

Section 12 would authorize the Secretary, through the Attorney General, to seek in the appropriate United States district court, an order to declare a consumer product to be imminently hazardous (and therefore banned from commerce under section 15) if the use of or exposure to the product presents imminent and unreasonable risk of death, serious illness, or severe personal injury. The court would have jurisdiction to provide ancillary or alternative relief in such circumstances, including the issuance of a mandatory order requiring notification of the original purchasers of such product of the risk, or requiring recall, repair, replacement, or seizure of the product. Concurrently with the filing of an action to have a consumer product declared an imminent hazard, the Secretary would be required to initiate a proceeding to promulgate a safety standard applicable to the product or, if this is not feasible, a proceeding to ban the product.

NOTIFICATION OF FAILURE TO COMPLY; REPAIR OR REPLACEMENT OF NONCOMPLYING CONSUMER PRODUCTS

Section 13 would authorize the Secretary to require manufacturers, importers, distributors of, and dealers in; noncomplying consumer products to notify consumer-purchasers (where known) and, in the case of manufacturers and importers, their dealers or distributors, of any noncompliance of such product with any order issued under the bill (i.e., an order promulgating a product safety standard, declaring a product a banned hazardous consumer product, or a court order declaring a product an imminently hazardous consumer product).

The manufacturer or importer of such product may be required by the Secretary to bring noncomplying products into conformity with the order, replace them with complying products, or refund the purchase price. The provision would not bar a manufacturer from entering into contractual arrangements with his dealers or distributors for appropriate contribution to the cost of any purchase price refund required of the manufacturer, where such refund includes amounts representing a dealer's or distributor's profit on his sale of the product to the consumer.

INSPECTION AND RECORDKEEPING

Section 14 would authorize the Secretary to conduct necessary inspections under the bill, including factory inspection. Manufacturers, suppliers, retailers and other distributors of consumer products subject to promulgated product safety standards would be required to maintain and make available to the Secretary such records and information as may be required.

PROHIBITED ACTS

Section 15 would make it unlawful for persons manufacturing or dealing in consumer products to manufacture a consumer product that fails to comply with an applicable standard, to market such non-complying product if manufactured after the effective date of such standard or to import (or sell such imported) non-complying products. The section would also prohibit the manufacture, sale, or importation of banned or imminently hazardous consumer products. It would also make unlawful other violations of the bill pertaining to notification of consumers of noncomplying products in their possession; repair, replacement, or recall of such products; and requirements relating to factory inspection and record keeping. Finally, it would prohibit such persons from altering consumer products in a manner that results in their failing to conform to a product safety standard, or renders them banned or imminently hazardous consumer products.

ENFORCEMENT

Section 16(a), Civil and Criminal Penalties, would impose a $10,000 civil penalty for commission of an act prohibited under section 15, and would make it a misdemeanor, punishable by $10,000 fine or not more than one year imprisonment, or both, for the willful commission of such act.

Section 16(b), Injunctions, would confer jurisdiction on the United States district courts to issue mandatory process to enforce the bill.

Section 16(c), Seizure, would authorize judicial seizure of consumer products in violation of the bill.

Section 16(d), Private Suits, would authorize interested persons to bring actions in appropriate United States district courts to enforce a product safety standard, or any order declaring a product a banned or imminently hazardous consumer product. No separate suit would be authorized if the same alleged violation is the subject of a pending action by the United States. If the complaining party elects, in his complaint, to recover reasonable attorney's fees, the court would be required to award such fees to the prevailing party.

IMPORTS

Section 17 would govern the procedure under which consumer products which are imported may be delivered from Customs if they are subject to product safety standards, or are declared to be banned or imminently hazardous consumer products. Nonconforming products delivered under bond are required to be redelivered to customs unless they can be brought into conformity with the bill. Nonconforming products that cannot be brought into compliance are denied entry into the United States.

EXPORTS

Section 18 provides that the bill not apply to consumer products manufactured, sold, or held for sale for export from the United States (other than to installations of the United States).

EFFECT ON STATE STANDARDS

Section 19 would prohibit the application of State or local health or safety standards to consumer products required to conform to product safety standards under the bill (except for the imposition of higher standards for products for use by the State). The Secretary would be authorized to exempt a State or political subdivision from this limitation in consideration of compelling local conditions, if such exemption would not unduly burden commerce and the State or local standard higher than the federally-imposed standard and is adopted pursuant to procedures comparable to those prescribed by the bill for product safety standards.

UTILIZATION OF OTHER FEDERAL AGENCIES

Section 20 would require the Secretary to make maximum practicable use of the personnel, facilities, and technical support of other Federal agencies.

By Mr. MAGNUSON (by request):

S. 1798. A bill to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities and for other purposes. Referred to the Committee on Commerce.

INTERNATIONAL VOLUNTARY STANDARDS CORPORATION ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities and for other purposes.

I ask unanimous consent that a statement of purpose and section-by-section analysis be printed in the RECORD.

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

STATEMENT OF PURPOSE AND NEED

The Nations which engage in substantial international trade are largely those which we term "industrialized." One significant element of their industrialization has been the adoption and use of engineering and manufacturing standards which are the building blocks of successful production.

The establishment and use of standards permits decentralization of manufacturing plants, locating them most advantageously with respect to energy sources, raw materials, labor force and markets thereby enabling the greatest number of companies, large and small, to share in industrial activity. The existence of standards fosters innovation and the establishment of new businesses by assuring both the entrepreneur and the customer that new products meet accepted norms. It allows specialization of labor and also facilities control and automation of production processes. Voluntary adoption of standards by United States industry has stimulated the growth of the American economy.

Just as the use of standards has stimulated our domestic economic growth, the growth of international trade may also be stimulated by use of such standards internationally. Differences in language, legal systems and terminology, plus the distance between buyer and seller, constitute obstacles which are smoothed when there are mutually understood standards which describe products that the purchaser can specify and the seller can supply. The development of an effective system of international standards requires the participation and cooperation of all interested parties. Under such a system of international standards, all nations would be able to exploit their special skills and technologies so as to participate more fully in world economic activity, benefiting not only themselves but other nations as well.

The development of an international system of standards would provide the atmosphere in which the United States could trade in world markets on an equal footing with other nations, not handicapped by standards that are incompatible with our own.

Recognition of the need for harmonization of national standards has led to the creation of international standards bodies of a non-treaty nature, notably the International Organization for Standardization and the International Electrotechnical Commission. These organizations work to produce international standards compatible with the needs of their members. Many of the national bodies represented in these international standards organizations receive policy guidance and funds from their governments. The notable exception is the United States where the federal role in international standards activities has been largely one of providing technical information and the services of technical experts.

Where there has been U.S. participation in international non-treaty standards work, the support provided to the U.S. member bodies has generally come from those U.S. firms which see a relationship between specific international standards and their business success. This has two consequences.

First, participation in the development of international standards work has been uneven, with effective participation in some areas, such as automatic data processing, while other areas have received little support.

Inadequate U.S. participation in international standards development tends to place American goods at a disadvantage in the market places of the world. Differences in European and American color television standards were dramatically emphasized when satellite communication became possible. Complex converters had to be introduced to allow interchange of programs. Moreover, U.S. television programs cannot be taped here and fed directly into transmitters of European origin. Adoption by the Europeans of a color television system incompatible with ours is estimated to have cost U.S. industry many millions of dollars.

A second consequence of the largely private nature of the support given to U.S. international standardization activities is that the impact of standards upon small firms, consumers, and U.S. foreign policy objectives often receives insufficient attention. An objective long-range approach to international standards development is clearly needed since the goals are sometimes public as well as private, as in cases where the issue of safety arises. The bill would provide for appropriate participation by all affected U.S. interests in international standardization activities, thus promoting international trade while assuring that the legitimate interests of consumers and small businesses are protected. Cooperation with foreign standards-making bodies, with provision for appropriate policy guidance by the Secretary of Commerce, as provided in the bill will best foster development of international standards which serve the public interest.

European countries striving to reduce intra-European trade barriers began efforts to coordinate standards at the regional level in the early 1960's. Members of the national standards bodies of the Common Market and EFTA nations formed the European Standards Coordinating Committee (CENEL).

More recently, the United Kingdom, France, and Germany formed a Tripartite Committee to bring together the authority of these governments and the technical knowledge of the national standards bodies in the effort toward total harmonization in the standards area. A final draft of the Tripartite Accord on Electronic Components was completed in April 1970. This Accord describes the rules for a "total harmonization" scheme for electronic components. It includes provisions for agreeing on common standards; rules for the operation of an international quality assurance system; and finally a system of applying a "mark of conformity" indicating compliance with the rules of the Accord. The membership in the Accord is presently restricted to Western European countries.

Several features of this Accord may point out the general pattern for other classes of products. First, the Accord calls for an "authorized institution" in each country to operate the harmonized system. The makeup of this institution can be either governmental, private, or a combination of both, but it must be authorized to speak with authority on behalf of all interests in the country, government and industry. The "authorized institution" must provide for product testing by approved laboratories to assure compliance with an applicable standard and for the use of a mark or stamp certifying that the tested product conform to the standard. The mark of conformity must be accepted by all participating countries without further testing.

This type of harmonization of national standards between countries can serve to expand international trade between the participating nations. However, exclusive arrangements for product testing and certification procedures become non-tariff barriers against those nations which are not participating because those products which do not bear an accepted mark of conformity from an authorized institution may have to undergo the expense of further testing.

Ideally, the best system for international certification of compliance with an approved standard would be self-certification by each manufacturer. This would provide the simplest and most economical method of operating such a system and would involve a minimum of governmental involvement. A system of self-certification would require an effective sanction for improper certification. While self-certification best promotes international trade, national certification by an authorized institution accepted in each of the participating nations may also serve to promote international trade provided that participation in the certification system is open to nationals of all countries. Participation in such a system requires a much higher degree of coordination and cooperation between government agencies and private standards bodies than presently exists. The bill would enable the United States interests to participate effectively in the development of such international certification arrangements.

The Department of Commerce, as well as many other government agencies, have traditionally provided technical support to the activity of U.S. industry in voluntarily developing engineering standards for the United States. Since 1921 the National Bureau of Standards has provided industry and commerce of the United States with substantial technical and administrative assistance in the development and publication of standards for products and commodities and of simplified practices directed at the reduction of sizes and styles. Professional personnel of the government have served on technical committees of many domestic standardization bodies and a limited number of international committees have led in the development of technically competent engineering standards oriented principally to performance criteria.

The Department also has general responsibilities for fostering foreign and domestic commerce. However, there is no specific authorization which focuses the governmental involvement in international standards work in the Department. The authority to establish procedures for working with the private sector in the field of international standards are not clearly spelled out in existing legislation. A purpose of this bill is to provide these mechanisms needed for U.S. interests to participate effectively in the development of voluntary international standards.

The Department of Commerce would serve as a focus for the efforts of the Federal Government. There are, however, many Federal agencies concerned with the engineering standards, so that the Federal role would involve more than the Department of Commerce alone. Today, the Interagency Committee for Standards Policy assists in establishing Federal policy in the standards area. Activities under the proposed legislation will expand the need for a unified Federal policy. The bill would establish an interagency committee to supplant the existing committee, and provide policy guidance to the Secretary and to assist him in carrying out his functions under the bill.

The proposed legislation would clarify the authority of the Department of Commerce to promote voluntary international standardization activities. It would also provide authority for the issuance of grants to qualified private non-profit organizations for the promotion and development international standards. Only where development of standards through private participation is shown to be inadequate to protect the public interest would the Secretary of Commerce assume a larger role.

This expanded role of the Government in stimulating the development of compatible international standards is necessary if barriers to the interchange of goods and services are to be minimized and a competitive free economy in the world market maintained. An effort to increase common or compatible international standards, to reconcile standards differences, and to help

develop as broad a trade base as possible in international markets is essential. The proposed legislation is aimed at supporting the development of a strong and growing trade in present markets and markets of tomorrow through early and effective participation in international standards activities, on the part of U.S. industry, professional organizations, representatives of the consumer, and the Federal Government.

The proposed legislation will enable the Federal Government to foster U.S. participation and cooperation with foreign standards-making bodies in their standards activities. By means of such cooperation and participation, its basic purpose is to encourage and promote the generation or adoption of standards compatible with American interests.

It is estimated that Commerce activities under the proposed legislation will require funding of $1,000,000 in the first full year of operation.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the Act may be cited as International Voluntary Standards Cooperation Act of 1971.

Section 2 states the findings of the Congress that internationally recognized foreign standards can promote international trade and that effective participation in the development of such standards requires cooperation between the Government and industry. The section declares that a purpose of the Act is to promote and support adequate representation of the United States in international voluntary standardization activities and to promote international trade through appropriate implementation of international voluntary standardization agreements.

Section 3 defines certain terms used in the Act. The term "voluntary standards" is defined to include industrial and commercial standards.

Section 4 defines the functions of the Secretary of Commerce. As the person assigned principal responsibility within the Federal Government for international standardization activities, the Secretary is given responsibility to identify international standardization activities where more participation by the United States is needed, to provide for appropriate participation, and to encourage appropriate use of voluntary international standards.

Section 5 provides that the Secretary shall inform the Secretary of State of any contemplated action which involves the international relations of the United States, seeking his advice and concurrence, and requires the Secretary to utilize private capabilities and resources in performing his functions under the Act.

Section 6 authorizes the Secretary to establish arrangements for United States representation through private nonprofit organizations and provides that the arrangements contain certain minimum safeguards to protect all affected persons including consumers. Subsections 6(b), 6(c) and 6(e) authorize the Secretary to conduct studies or investigations to carry out his functions under the Act to provide grants to nonprofit organizations to assist them in the performance of international standardization activities under the Act and permit him to make advance payments. Subsection (d) of Section 6 clarifies the authority of the Secretary to establish a system for the evaluation and accreditation of testing laboratories or for organizations which oversee the work of testing laboratories.

Section 7 states four criteria by way of example which would be considered in determining questions of the public interest. In addition to the technical adequacy and need for the standards, this section provides for taking into account effects on the public and occupational health, safety, or the quality of the environment, unreasonable limitations on competition or the rise of unfair methods of competition and the support proposed standards enjoy from affected persons.

Section 8 requires the Secretary to establish arrangements for governmental participation in international standardization activities where private participation in such activities has proved insufficient to serve the purposes of the Act.

Section 9 requires the public availability of lists of standards negotiated or developed under the Act and requires the Secretary to publish the full text of such standards if they are not available from private sources.

Section 10 promotes use of standards developed under the Act and listed by the Secretary in Federal procurement. Subsection 10(b) authorizes Federal agencies to participate in the standardization activities on a reimbursable or nonreimbursable basis and specifically authorizes these agencies, with the knowledge of the Secretary, to provide the technical services of its employees to assist private nonprofit organizations in performing their activities under the Act.

Section 11 authorizes the Secretary to establish policies and procedures to administer the Act. Section 11(b) provides that the Secretary may charge for the evaluation of laboratories performed under Section 6(d) and for the supplying of lists or full texts of standards under Section 9. It also authorizes him to use the fees received to reimburse the appropriation or fund which supported the service performed.

Section 12 establishes an Interagency Committee on Standards Policy to assist the Secretary in carrying out his responsibilities under the Act and provides that he may consult with the Committee in considering questions of the public interest and shall consult with the Committee upon request of any member of such Committee.

Section 13 requires an annual report to be submitted by the President to the Congress.

Section 14 requires that recipients of grants and contracts maintain records and authorizes the Secretary or the Comptroller General access to the books and records of grantees for the purpose of audit and to assure that standards developed are in the public interest.

Section 15 provides that the international standardization activities shall not effect any requirement (such as mandatory standards) published by agencies of the Federal, state or local governments.

By Mr. MAGNUSON (by request):

S. 1799. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes. Referred to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO AIR TRAFFIC CONTROLLERS

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for all traffic controllers, and for other purposes.

I ask unanimous consent that the letter of transmittal and section-by-section analysis be printed in the RECORD.

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

APRIL 29, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for introduction and referral to the appropriate Committee is a draft bill.

"To amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes."

The purpose of the bill is to provide the Secretary of Transportation greater flexibility in the management of the air traffic control work force. I submitted a similar proposal to the 91st Congress.

Air traffic control work is a unique vocation, one offering many advantages yet one involving a number of serious drawbacks. This work offers an individual the challenging opportunity to be involved in one of the most dynamic industries of our time. The individual who enters this field also faces the sobering responsibility of safeguarding airmen and air travelers. In large measure, their well-being depends upon the proper performance of the air traffic control system. The basic role of the controller is to facilitate the safe and efficient flow of air traffic in that system. Civil aviation and technological achievements within the industry have advanced dramatically in recent years. The increasing demands that the expanding aviation community is placing upon the air traffic control system make the job of the controller more complex and increase the burden he bears. In recognition of this, controllers are relatively well paid, when compared to other occupational specialties with similar entry requirements. Promotion also is relatively rapid for those who are able to progress through the various stages to the journeyman level. Additional remuneration is available for working overtime and at night and on holidays, which many controllers are called upon to do.

Perhaps the most serious drawbacks of the work, however, are those having a long-range effect. The Department of Transportation is practically the sole employer of controllers, and the skills learned in control work have very limited value in other lines of work. The initial challenge of the work tends to become less attractive and more burdensome as time on the job increases. If he becomes dissatisfied with or unable to continue in his work, there is little opportunity for the controller to gain employment in another field at anywhere near the salary he has become accustomed to drawing.

The controller is a shift worker. He operates on an hour-to-hour basis, seeing to the safe movement of air traffic operations during his shift. He meets problems on a case-by-case basis and the picture seldom changes except for the increase in the flow of traffic. He rotates from shift to shift and is expected to be available from time to time for overtime work.

Having taken into consideration the nature of the controller's work, the remuneration and other benefits he can derive from it, the need for him to maintain the highest possible safety standards in controlling air traffic, and the increasing workload that has been thrust upon him, the Department of Transportation undertook a study into the need for improving the career system for air traffic controllers. Primary considerations in the conduct of the study were the need to promote the safety of flight, to provide the efficient control of air traffic, to provide the Secretary with a number of options in managing the controller work force, and to ensure the controller fair treatment, particularly in those cases where he has been on the job for a substantial time. The culmination of the study was the Report of the special Air Traffic Controller Career Committee. This bill would incorporate into title 5, United States Code, the amendments necessary to implement recommendations of the Committee requiring legislative action. The bill contains four principal provisions:

First, the Secretary of Transportation would be authorized, with the concurrence of such agent as the President may designate, to establish a maximum age for entry in Department of Transportation air traffic control positions. Initially, the Department in-

tends to provide that a person with no previous experience could not enter an air traffic controller position after reaching his 31st birthday. However, we also intend to grant exemptions and employ persons up to their 36th birthday, based upon previous related experience. Exemptions would not be granted to large groups on an "across-the-board" basis, but would cover small groups or single individuals. No exemptions are contemplated to persons who have reached their 36th birthday. The bill also establishes a maximum age for retention in Departmental air traffic control positions. The bill provides that an employee could not remain in an air traffic controller position after becoming 56 years of age. The Secretary would be authorized to retain a controller until his 61st birthday, based upon possession of exceptional skills and experience as determined by the Secretary. The reason for this specific provision is discussed below.

Second, the bill authorizes the Secretary to provide two years, or less, of training to a career-tenure-controller, if the Secretary first determines that the controller (1) has become medically disqualified for his position; (2) must be displaced from a particular air traffic facility (such as a high traffic density facility) in the interest of aviation safety or efficiency or the health of the controller; or (3) must be removed from controller duties altogether because of inability to maintain technical proficiency in his work. During training, the employee would receive the same base pay he last received as a controller.

Third, the bill provides that the Secretary may assign, reassign or demote a controller who has received training to other duties in the Department of Transportation at the same or a lower grade; or the Secretary may release the controller for transfer to another Executive agency. If the controller is not placed with an Executive agency, he would be separated from the service. The bill also provides that, if he first makes one of the three determinations enumerated above, the Secretary may assign or reassign a controller (whether or not he receives training) to another air traffic facility or to different duties in the Department of Transportation.

Finally, the bill would entitle an employee to an annuity (minimum: 50 percent of the average of his highest three years' base pay) after he completes 25 years of controller service or after he completes 20 years of controller service and reaches 50 years of age. The Secretary would be authorized to initiate the retirement of an active controller under this provision in the interest of aviation safety, efficiency, or the controller's health.

The bill also would require the Secretary of Transportation to report to the Congress during the fifth year after enactment regarding the effectiveness of the provisions in meeting the needs of the controller career program and the air traffic control system. The provisions of the bill would take effect 90 days after enactment.

Our principal concern is with the use of older personnel in the controller positions. This is evident from the thrust of all these proposals, and is the basis for a specific maximum retention age provision. We believe that an individual should embark on a career as a controller while in his twenties, and in the usual case, retire or change to another line of work before he becomes 56 years of age. This makes him available during his most productive stage and while his interest, stamina, and general health are at their highest level.

As a general rule, we have found that our controllers simply do not maintain their proficiency as they progress through the second half of the normal period of service of a career employee. In some cases the work becomes too stressful. In other cases, conditions of health force the controller to leave the work altogether. The maximum retention age level, with the early retirement and retraining provisions we are proposing, would give the controller the assurance of eventual relief from a long span of control work, and an opportunity to turn to a new career at a time when he otherwise might find it necessary to remain in controller work under near intolerable conditions. The provisions also will permit the Secretary to maintain a safer and more proficient controller work force.

We estimate the cost of this proposed legislation to be 17.6 million in fiscal year 1972 (assuming a July 1, 1971 implementation), and that cost would rise to $35.2 million in fiscal year 1976. We will provide more detailed cost information to the appropriate Committee.

For all these reasons, we urge that the Congress *promptly* enact this legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN A. VOLPE.

SECTION-BY-SECTION ANALYSES OF A BILL

To amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes.

Section 1. This section adds new 5 U.S.C. 2109 that defines "air traffic controller" and "controller" as a Department of Transportation employee actively engaged in the control of air traffic or in the immediate supervision of an employee engaged in that activity in an air traffic control facility. The definition would, for example, include those assigned to air route traffic control center and air traffic control tower facilities operated by the Department of Transportation, Federal Aviation Administration, but would exclude those in FAA flight service station facilities. The new section also authorizes the Secretary of Transportation to prescribe regulations to determine the application of the definition to Departmental employees.

Section 2. This section adds new 5 U.S.C. 3307 (b) and (c).

New 5 U.S.C. 3307(b) authorizes the Secretary of Transportation, with the concurrence of such agent as the President may designate, to set a maximum entry age for air traffic controllers. New 5 U.S.C. 3307(b) sets no specific maximum age for beginning a controller career, although new 5 U.S.C. 8335(f) sets a specific maximum retention age. As written, 5 U.S.C. 3307(b) provides both for flexible management of the controller work force and for the ability to deal with conditions that might warrant a change to the maximum entry age.

Upon enactment of new 5 U.S.C. 3307(b), however, the Department initially intends to set 30 years of age as the maximum entry age for controllers. The Secretary may consider exceptions from this maximum for individuals having previous experience in work related to air traffic control. But, no exceptions would be made for individuals after they reach their 36th birthday. Thus, the Secretary would not except an individual who was more than 35 years of age, even if he had 10, 15 or 20 years of military experience in air traffic control. Also, no exceptions will be made to broad classes or large groups of individuals who have reached their 31st birthday. Thus, the Secretary would not except all individuals who had logged a given number of hours of flight time as a commercial or airline transport pilot. To ensure consistency in administration of this provision and broader legislation which the Civil Service Commission is proposing, new 5 U.S.C. 3307 (b) requires the concurrence of such agent as the President designates in the maximum entry age limit.

New 5 U.S.C. 3307(c) codifies Public Law 91–73, relating to age limits in connection with appointments to the United States Park Police, and ensures cohesive treatment of the subject matter in title 5, United States Code.

Section 3. This section adds new subchapter VI, "Air Traffic Controllers, Special Provisions", to chapter 33 of title 5, United States Code (5 U.S.C. 3371–377).

New 5 U.S.C. 3371(a) authorizes the Secretary of Transportation to assign, reassign, demote, or release for transfer (under 5 U.S.C. 3372–3377) a controller who has career tenure if the Secretary first determines that the controller (1) is medically disqualified as a controller; (2) must be displaced from a particular facility in the interest of aviation safety or efficiency or the controller's health; or (3) must be removed from controller duties due to inability to maintain technical proficiency.

New 5 U.S.C. 3371(b) makes clear that 5 U.S.C. 3371–3377 do not limit the authority of the Secretary to make assignments, reassignments, demotions, releases for transfer, or separations vested in him under any other provision of law.

New 5 U.S.C. 3372(a) authorizes the Secretary to assign to training of 2 years, or less, a controller who is subject to a determination under 5 U.S.C. 3371(a).

New 5 U.S.C. 3372(b) authorizes the Secretary to provide training for controllers assigned thereto under 5 U.S.C. 3372(a). The training may be given in Government or non-Government facilities, for Government or non-Government employment.

New 5 U.S.C. 3372(c) provides that the employee trainee retains his last base pay as a controller during training (including statutory increases), and that he is excluded from all staffing limitation laws during that time.

New 5 U.S.C. 3372(d) excludes training under 5 U.S.C. 3372 from the provisions of 5 U.S.C. 4101–4118, which deal with training for all Federal employees. This program has a different basic thrust than the training under 5 U.S.C. 3372, and that is to enable Federal employees to enhance their abilities to carry out their duties as Federal employees. Training under 5 U.S.C. 3372, however, is intended to equip the controller for a second career (whether in, or out of, Government service). In developing a program under 5 U.S.C. 3372, the program now in 5 U.S.C. 4101–4118 will serve as a model for use in issuing regulations implementing the new authority of the Secretary of Transportation.

New 5 U.S.C. 3373(a) authorizes the Secretary to assign, reassign, or demote a controller trained under 5 U.S.C. 3372 to duties in the Department, or to release him for transfer to another Executive agency.

New 5 U.S.C. 3373(b) authorizes the Secretary to assign a controller who is subject to a determination under 5 U.S.C. 3371(a) to other duties in the Department. This would enable the Secretary, for example, to assign a controller from a very busy center or tower to a less busy center or tower.

New 5 U.S.C. 3374(a) provides that, when an air traffic controller is eligible for an immediate annuity under 5 U.S.C. 8331–8348, he may be involuntarily separated from the service for retirement if the Secretary determines that the separation is in the interest of aviation safety, air traffic control efficiency, or the controller's health.

New 5 U.S.C. 3374(b) provides that, when a controller trained under 5 U.S.C. 3372 is not assigned, reassigned, demoted or released for transfer under 5 U.S.C. 3373(a), then he shall be involuntarily separated from the service. To ensure that these separations do not deprive the controller of severance pay under 5 U.S.C. 5595, they are expressly stated not to be "removal for cause on charges of misconduct, delinquency, or inefficiency." Also,

to ensure that these separations do not deprive the controller of his full annuity rights under 5 U.S.C. 8336, they are expressly stated not to be "removal for cause on charges of misconduct or delinquency."

New 5 U.S.C. 3375(a) provides that the Secretary may make a determination under 5 U.S.C. 3371(a), or initiate an action under 5 U.S.C. 3374(a), only with the controller's written consent or 60 days written notice stating the determination or action and the reason for it.

New 5 U.S.C. 3375(b) provides that the controller have a reasonable opportunity to respond to the notice under 5 U.S.C. 3375(a), and the opportunity to have a review by the Secretary, or his designee. The reference to a designee of the Secretary makes clear that the controller is not entitled to have his case personally reviewed by the Secretary, although the Secretary may personally review the case. Of course, the Secretary's authority to make delegations of authority within the Department of Transportation is not limited by this provision.

New 5 U.S.C. 3375(c) provides that 5 U.S.C. 7501–7533 do not apply to actions taken or determinations made under new 5 U.S.C. 3371(a), 3374(a) or 3375. Rather they are subject only to administrative review under 5 U.S.C. 3375(b), and regulations implementing that subsection. The determination or action is administratively final when the controller consents in writing or the Secretary, or his designee, makes his decision under 5 U.S.C. 3375(b). The controller's only recourse after this is to the courts.

New 5 U.S.C. 3376 authorizes the Secretary to pay a controller's expenses of training (omitting part of 5 U.S.C. 4109(a)(2)(B)), under 5 U.S.C. 3372. This section is based on 5 U.S.C. 4109, and is necessary because chapter 41 of title 5, United States Code, is made inapplicable by 5 U.S.C. 3372(d).

New 5 U.S.C. 3377 empowers the Secretary to issue regulations necessary to carry out new 5 U.S.C. 3371–3377.

Section 4. This section adds new 5 U.S.C. 8335(f) that provides for mandatory separation from the service of an air traffic controller when he becomes 56 years of age, unless the Secretary selects him for retention. The Secretary may exempt from this mandatory separation requirement a controller who has not become 61 years of age on the basis that he possess exceptional skills and experience as a controller. A controller to be separated under this new subsection is entitled to 60 days written notice.

Section 5. This section adds new 5 U.S.C. 8336(e) that provides that an "employee" is entitled to an annuity after he serves as a controller for 25 years or for 20 years and becomes 50 years of age. Thus, to be eligible for an annuity under new 5 U.S.C. 8336(e), an "employee" need not be a controller at the time he reaches the required age if he has accumulated the appropriate length of controller service at that time.

Section 6. This section adds new 5 U.S.C. 8339(e) to provide that the annuity for an "employee" retiring under 5 U.S.C. 8336(e) is computed using the standard 1½, 1¾, 2 percent formula, and to provide a minimum annuity of 50 percent of the retiree's high three-year average. However, if the "employee" has received training under 5 U.S.C. 3372, the 50 percent minimum annuity provision does not apply. As is the case under new 5 U.S.C. 8336(e), the "employee" need not to be a controller at the time.

Section 7. This section amends references in 5 U.S.C. 8332(b)(3), 8334(g)(5), 8339(f), (h)–(1), and (o) (as redesignated by section 6(1)), 8341(b)–(d), and 8344(a)(3) (A) to reflect the addition in section 6 of new 5 U.S.C. 8339(e), and the redesignation of present 5 U.S.C. 8339(e)–(m) as 5 U.S.C. 8339(f)–(n).

Section 8. This section provides that new 5 U.S.C. 8335(f) (mandatory separation of controllers at age 56) does not apply to a controller appointed before the enactment of the Act.

Section 9. This section requires the Secretary of Transportation to make a report to Congress of his operations under the Act. The report must include a statement of the effectiveness of the Act in meeting the needs of the controller career program and the air traffic control system, and any additional recommendations he deems necessary for sound management of the program of the system. The report must be made within 5 years of the date of enactment of the Act.

Section 10. This section provides that the Act is effective 90 days after the date of enactment. This will allow time to issue implementing regulations, and will be particularly necessary with respect to the maximum entrance age authority in 5 U.S.C. 3307(c), the maximum retention age authority in new 5 U.S.C. 8335(f), the training program authorized under new 5 U.S.C. 3372, and the administrative review procedures under new 5 U.S.C. 3376. This section also repeals Public Law 91–73, codified in new 5 U.S.C 3307(c), at the close of the day before the Act takes effect.

By Mr. MAGNUSON (for himself and Mr. HART):

S. 1800. A bill to establish an independent commission to evaluate and assess developments in the fields of commerce and technology. Referred to the Committee on Commerce.

COMMERCIAL TECHNOLOGY ASSESSMENT ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, on behalf of myself and the distinguished Senator from Michigan (Mr. HART), the Commercial Technology Assessment Act of 1971.

The Commercial Technology Assessment Act establishes a policy that would help our Nation maintain its technological excellence, the benefits of which have given flower to the dreams, hopes and talents of countless citizens. At the same time, this measure would provide for steering and managing this potent force for change so as to be sure that our technologies do not create unexpected, unwanted consequences or develop a mindless, self-renewing momentum that might threaten the treasured human and humane qualities of our society. To accomplish this objective, this act would establish an independent Technology Assessment Commission whose primary function will be to assess the implications of planned technological developments as to possible influences on social goals and values, on the health and safety of our citizens, and on the quality of our environment.

I introduce this legislation at a time when sounds of protest are mounting to "turn technology off." This motto can only promote a senseless confrontation between technology and society, to our peril.

Let us examine the problem.

There are many conspicuous unwanted effects of technology with which we are all familiar—urban decay, traffic congestion, noise, decreased privacy, and impairment of our environment. These grievances are valid and deserve our immediate and careful attention. But to attack science and technology as though they had predilections toward evil, is to attack the wrong target. Whether science and technology benefit society or sabotage it depends on acts of man expressed through his institutions, and if we have failed, in our frustration we may do ourselves irreparable harm by assaulting and snuffing out the potent creative energies of science and engineering which have freed man from the drudgery of hard labor, provided better health, nutrition, housing, education—and opportunity—for hundreds of millions.

What I propose is a necessary, even critical, step to steer technology to meet our collective social needs. As the brilliant science policy pioneer Dr. Edward Wenk, Jr., of the University of Washington stated in an address before the National Conference on Local, State and Federal Science Agencies:

> Perhaps we have attacked these problems piecemeal, alleviating symptons rather than treating the disease. To cope with the shadow which technology appears to be casting on our future, we must find a standard by which we can steer this resource to meet our collective social goals. Society should be the keeper of its technology.

What I am proposing is to provide conscious guidance to our technologies so that they will serve society.

Our present apparatus of government has often been effective in stimulating individual technologies, but it has not proved adequate to detect that in a technologically crowded world every technology impinges on another.

DDT was a powerful insecticide that sharply increased agricultural productivity, but clearly it is a hazard to wildlife and probably to humans. Mercury is important to production of low-cost paper products, but flushed to our estuaries and ingested by marine life, it can become an inadvertent threat to humans who eat these seafood products.

Our historically venturesome spirit of rugged individualism was a grand concept in the wide open spaces of the frontier, but now technological strategies to achieve one set of individual goals may inadvertently yet critically interfere with the achievement of others. We must now manage these technologies to anticipate all the effects, good and bad, and all the costs, social and economic, so that we can weigh the full costs and benefits of our decisions.

Our Nation has lacked a national policy to consider the total collective impact, interaction, and even gaps in our technologies in achieving our social goals. And we have lacked the information to make informed judgments. We made a significant beginning with the National Environmental Policy Act of 1969. But we lack a broad policy for considering the long-range effects and influence of new commercial technologies. We lack a future orientation that would anticipate some of our problems before they become economically or politically difficult to turn off. We have often placed excessive faith in our ability to correct problems caused by a misuse of technology by a "technological fix."

Most of all, we have lacked the institutional means to consider coolly and objectively both what is feasible and what is socially desirable, and to inte-

grate considerations of value judgments, social preferences, and our fiscal and human capabilities.

To do this means that we must make our citizens aware of the key questions and the facts that affect their welfare and provide better opportunities for citizen expression.

The policy has three purposes: First, to consider the long-range economic, environmental and social impacts of commercial technology; second, to develop an independent research capability that can serve as an "early warning system" to keep government, industry, and the public aware of possible hazards, of the full range of social as well as economic costs of technology, and of the gaps in our technology where high costs or high risk to private enterprise have left important societal goals unfulfilled; and three to identify and evaluate alternatives to proposed technologies prior to enactment of new legislation, funding, employment, or promotion by the government where effects threaten health, safety, social goals, or the natural environment.

To carry out the purposes of this act, I propose the creation of an independent Technology Assessment Commission. The Commission will review all policies, plans, programs, and operations of industrial enterprises and of departments of the U.S. Government in order to identify inadvertent or undesirable consequences stemming from the technologies used or proposed to fulfill those policies, plans, programs, and operations. Seeking methods to implement Government policies in an environmentally benign manner the Commission will examine alternative technologies and will report its findings and recommendations promptly to the President and to Congress. The Commission's recommendations will include steps that the Commission deems necessary to safeguard the health, safety, and environmental quality of the United States from undesirable effects of new technology.

Finally, the Commission will initiate such research as is required to make its assessments. The fruits of this research will be made available to all levels of government, and to private persons and entities for such fees as the Commission deems necessary to recover the cost of providing this information.

This Commission should be independent of all branches of Government so that it may serve all. Since all branches will need an assessment capability to meet the purposes of the act, we would otherwise be faced with the setting up of separate assessment mechanisms with unnecessary duplication.

The membership of the Commission would consist of 15 carefully selected full-time members with diverse qualifications in science, engineering, law, and commerce and should represent the collective wisdom of a pluralistic society. Several should be from the younger generation. Because their judgments are bound to be controversial, all should be well paid and serve long terms as a protection from external pressure and intimidation.

The Commission would be supported by a highly competent multidisciplinary staff equipped to collect vast quantities of information from a variety of sources, to sort out the relevant and to conduct value-probing policy research in terms that would facilitate an informed judgment by the Commission. But results should also be expressed in language that would foster citizen understanding of the increasing number of issues where science and engineering influence our lives so profoundly.

The Commission should blend human values and technical competences and thus serve as an institutional bridge between technology and society, and between technologists and humanists.

This proposal is not a fully refined, completely polished piece of legislation. Rather, it is a working paper—to lay out for the scientific and engineering communities, industry and the citizen, a formulation of the basic problem: the need to improve our management of technology to meet all of society's goals, and to make progress without depleting our resources, despoiling our environment, and especially as Lord Kenneth Clark said "to defy the forces that threaten to impair humanity."

The Commercial Technology Assessment Act of 1971 would provide for systematic evaluation of the wants and needs of society and the potential hazards of technologies to satisfy them. It would emphasize the rule of fact in making future choices. And it would bring the decisionmaking process within reach of the informed citizen by adding a visibility to the issues and a means by which he can express his preferences.

This manifestation of citizen participation is essential because technology management in our democratic society cannot devolve from the top down. It requires appreciation of the interaction of technology with our fragmented social institution. Every professional man, every industrial enterprise, every Federal and State agency—and every nation on our planet—must consider the implications of technology and steer it in a way that will truly improve the human condition.

This bill is but a start in that direction, but the Commerce Committee's Subcommittee on the Environment will hold hearings soon to test this concept and seek to gain support for one of the most portentous steps our Nation could take to assure that society is the keeper of its technology.

I ask unanimous consent that the text of the bill be printed in full in the RECORD.

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

S. 1800

A bill to establish an independent commission to evaluate and assess developments in the fields of commerce and technology

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commercial Technology Assessment Act of 1971".

DECLARATION OF POLICY AND PURPOSES

SEC. 2. It is hereby declared to be the policy of the United States (1) to consider the long-range effects and extent of the influence of existing and new commercial technology on our Nation's economic and social goals and on its environmental quality; (2) to develop, encourage, and maintain a capability to undertake independent research and timely analysis so as to provide early warning to all branches of government and to the general public of environmental hazards and economic and social costs; and (3) to undertake appropriate technological assessments prior to enactment of new legislation or funding of new programs where resulting technology might impinge on our national social and economic goals, or threaten health, safety, or environmental quality, and to identify alternatives to such technological developments or new legislation or regulation of technology.

FUNCTIONS OF COMMISSION

SEC. 3. (a) There is hereby established, for a period of fifteen years from the effective date of this Act, the Independent Technology Assessment Commission (hereinafter referred to as the "Commission").

(b) The Commission shall have the responsibility to—

(1) review and assess, to the extent possible, policies, plans, and programs of industrial enterprises and of all departments and agencies of the United States and identify inadvertent consequences of technology generated to fulfill those policies, plans, and programs;

(2) seek alternative benign technological methods of implementing such policies, plans, and programs;

(3) provide prompt reports to the President and the Congress, warning of hazards and advising of findings;

(4) take initiatives for similar studies in anticipation of such policies or programs;

(5) make recommendations as to research, regulation, or environmental monitoring necessary to protect health, safety, and environmental quality from unwanted effects of new technology;

(6) initiate research as required in support of Commission assessments; and

(7) serve as an expert witness before the Congress, administrative agencies, and the courts in their inquiries related to social management of technology, and make policy recommendations, when requested, to all branches and agencies of the Government.

(c) The information, knowledge, and data acquired by the Commission, and its services in carrying out the functions outlined herein, shall be made available—

(1) to all branches and agencies of the Government and to all States and political subdivisions thereof on request without charge except that, in any case where the Commission determines that the services requested is substantial, the Commission may require payment of such fees and charges as it determines necessary to recover all, or any part, of the cost of providing such service, and

(2) to private persons and entities upon payment of such fees and charges as the Commission establishes as necessary to recover the cost of providing such services and subject to such terms an conditions as the Commission determines necessary to protect the interests of the United States.

OPERATIONS OF THE COMMISSION

SEC. 4. (a) In carrying out its duties, the Commission shall establish and maintain such facilities as may be necessary, including, but not limited to, buildings, computers, and data processing and other equipment. The principal headquarters of the Commission shall be located within the District of Columbia. The head of each department, agency, and instrumentality in the executive branch of the Government shall, to the fullest extent possible, permit the Commission to use, without reimbursement, personnel, facilities, computers, data processing, and other equipment within such department, agency, or instrumentality in carrying out its func-

tions under this Act. and, to the fullest extent possible, such computers, data processing, and other equipment shall be made compatible with all others in, and available for use by, the Commission.

(b) The Commission may employ a staff to fulfill the functions set forth herein.

(c) The Commission may enter into contracts for technological assessment necessary to carry out the purposes of this Act.

(d) The Commission may employ consultants from any of the fields of science, engineering, law, or other professions as needed to assist in technology assessment, provided they are not in conflict of interest.

COMMISSION MEMBERSHIP AND BYLAWS

SEC. 5. (a) The initial members of the Commission shall be the following persons:

The person named first above shall serve as Acting Chairman.

(b) The initial members shall meet at the call of the Acting Chairman within one month after the effective date of this Act. At that meeting the initial members shall adopt bylaws of the Commission in conformity with the provisions of this Act to carry into effect the purposes of the Commission. Such bylaws shall: (1) fix the number of the membership of the permanent Commission; (2) determine the identity of the persons who shall constitute such membership, and the identity of the permanent Chairman thereof; (3) provide that each permanent member of the Commission shall serve for the duration of the existence of the Commission unless he earlier resigns, becomes incapacitated, or dies; (4) provide for the designation of successors to such persons in the event that vacancies occur in the membership of the Commission; (5) provide for the calling of periodical and special meetings of the Commission; (6) provide for procedures by which it shall be determined which technologies shall be assessed and in what priorities; and (7) provide for the performance of all other functions of the Commission in conformity with the provisions of this Act and policy as established by the Commission.

(c) A majority of the Commission shall constitute a quorum. A vacancy in the membership of the Commission shall not impair the power of the remaining members thereof to perform the functions thereof.

(d) The acting and permanent Chairman of the Commission shall serve as the executive officer of the Commission.

(e) Each member of the Commission shall be compensated at the level provided for GS–18 in title 5 of the United States Code.

AUTHORIZATION

SEC. 6. There are hereby authorized to be appropriated such sums as may be needed to carry out this Act, but sums appropriated for any fiscal year shall not exceed $50,000,000.

Mr. HART. Mr. President, it has been a pleasure and education for me to work with the distinguished chairman of the Commerce Committee in the preparation of this legislation. The able Senator from Washington long has played a leading role in the attempts of Congress to reconcile our demands for expanding technology with other competing social, economic, and environmental concerns.

As we did when the bill was first introduced last year, I think we should again pay tribute to another who has contributed greatly to this effort and who deserves much of the credit for the ideas we endorse. The distinguished former Representative from Connecticut, Mr. Daddario, held extensive hearings in his House Subcommittee on Science, Research, and Development dealing with the concept of technology assessment. Because his ideas are so central to the theme of this bill, we want to thank him for his contributions to our thinking and to let him know that we welcome further comments and suggestions.

Our bill would create a Technology Assessment Commission to make assessments, without regulatory force, of the desirability of new and existing technologies, based on evaluation of both the needs for such technologies and any adverse social, economic, or environmental consequences which may result from their development. As I see it, the Commission would be designed to fill two basic voids within our regulatory system: That of insufficient knowledge of the effects of technology, and that of insufficient objectivity among the Government agencies responsible for regulating such effects.

Regarding the first of these, it seems clear that many of our technological problems—especially those involving excessive environmental pollution—can be traced to a lack of timely knowledge as to the seriousness of a given pollutant. The mercury crisis provides perhaps the best example. For decades we have produced chlorine through the mercury-cell process without any understanding of the dangers of the resulting waste discharge. The consequences of our ignorance are now all too familiar—seized fish catches, the closing of lakes, and the constant fear that still greater damage may result. The herbicide 2.4,5-T and the phosphate-substitute NTA are also illustrative. Again, in each case commercial production of the substance was initiated without a full appreciation of the dangers involved.

It seems pointless to belabor the point that we must attempt to spot these dangers at an earlier stage. Recognizing that our knowledge will always be imperfect, our obligations to this and succeeding generations require us to do all we can to minimize those imperfections. It is hoped that the proposed commission, through its research capability, will acquire timely awareness of the problems—social and economic as well as environmental—associated with future technological proposals. Only after we obtain such knowledge will we be able to make intelligent decisions as to the true value of alternative courses of action.

The second void which we hope to eliminate by the establishment of this commission relates to the inevitable biases of our existing governmental agencies. Traditionally it has been our practice to assign Government institutions limited missions: The promotion of agriculture, the expansion of nuclear energy, the control of air pollution. As a result no agency presently exists which can be expected to evaluate new technological proposals taking into account every aspect of the problem. What appears to be needed is an institution without any innate preferences—without any orientation toward either technological advancement or arrestment.

It is hoped that the proposed commission can be modeled in this image. Further it is hoped that assessments and other determinations can be made free of all political influence. Charges of politicizing issues of health, safety, and environmental quality frequently have been leveled at this and prior administrations. Whether or not these charges are well founded, every precaution must be taken to prevent political considerations from influencing matters which are and must be above politics.

The formula for insuring objectivity is of course an illusive one, and we would not be so brazen as to contend that we have it. While the elimination of functional bias may be achievable through careful delineation of the commission's mission, the elimination of political bias is a far knottier problem. Solution to it will require rather thorough analysis of alternative selection and funding processes—analysis which is probably best undertaken in hearings. The Subcommittee on the Environment of the Committee on Commerce plans to devote considerable attention to the problem in the coming months.

Suffice it here to say that we are convinced that the selection process ought not to follow along traditional lines. Selection in the manner generally adopted for choosing administrative agencies would rob commission members of the independence we consider essential. To indicate our preference for keeping the commission apart from "the administration," we have provided for the selection of its members by statute. Yet recognizing problems inherent in this approach, we have hopes of improving upon it in hearings.

Mr. President, it seems clear that some formal mechanism for the assessment of technology is needed. It is our hope that what is today proposed can be molded into the optimum approach to one of society's most persistent and most demanding problems.

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

S. 1801. A bill authorizing and requesting the President to proclaim 1971 and the years leading up to and through the bicentennial year 1976 as a period to discover America, and for other purposes. Referred to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, on behalf of myself and Senator MAGNUSON, the distinguished chairman of the Commerce Committee, I am introducing today a bill that will authorize and request the President to proclaim 1971 and the period through 1976 as a period to discover America.

Tourism is the largest single item in world trade and one of the largest industries in the United States. The United States spends more abroad and receives more in money and travelers than any other country. Nevertheless, we are currently running a travel deficit of approximately $2.5 billion annually, a sum that constitutes a large part of our balance-of-payments deficit.

Significant amendments to the 1961 International Travel Act were enacted by the 91st Congress. These amendments increased the authorization for the travel program, upgraded the position of Director of the U.S. Travel Service to that of Assistant Secretary, expanded the responsibilities and powers of

the Travel Service, and created a Tourism Resources Review Commission to examine needs, resources, and policies the United States should follow in the next decade. The full Commission has recently been named.

Under the leadership of Assistant Secretary for Tourism C. Langhorne Washburn, our program to attract foreign visitors to the United States has made giant strides. However, much work remains to be done if we are to close the enormous travel receipts gap between inflow and outflow. The bill which I am introducing today for Senator MAGNUSON and myself would promote travel within the United States and encourage both American and foreign citizens to enjoy the spectacular beauty and diversity of this country.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 1801

A bill authorizing and requesting the President to proclaim 1971 and the years leading up to and through the bicentennial year 1976 as a period to discover America, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the year 1971 and the years leading up to and through the bicentennial year 1976 as a period to discover America and its territories and to invite private industry and interested private organizations to continue through these years a nationwide effort to encourage the American people to explore, use, and enjoy the scenic, historical, and recreational areas and facilities throughout the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico.

SEC. 2. The President is authorized to publicize any proclamation issued pursuant to the first section and otherwise to encourage and promote vacation travel within the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico, both by American citizens and by citizens of other countries, through such departments or agencies of the Federal Government as he deems appropriate, in cooperation with State and local agencies and private organizations.

SEC. 3. The President is authorized to appoint a national chairman to coordinate the efforts of private industry in carrying out the purposes of this resolution. The national chairman shall serve without compensation from the Federal Government.

By Mr. MAGNUSON (by request):

S. 1802. A bill to revise and improve the laws relating to the documentation of seamen. Referred to the Committee on Commerce.

SEAMEN'S DOCUMENTATION ACT

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to revise and improve the laws relating to the documentation of seamen.

I ask unanimous consent that the letter of transmittal and a section-by-section analysis be printed in the RECORD.

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

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., April 22, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill "To revise and improve the laws relating to the documentation of seamen", together with a section-by-section analysis.

This proposed bill would supplant the statutes pertaining to seamen's identification certificates, the engagement and discharge of seamen, shipping articles (employment agreements), Coast Guard maintained seamen's records, and official log books for vessels. A similar proposal was submitted to the 91st Congress and introduced as S. 3840 and H.R. 17787. Since then there have been consultations with various interested elements of the maritime industry and a continuing assessment of the Department's role in the activities covered by the proposed legislation. The enclosed bill is the resulting refinement of the earlier proposal.

The statutes to be replaced are an interrelated maze of laws enacted piecemeal during the years between 1872 and 1940 to cope with a number of separate and distinct conditions. They are replete with inconsistencies and redundancies as well as undesirable voids and are completely out of tune with the needs of today's maritime industry.

All of the statutes to be replaced by the proposed bill relate to the business of documenting seamen and the permanent recording of critical information concerning them. The Coast Guard's central record activities regarding seamen, laboriously maintained under the existing statutes, face increasing problems in discharging their vital part in establishing the work experience qualifications of seamen and their entitlement to higher ratings and various health and pension benefits and in filling the needs of Federal maritime-related agencies for data pertaining to seamen.

The primary source of information on American maritime manpower is the Coast Guard's system of identification documents issued to seamen as supplemented and updated by information collected in the shipboard engagement and discharge process. Certificates of discharge issued to seamen at the termination of each voyage are a principal source of information. Unfortunately the present statutory scheme, especially the form of "Shipping Articles" prescribed for use on foreign voyages, does not lend itself to modern, efficient paperwork and record keeping. A modern system to collate accurate data for rapid retrieval and evaluation is vital to proper planning for a healthy peacetime merchant marine.

The Coast Guard's statutory functions associated with the engagement and discharge of seamen and related record keeping are now performed at an annual cost of $1,100,000. The detailed and rigid statutory forms and procedures from another era imposed by the existing statutes prevent the use of modern paperwork and record keeping procedures. Retrieval of information from existing records is both slow and costly.

The proposed bill would establish a concise and orderly scheme dealing with the various elements of seamen's documentation—identification, qualifications, and service. It would replace the detailed restrictions of the existing statutes with provisions setting forth basic guidelines for the comprehensive seamen's documentation program to be administered through the Coast Guard.

Enactment of the proposed bill would allow the immediate introduction of modern procedures and business practices commonly used elsewhere in the Government without any increased Government costs. It would also make possible the eventual introduction of an automated data processing system.

The Office of Management and Budget advises that there is no objection from the standpoint of the President's program to the submission of this draft legislation to the Congress.

Sincerely,

SECTION-BY-SECTION ANALYSIS OF A BILL TO REVISE AND IMPROVE THE LAWS RELATING TO THE DOCUMENTATION OF SEAMEN

(Related sections of existing sections of Title 46 U.S. Code that would be amended or replaced are indicated in parentheses following the analysis of the corresponding section of the bill.)

Section 1 contains the short title.

Section 2 defines certain terms used in the Bill. The definitions are consistent with those in closely related existing statutes. "Secretary" would mean the Secretary of Transportation or, when the Coast Guard is operating as a service in the Navy, it would mean the Secretary of the Navy.

Section 3 provides for the issuance of a single standard document for the identification of United States seamen and for the certification of their ratings. Provisions for the licensing of qualified ship's officers have been part of the Federal statutes for over 100 years. It was not until 1936 that American seamen received any form of certificate that would identify them as members of the U.S. Merchant Marine. Also, commencing in 1936, unlicensed seamen were issued "certificates of service" as evidence of their special shipboard qualification. In 1937, "certificates of identification" came into being. Several years later, without statutory change, these two "certificates" were combined in a single document called a "United States Merchant Mariner's Document". The Merchant Mariner's Document, in use today, also serves as a passport for American seamen on vessels in the foreign trade.

The 1937 Act that created the certificate of identification gave the seaman an option. In lieu of a certificate of identification he could receive the "continuous discharge book" which served him both as a means of identification and a cumulative record of his shipboard employment. Over the years, this option has been exercised by a very limited number of seamen. Today the Merchant Mariner's Document is not only issued in place of the certificates but also as a companion document to the seaman electing to receive a continuous discharge book. In addition to giving statutory recognition to the Merchant Mariner's Document as a replacement for both the certificate of identification and the certificate of service, this section would discontinue the issuance of continuous discharge books. (The records of service that would be established under section 12 would replace the cumulative records now kept in the "books".) (46 USC 643(a) (part) and (h)).

Section 4 prescribes the minimum information to be included on Merchant Mariner's Documents. (46 USC 643(a) (part) and (b)).

Section 5 identifies the kinds of vessels on which the crew members must be holders of Merchant Mariner's Document (§ 6(a)) and on which written agreements of employment are required for certain voyages (§ 7(a)). Subject to the specific exemptions listed in subsection (b), these requirements apply generally to U. S. flag vessels, regardless of whether or not they are Federally documented, and to public vessels that operate in commercial service. (46 USC 566 (part) and 643(a) (part) and (i)).

Section 6 requires the possession of a Merchant Mariner's Document for employment in the crew of commercial vessels of 100 gross tons or larger (except those specifically ex-

empted by § 5(b)). Subsection (b) authorizes the Secretary to extend this requirement to certain other vessels when the public interest requires. Under subsection (a) a vessel would be required to employ persons who possessed Merchant Mariner's Documents except in those situations for which the Secretary had prescribed a relaxation under subsection (c). (46 USC 569, 643(c) (part), 643b). Today possession of a Merchant Mariner's Document is required by section 121.01 of title 33 of the Code of Federal Regulations for employment on the vessels to which this section would apply. That regulation, based on section 191 of title 50, U.S. Code, is applicable only during periods of national emergency as proclaimed by the President. The application of that regulation would no longer be limited to national emergencies if this section is enacted.

Section 7 requires that written agreements be executed between the master and the crew of commercial vessels of 100 gross tons or larger on foreign voyages and coastwise voyages between non-neighboring States.

Subsection (b) requires that the agreements contain a description of the period of employment and provides that they may contain any other lawful terms which the parties agree to. (46 USC 564 (part, 574 (part))

Section 8 recognizes the existence of "collective bargaining" and its relationship to shipping agreements required by this Act.

Section 9 provides legal remedies for the seaman who is improperly taken into a vessel's employ in violation of the preceding section. (46 USC 575 and 578).

Section 10 requires that shipping agreements for (1) foreign voyages (except for those to certain nearby countries), and (2) intercoastal voyages be prepared in the format prescribed by the Secretary and contain a number of specific provisions. (46 USC 564 (part), 713 (Table A)).

Subsection (b) requires a qualified official (shipping commissioner) to supervise engagements and discharges on voyages covered by subsection (a). (46 USC 565, 641 (part), 643(e) (part), and 643(k) (part)). It also permits the same supervision of engagements and discharegs on coastwise and nearby foreign voyages at the option of the master or owner of the vessel (46 USC 563 (last paragraph)).

Subsection (c) requires public display of the terms of the agreement before a crew is actually engaged under the supervision of the qualified official. (46 USC 577).

Subsection (d) provides for the application of certain enumerated laws pertaining to seamen's wages to coastwise and nearby foreign voyages when a master or owner exercises his option to have the engagement and discharge of his crew supervised by a qualified official under subsection (b)(2). (46 USC 563 (part of 2d paragraph)).

Section 11 requires masters of vessels on voyages for which written agreements are required, to provide crew members with documentary evidence of their services on his vessel in a form to be prescribed by the Secretary. Masters are prohibited from including on the document any evaluation of the crew members' conduct or their performance. (46 USC 643(e) (part) and (k) (part)).

Section 12 provides authority for the Secretary to prescribe procedures for the engagement and discharge of seamen overseas during foreign voyages. Under existing statutes it is contemplated that such engagements and discharges be performed in the presence of an American consul, if there is one available, or reported to the consul at the vessel's next port of call where there is one available. This section of the Bill would allow the Secretary and the Secretary of State to jointly develop and implement procedures for overseas transactions. (46 U.S.C. 569, 570).

Section 13 requires the Secretary to maintain a service record for each documented seamen. (46 U.S.C. 643(f)(part)).

Section 14 prohibits publication or disclosure of information about a named seaman from his record of service except to the seaman and certain of his identified representatives. It authorizes the Secretary to use such information for statistical purposes and to publish useful data derived from seamen's records of service. (46 U.S.C. 643(f)(part)).

Section 15 authorizes the Secretary to require the submission of reports to assist him in the proper enforcement of the laws relating to the engagement and discharge of seamen and the manning of vessels with qualified crews and to provide information necessary to maintain seamen's service records. In cases where the engagement and discharge of crews are supervised by Federal officials under section 10(b) of the Bill most of the necessary information will be assembled by that official. This section provides a means for collecting the information from vessels not serviced by Federal officials under section 10(b). (46 U.S.C. 643(k)(part) and (1)).

Sections 16 and 17 replace the existing 46 USC 201 and 202 relating to official log books. Section 16 requires log books to be maintained on voyages on which engagements and discharges are supervised by a Federal official (e.g., foreign and intercoastal). It prescribes seven required log book entries and authorizes the Secretary to prescribe other matters about which entries should be made, in addition to certain matters prescribed elsewhere by statute. (46 USC 201, 202).

Section 18 prescribes civil penalties for violations of the principal provisions of this Bill. It also prescribes the means for enforcement of those penalties and vests the Secretary with discretionary power in the disposition of those penalties. (46 USC 203, 567, 568, 575, 577, 641, 643(k) and (1)). Existing suspension and revocation authority under 46 USC 239 would also be available as a means of enforcing the provisions of this Bill.

Section 19 authorizes the Secretary to delegate responsibility for administration of the Bill and to prescribe regulations for its implementation. (46 USC 643(j)). It also authorizes a reasonable fee to cover the cost of issuing merchant mariner's documents and providing informative reports and statistics authorized by section 14 of the Act.

Section 20(a) eliminates the statutory form for "Shipping Articles" in the foreign and intercoastal trade. Under section 9(a) the Secretary will, subject to the specific requirements of that section, prescribe the form. (46 USC 713 (schedules)).

Section 20(b) amends the statute relating to seamen's allotments by

(1) providing for allotments to be made "at the time" a seaman enters into a shipping agreement rather than requiring it to be included in the formal agreement;

(2) eliminating the no longer existent "postal savings" from the list of approved allottees and adding "brothers" and "Credit Unions";

(3) authorizing the Secretary to add to the list of approved allottees; and

(4) eliminating the requirement that Shipping Articles be presented to Customs for their examination before they clear the vessel to depart on a foreign voyage. (46 USC 599).

Section 20(c) amends the statute relating to (1) the engagement of seamen in the coastwise trade by shipping commissioners at the option of the vessel and (2) the exemption of seamen's clothing from liens. It eliminates the former, now covered by section 10(d), and perpetuates the latter. This section also extends the penalty for wrongful detention of a seaman's clothing to cover his Merchant Mariner's Document and marine licenses. (46 USC 563 (proviso)).

Section 20(d) and (e) amend the statutes pertaining to the entry of vessels from foreign voyages to eliminate the requirement that the master deliver a crew list to the custom house. Under the International Convention on Facilitation of International Maritime Traffic and its Annex (TIAS 6251), "a crew list dated and signed by the master or some other ship's officer duly authorized by the master" may serve the function of "providing public authorities with information relating to the number and composition of the crew on the arrival and departure of a ship". To meet the requirements of this multilateral agreement that became effective with respect to the United States on May 16, 1967, and to provide for our own domestic needs, the Bureau of Customs, the Immigration and Naturalization Service, and the Department of Transportation have jointly developed a standard form for crew lists, which, when filed with a vessel's inward manifest, meets the operational needs of the Bureau of Customs.

Sections 20(f) and (g) amend the statutes relating to scientific personnel on oceanographic research vessels so as to preserve the application of those statutes in cases where this Act replaces provisions of Title 53 of the Revised Statutes or laws amendatory or supplementary to that title.

Section 20(h) makes it clear that a notation of a seaman's rating on the Merchant Mariner's Document issued to him is the official documentary evidence of his qualification for that rating in lieu of the separate certificates issued under prior statutes.

Section 21 disclaims any intention of disrupting the relationship between masters and their crews or the rights provided seamen for their protection and benefit under the laws affected by this Bill.

Section 22 repeals existing statutes replaced by this Bill and several related statutes superseded by Reorganization Plan No. 3 of 1946. The 1946 Reorganization Plan transferred the statutory functions of individual "Shipping Commissioners" to the Commandant of the Coast Guard. Through Reorganization Plan No. 20 of 1950 and section 6(b) of the Department of Transportation Act (49 USC 1655(b)) those functions are now vested in the Secretary of Transportation. It also repeals existing statutes requiring a crew list to be delivered to the customs house before clearance may be granted for a foreign voyage.

SECTIONS OF THE REVISED STATUTES AND THE STATUTES AT LARGE THAT WOULD BE REPEALED BY THIS SECTION MAY BE FOUND IN THE UNITED STATES CODE

Revised statutes section—	Title 46, United States Code, section—
4290	201
4291	202
4292	203
4501	541
4502	542
4504	543
4509	546
4506	548
4507	549
4508	545
4509	561
4510	562
4511	564
4512	565
4513	566
4514	567
4515	568
4516	569
4517	570
4518	571
4519	577
4520	574
4521	575
4522	576
4523	578
4548	605
4549	641
4551	642
4553	645
4568	665
4573	674
4574	675
4575	676
4576	677
4595	542a

Date	Statutes at large: Chapter	Section	Volume	Page	Title 46, United States Code, section—
Feb. 25, 1877	69	1	19	250	201, 566, 576, 676
June 26, 1884	121	19	23	58	572
		20			573
		27			541
June 19, 1886	421	2	24	80	[1] 563, 646
Mar. 3, 1897	389	1	29	687	549
		3			677
		19			564
Dec. 21, 1898	28	1	30	755	569
		2			576
		14			665
Feb. 14, 1900	19	1	31	29	201
Apr. 26, 1906	1875		34	137	542
Mar. 4, 1915	153	1	38	1164	569
June 25, 1936	816	3	49	1934	643
Mar. 24, 1937	49	1	50	49	643
		2			643
June 16, 1938	467	3	52	754	643a
Oct. 17, 1940	896	1	54	1200	643
		2			643b

[1] 1st paragraph.

Section 23 provides for an effective date six months after enactment to allow for the implementation of modernized engagement, discharge, and reporting procedures.

By Mr. GRIFFIN:

S. 1803. A bill to amend title II of the Social Security Act—and applicable provisions of the Internal Revenue Code of 1954—to provide automatic cost-of-living adjustments in social security benefits, to provide automatic adjustment of the contribution and benefit base, and to liberalize the earnings test. Referred to the Committee on Finance.

SOCIAL SECURITY ADJUSTMENT ACT OF 1971

Mr. GRIFFIN. Mr. President, the hardest hit victims of inflation have been, and continue to be, the retired citizens in our society who must rely on social security or fixed pensions.

Taxes continue to rise, prices escalate, and negotiated wages keep climbing. But our senior citizens can only stand by helplessly while the value of their few dollars shrinks and shrinks.

Earlier in March of this year, Congress passed and President Nixon signed into law a 10-percent increase in social security benefits retroactive to January 1, 1971. However, because of the time it takes for gearing up operations in such a huge bureaucracy, social security beneficiaries will not even begin to realize this increase in benefits until checks are finally mailed out June 3.

While I supported the 10-percent increase when it finally came to a vote in March, I deplore the fact that it was not approved last year. Furthermore, I believe it is unfortunate and unnecessary that social security beneficiaries are required to await the pleasure of Congress each year or so before cost-of-living adjustments can be made.

I maintain that it is time to enact permanent legislation which will assure automatic adjustments in benefits to keep pace with increases in the cost of living.

The Social Security Adjustments Act of 1971 which I introduce today would, first, provide for such automatic increases in social security benefits, and second, increase from $1,680 to $2,400 the amount of income a retiree may earn without losing social security benefits.

This bill would direct the Secretary of Health, Education, and Welfare, whenever the cost of living increases 3 percent or more on an anual basis, to put into effect a corresponding precentage increase in monthly social security benefits.

To absorb in part the added cost of such increases, the legislation would provide for automatic adjustment of the contribution and benefit base, based upon increases in average taxable earnings.

In addition, Mr. President, the bill I introduce today would make another important change. The present law permits a retiree to earn only $1,680 annually without losing social security benefits.

My bill would lift this ceiling on earnings from $1,680 to $2,400 a year.

In addition, the bill would provide for a more equitable tapering off of benefits when earnings exceed the ceiling.

Mr. President, I believe Congress has played politics too long with our senior citizens. We do them no favor when we legislate benefit adjustments on an ad hoc basis, usually in an election year. Senior citizens should not have to wait for the political winds to move Congress.

Social security beneficiaries deserve solid assurances that benefit dollars will maintain their purchasing power. Accordingly, I hope Congress will now follow up on the increase improved in March by enacting legislation such as that I introduce today.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 1803

A bill to amend title II of the Social Security Act (and applicable provisions of the Internal Revenue Code of 1954) to provide automatic cost-of-living adjustments in social security benefits, to provide automatic adjustment of the contribution and benefit base, and to liberalize the earnings test.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Adjustment Act of 1971."

AUTOMATIC ADJUSTMENT OF BENEFITS

SEC. 2. (a) Section 215 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Cost-of-Living Increases in Benefits

"(i) (1) For purposes of this subsection—

"(A) the term 'base quarter' means the period of 3 consecutive calendar months ending on September 30, 1971, and the period of 3 consecutive calendar months ending on September 30 of each year thereafter.

"(B) the term 'cost-of-living computation quarter' means any base quarter in which the monthly average of the Consumer Price Index prepared by the Department of Labor exceeds, by not less than 3 per centum, the monthly average of such Index in the later of (i) the 3 calendar-month period ending on September 30, 1971, or (ii) the base quarter which was most recently a cost-of-living computation quarter.

"(2) (A) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall, effective for January of the next calendar year, increase the benefit amount of each individual who for such month is entitled to benefits under section 227 or 228, and the primary insurance amount of each other individual as specified in subparagraph (B) of this paragraph, by an amount derived by multiplying such amount (including each such individual's primary insurance amount or benefit amount under section 227 or 228 as previously increased under this subparagraph) by the same percentage (rounded to the next higher one-tenth of 1 percent if such percentage is an odd multiple of .05 of 1 percent and to the nearest one-tenth of 1 percent in any other case) as the percentage by which the monthly average of the Consumer Price Index for such cost-of-living computation quarter exceeds the monthly average of such Index for the base quarter determined after the application of clauses (i) and (ii) of paragraph (1)(B).

"(B) The increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall apply in the case of monthly benefits under this title for months after December of the calendar year in which occurred such cost-of-living computation quarter, based on the wages and self-employment income of an individual who became entitled to monthly benefits under section 202, 223, 227, or 228 (without regard to section 202(j)(1) of section 223 (b)), or who died, in or before December of such calendar year.

"(C) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before December 1 of such calendar year a determination that a benefit increase is resultantly required and the percentage thereof. He shall also publish in the Federal Register at that time (along with the increased benefit amounts which shall be deemed to be the amounts appearing in sections 227 and 228) a revision of the table of benefits contained in subsection (a) of this section (as it may have been revised previously pursuant to this paragraph); and such revised table shall be deemed to be the table appearing in such subsection (a). Such revision shall be determined as follows:

"(i) The headings of the table shall be the same as the headings in the table immediately prior to its revision, except that the parenthetical phrase at the beginning of column II shall show the effective date of the primary insurance amounts set forth in

column IV of the table immediately prior to its revision.

"(ii) The amounts on each line of column I, and the amounts on each line of column III except as otherwise provided by clause (v) of this subparagraph, shall be the same as the amounts appearing in such column in the table immediately prior to its revision.

"(iii) The amount on each line of column II shall be changed to the amount shown on the corresponding line of column IV of the table immediately prior to its revision.

"(iv) The amount of each line of column IV shall be increased from the amount shown in the table immediately prior to its revision by increasing such amount by the percentage specified in subparagraph (A) of paragraph (2), raising each such increased amount, if not a multiple of $0.10, to the next higher multiple of $0.10.

"(v) If the contribution and benefit base (as defined in section 230 (b)) for the calendar year in which the table of benefits is revised is lower than such base for the following calendar year, columns III, IV, and V shall be extended. The amount in the first additional line in column IV shall be the amount in the last line of such column as determined under clause (iv), plus $1.00, rounding such increased amount (if not a multiple of $1.00) to the next higher multiple of $1.00 where such increased amount is an odd multiple of $0.50 and to the nearest multiple of $1.00 in any other case. The amount on each succeeding line of column IV shall be the amount on the preceding line increased by $1.00, until the amount on the last line of such column is equal to the larger of (I) one-thirty sixth of the contribution and benefit base for the calendar year following the calendar year in which the table of benefits is revised or (II) the last line of such column as determined under clause (iv) plus 20 percent of one-twelfth of the excess of the contribution and benefit base for the calendar year following the calendar year in which the table of benefits is revised over such base for the calendar year in which the table of benefits is revised, rounding such amount (if not a multiple of $1.00) to the next higher multiple of $1.00 where such amount is an odd multiple of $0.50 and to the nearest multiple of $1.00 in any other case. The amount in each additional line of column III shall be determined so that the second figure in the last line of column III is one-twelfth of the contribution and benefits base for the calendar year following the calendar year in which the table of benefits is revised, and the remaining figures in column III shall be determined in consistent mathematical intervals from column IV. The second figure in the last line of column III before the extension of the column shall be increased to a figure mathematically consistent with the figures determined in accordance with the preceding sentence. The amount on each line of column V shall be increased, to the extent necessary, so that each such amount is equal to 40 percent of the second figure in the same line of column III, plus 40 percent of the smaller of (I) such second figure or (II) the larger of $450 or 50 per centum of the largest figure in column III.

"(vi) The amount on each line of column V shall be increased, if necessary, so that such amount is at least equal to one and one-half times the amount shown on the corresponding line in column IV. Any such increased amount that is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10." (b) Section 203(a) of such Act is amended—

(1) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and inserting after paragraph (3) the following new paragraph:

"(4) when two or more persons are entitled (without the application of section 202 (j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for December of the calendar year in which occurs a cost-of-living computation quarter (as defined in section 215(i)(1)) on the basis of the wages and self-employment income of such insured individual, such total of benefits for the month immediately following shall be reduced to not less than the amount equal to the sum of the amounts derived by increasing the benefit amount determined under this title (including this subsection, but without the application of section 222 (b), section 202(q), and subsections (b), (c), and (d) of this section) as in effect for such December for each such person by the same percentage as the percentage by which such individual's primary insurance amount (including such amount as previously increased) is increased under section 215(i)(2) for such month immediately following, and raising each such increased amount (if not a multiple of $0.10) to the next higher multiple of $0.10."; and

(2) by striking out "the table in section 215(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "the table in (or demand to be in) section 215 (a)".

(c)(1) Section 215(a) of such Act is amended by striking out the matter which precedes the table and inserting in lieu thereof the following:

"(a) The primary insurance amount of an insured individual shall be the amount in column IV of the following table, or, if larger, the amount in column IV of the latest table deemed to be such table under subsection (i)(2)(C) or section 230(c), determined as follows:

"(1) Subject to the conditions specified in subsections (b), (c), and (d) of this section and except as provided in paragraph (2) of this subsection, such primary insurance amount shall be whichever of the following amounts is the largest:

"(i) The amount in column IV of the line on which in column III of such table appears his average monthly wage (as determined under subsection (b);

"(ii) The amount in column IV on the line on which in column II of such table appears his primary insurance amount (as determined under subsection (c)); or

"(iii) The amount in column IV on the line on which in column I of such table appears his primary insurance benefit (as determined under subsection (d)).

"(2) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he died, became entitled to old-age insurance benefits, or attained age 65, such primary insurance amount shall be the amount in column IV which is equal to the primary insurance amount upon which such disability insurance benefit is based, except that, if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table (other than a table provided by section 230) and in the following month became entitled to an old-age insurance benefit, or he died in such following month, then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based."

(2) Effective January 1, 1973, section 215 (b)(4) of such Act is amended to read as follows:

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) who becomes entitled in or after the effective month of a new table that appears in (or is deemed by subsection (i)(2)(C) or section 230(c) to appear in) subsection (a) to benefits under section 202(a) or section 223; or

"(B) who dies on or after such effective month without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be recomputed under subsection (f)(2).".

(3) Effective January 1, 1973, section 215 (c) of such Act is amended to read as follows:

"Primary Insurance Amount Under Prior Provisions

"(c)(1) For the purposes of column II of the table that appears in (or is deemed to appear in) subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the effective month of the latest such table.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223, or who died, before such effective month."

(d) Sections 227 and 228 of such Act are amended by striking out "$48.30" wherever it appears and inserting in lieu thereof "the larger of $48.30 or the amount most recently established in lieu thereof under section 215(i)", and by striking out "$24.20" wherever it appears and inserting in lieu thereof "the larger of $24.20 or the amount most recently established in lieu thereof under section 215(i)".

AUTOMATIC ADJUSTMENT OF THE CONTRIBUTION AND BENEFIT BASE

SEC. 3. (a) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"AUTOMATIC ADJUSTMENT OF THE CONTRIBUTION AND BENEFIT BASE

"SEC. 230. (a) On or before November 1 of 1972, and each even-numbered year thereafter, the Secretary shall determine and publish in the Federal Register the contribution and benefit base (as defined in subsection (b)) for the first two calendar years following the year in which the determination is made.

"(b) The contribution and benefit base for a particular calendar year shall be whichever of the following is the larger:

"(1) The product of $9,000 and the ratio of (A) the average taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of the calendar year in which a determination under subsection (a) is made for such particular calendar year to (B) the average of the taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of 1971, with such product, if not a multiple of $600, being rounded to the next higher multiple of $600 where such product is a multiple of $300 but not of $600 and to the nearest multiple of $600 in any other case; or

"(2) The contribution and benefit base for the calendar year preceding such particular calendar year.

"(c)(1) When the Secretary determines and publishes in the Federal Register a contribution and benefit base (as required by subsection (a)), and

"(A) such base is larger than the contribution and benefit base in effect for the year in which the larger base is so published, and

"(B) a revised table of benefits is not required to be published in the Federal Register under the provisions of section 215 (i)(2)(C) which extends such table for such larger base on or before the effective date of such

base, then the Secretary shall publish a revised table of benefits (determined under the provisions of paragraph (2)) in the Federal Register on or before December 1 of the year prior to the effective year of the new contribution and benefit base. Such table shall be deemed to be the table appearing in section 215(a).

"(2) The revision of such table shall be determined as follows:

"(A) All of the amounts on each line of columns I, II, III, and IV, except the largest amount in column III, of the table in effect before the revision, shall be the same in the revised table; and

"(B) The additional amounts for the extension of columns III and IV, and the amounts for purposes of column V, shall be determined in accordance with the provisions of section 215(1)(2)(C) (v) and (vi).

"(3) When a revised table of benefits, prepared under the provisions of paragraph (2), become effective, the provisions of section 215 (b)(4) and (c) and of section 203(a)(4) shall be disregarded; and the amounts that are added to columns III and IV, or are changed in or added to column V, by such revised table, shall be applicable only in the case of an insured individual—

"(A) who becomes entitled, after December of the year immediately preceding the effective year of the increased contribution and benefit base (provided by this section), to benefits under section 202(a) or section 223;

"(B) who dies after December of such preceding year without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be computed under section 215 (f)(2)."

(b) (1) Section 201(c) of the Social Security Act is amended by inserting before the last sentence the following new sentence: "The report shall further include a recommendation as to the appropriateness of the tax rates in sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1954 which will be in effect for the following calendar year, made in the light of the need for the estimated income in relationship to the estimated outgo of the Trust Funds during such year."

(2) Section 1817(b) of such Act is amended by inserting before the last sentence the following new sentence: "The report shall further include a recommendation as to the appropriateness of the tax rates in sections 1401(b), 3101(b), and 3111(b) of the Internal Revenue Code of 1954 which will be in effect for the following calendar year made in the light of the need for the estimated income in relationship to the estimated outgo of the Trust Fund during such year."

LIBERALIZATION OF EARNINGS TEST

SEC. 4. (a)(1) Paragraphs (1) and (4)(B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof $200 or the exempt amount as determined under paragraph (8)".

(2) Paragraph (1)(A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof $200 or the exempt amount as determined under subsection (f) (8)".

(3) Paragraph (3) of section 203(f) of such Act is amended to read as follows:

"(3) For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $200 or the exempt amount as determined under paragraph (8) multiplied by the number of months in such year. The excess earnings as derived under the preceding sentence, if not a multiple of $1, shall be reduced to the next lower multiple of $1."

(b) Section 203(f) of such Act is further amended by adding at the end thereof the following new paragraph:

"(8)(A) On or before November 1 of 1972 and of each even-numbered year thereafter, the Secretary shall determine and publish in the Federal Register the exempt amount as defined in subparagraph (B) for each month in any individual's first two taxable years which end with the close of or after the calendar year following the year in which such determination is made.

"(B) The exempt amount for each month of a particular taxable year shall be whichever of the following is the larger:

"(i) the product of $200 and the ratio of (I) the average taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of the calendar year in which a determination under subparagraph (A) is made for each such month of such particular taxable year to (II) the average of the taxable wages of all persons for whom wages were reported to the Secretary for the first calendar quarter of 1971, with such product, if not a multiple of $10, being rounded to the next higher multiple of $10 where such product is an odd multiple of $5 and to the nearest multiple of $10 in any other case, or

"(ii) the exempt amount for each month in the taxable year preceding such particular taxable year; except that the provisions in clause (i) shall not apply with respect to any taxable year unless the contribution and earnings base for such year is determined under section 230(b)(1)."

(c) The amendments made by this section shall apply with respect to taxable years ending after December 1971.

CONFORMING AMENDMENTS

SEC. 5. (a)(1)(A) Section 209(a)(6) of the Social Security Act is amended by inserting "and prior to 1973" after "1971".

(B) Section 209(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(7) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to the contribution and benefit base (determined under section 230) with respect to employment has been paid to an individual during any calendar year after 1972 with respect to which such contribtuion and benefit base is effective, is paid to such individual during such year;"

(2) (A) Section 211(b)(1)(F) of such Act is amended by inserting "and prior to 1973" after "1971", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 211(b)(1) of such Act is further amended by adding at the end thereof the following new subparagraph:

"(G) For any taxable year beginning in any calendar year after 1972, (i) an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year, or".

(3)(A) Section 213(a)(2)(ii) of such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(B) Section 213(a)(2)(iii) is such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or in the case of any taxable year beginning in any calendar year after 1972, an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year".

(4) Section 215(e)(1) of such Act is amended by striking out "and the excess over $9,000 in the case of any calendar year after 1971" and inserting in lieu thereof "the excess over $9,000 in the case of any calendar year after 1971 and before 1973, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(b)(1)(A) Section 1402(b)(1)(F) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by inserting "and beginning before 1973" after "1971", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 1402(b)(1) of such Code is further amended by adding at the end thereof the following new subparagraph:

"(G) for any taxable year beginning in any calendar year after 1972, (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(2) Effective with respect to remuneration paid after 1972, section 3121(a)(1) of such Code (relating to definition of wages) is amended (A) by striking out "$9,000" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and (B) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective".

(3) Effective with respect to remuneration paid after 1972, the second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "$9,000" and inserting in lieu thereof "the contribution and benefit base".

(4) Effective with respect to remuneration paid after 1972, section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$9,000" where it appears in subsections (a), (b), and (c), and inserting in lieu thereof "the contribution and benefit base".

(5) Section 6413(c)(1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by inserting "and prior to the calendar year 1973" after "after the calendar year 1971";

(B) by inserting after "exceed $9,000" the following: "or (F) during any calendar year after 1972, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,"; and

(C) by inserting before the period at the end thereof the following: "and before 1973, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1972 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year".

(6) Section 6413(c)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "or $9,000 for any calendar year after 1971" and inserting in lieu thereof "$9,000 for the calendar year 1972, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(7) Effective with respect to taxable years beginning after 1972, section 6654(d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated tax) is amended by striking out "$9,000" and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)".

(c) The amendments made by subsections (a)(1) and (a)(3)(A), and the amendments made by subsection (b) (except paragraphs (1) and (7) thereof), shall apply only with respect to remuneration paid after December 1972. The amendments made by subsections (a)(2), (a)(3)(B), (b)(1), and (b)(7) shall apply only with respect to taxable years beginning after 1972. The amendments made by subsection (a)(4) shall apply only with respect to calendar years after 1972.

By Mr. BROOKE:

S. 1805. A bill to provide relocation assistance, training assistance, and interest supplements to adversely affected workers separated from their employment because of the termination of defense and space contracts. Referred to the Committee on Labor and Public Welfare.

PEACETIME CONVERSION ASSISTANCE

Mr. BROOKE. Mr. President, I am today introducing the Peacetime Conversion Assistance Act which I discussed in detail in my statement to the Senate on April 14.

The Federal Government's decision to reduce drastically defense and space expenditures has left large numbers of highly skilled men and women out of work. I am afraid that too little attention has been given to specific programs that can insure their gainful reemployment.

The adjustment asistance provisions of the Trade Expansion Act of 1962 directed that comprehensive assistance should be made available to workers dislocated by a deliberate change in Government policies. This act draws upon the same concept.

It would provide relocation assistance, training assistance, and mortgage interest rate supplements to adversely affected workers separated from their employment because of the termination of defense and space contracts.

One of the greatest problems for many unemployed specialists is their monthly mortgage payment. Under the provisions of this legislation mortgage interest assistance payments may be made by the Secretary of Labor to help reduce the burden of mortgage payments at a time when the individual can least afford them.

Further, this bill seeks to help unemployed aerospace and defense workers reequip themselves for careers in fields in other industries. Retraining would be made possible by authorizing the Secretary of Labor to pay training assistance allowances to these individuals, thus permitting them to return to college, graduate school, or other suitable training facility for as much as a full year of study.

I ask unanimous consent that a copy of the Peacetime Conversion Assistance Act be printed at this point in the RECORD.

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

S. 1805

A bill to provide relocation assistance, training assistance and interest supplements to adversely affected workers separated from their employment because of the termination of defense and space contracts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Peacetime Conversion Assistance Act."

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that—

(a) further reductions in federal defense and aerospace expenditures are probable because of diminished involvement in Indochina, reductions in other defense programs, and cutbacks in space exploration, all resulting from increased attention to pressing domestic needs and shifting national policies.

(b) to reduce unemployment and related waste of national talent and resources, it is essential that the federal government take effective action to assist in the conversion of scientific and technical personnel into suitable alternative industries.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "adversely affected worker" means an individual who, because of a termination of a defense or space activity contract or grant, has been separated from his employment with a business concern, government agency, university, or other nonprofit organization certified in accordance with the provisions of this Act;

(2) "defense or space activities, contracts or grants" means any contract or grant to a business concern or university or other nonprofit organization—

(A) which involves—

(i) the research, development, production, maintenance, or storage of any weapons systems, arms, armament, ammunition, implements of war, parts or ingredients of such articles or supplies, or plans for the use thereof;

(ii) the construction, reconstruction, repair, or installation of a building, plant, structure, or facility which the Secretary of Defense or his designee, or the Administrator of the National Aeronautics and Space Administration or his designee, certifies to be necessary to the national defense; or

(iii) the research, development, construction, testing or operation of aeronautical and space vehicles or facilities together with related equipment, devices, components and parts;

(B) which requires that the number of employees engaged in work under such defense or space activities, contracts, or grants exceeds forty per centum of the total number of employees of the business concern or ten per centum of the university or other nonprofit organization, or, pursuant to regulations prescribed by the Secretary, any establishment thereof operated by the contractor awarded such contract or grant;

(C) that the criteria in (B) must have been met for each of the three prior calendar years.

(3) "eligible lender" means an eligible institution, an agency, or instrumentality of a State, or financial or credit institution (including an insurance company) which is subject to examination and supervision by an agency of the United States or of any State, or a pension fund approved by the Secretary for this purpose;

(4) "Secretary" means the Secretary of Labor;

(5) "State" means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

CERTIFICATION

SEC. 4. (a) The Secretary shall issue a certificate of eligibility for benefits for adversely affected workers under this Act to any business concern or university or other nonprofit organization if—

(1) such business concern or university or other organization has performed work under any defense or space activities, contracts, or grants for a period of not less than three years prior to certification under this Act;

(2) such activities, contracts, or grants must have been terminated not more than twenty-four months prior to the date of enactment of this Act; and

(3) the termination of such activities, contracts, or grants has resulted in the separation from any establishment of the contractor of twenty-five per centum of the total number of employees employed under such defense or space activities, contracts, or grants.

(b) The Secretary shall issue a separate certificate of eligibility with respect to each establishment which meets the requirements of this section regardless of whether such establishment is operated by a contractor as part of a single enterprise.

(c) Each business concern or university or other nonprofit organization which is certified under this section shall promptly notify all appropriate adversely affected workers previously employed or about to be separated by such concern, university, or organization.

RELOCATION ASSISTANCE

SEC. 5. (a) Any adversely affected worker in any business concern or university or other nonprofit organization may file an application for relocation allowances in the same manner as provided under subchapter C of chapter 3 of title III of the Trade Expansion Act of 1962.

(b) The Secretary of Labor, pursuant to such regulations as he deems necessary, shall pay relocation allowances to adversely affected workers under the same conditions as provided in subchapter C of chapter 3 of title III of the Trade Expansion Act of 1962.

MORTGAGE INTEREST ASSISTANCE PAYMENTS

SEC. 6. (a) The Secretary is authorized to make, and contract to make mortgage interest assistance payments to any eligible lender which has made a loan secured by a mortgage on the principal residence to any adversely affected worker on behalf of any such worker to whom such loan was made. Such payments shall be made at such times and under such conditions as the Secretary may by regulation provide. Payments under this section shall be made only for the period equal to the remaining repayment period as provided in the mortgage agreement evidencing such loan, but in no event for a period longer than one year.

(b) No mortgage interest assistance payments made under this section for any mortgage for any year shall exceed the difference between three per centum and the interest such person would be required to pay under the agreement evidencing such mortgage.

(c)(1) There are hereby authorized to be appropriated such sums as may be necessary for the payment of mortgage interest assistance grants to eligible lenders in accordance with this section.

(2) Contracts for mortgage interest assistance grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts, and in any event the total amount of interest assistance grants which may be paid to eligible lenders in any year pursuant to contracts entered into under this section shall not exceed $15,000,000.

FEDERAL TRAINING ASSISTANCE

SEC. 7. (a) Any adversely affected worker in any business concern or university or other nonprofit organization may file an application for training allowances in the same manner as provided under subchapter B of chapter 3 of title III of the Trade Expansion Act of 1962.

(b) The Secretary of Labor, pursuant to such regulations as he deems necessary, shall pay training allowances to adversely affected workers under this Act in the same manner and under the same conditions as provided in subchapter B of chapter 3 of title III of the Trade Expansion Act of 1962.

APPROPRIATIONS AUTHORIZED

SEC. 8. Except as otherwise provided there are hereby authorized to be appropriated $80,000,000 for the fiscal year ending June 30, 1972 and $80,000,000 for the fiscal year ending June 30, 1973 to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 1457

At the request of Mr. SPARKMAN, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1457, a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

S. 1608

At the request of Mr. SPARKMAN, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 1608, a bill to designate certain lands on the Bankhead National Forest in Alabama as wilderness under the Wilderness Act of 1964.

S. 1609

At the request of Mr. GRAVEL, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1609, for the relief of Michael A. Korhonen.

S. 1615

At the request of Mr. GRIFFIN, the Senator from Montana (Mr. METCALF) and the Senator from New Mexico (Mr. MONTOYA) were added as cosponsors of S. 1615, to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business.

S. 1649

At the request of Mr. GRIFFIN, the Senator from Mississippi (Mr. EASTLAND) was added as a cosponsor of S. 1649, a bill to amend the Small Business Act to authorize assistance to small business concerns in financing structural, operational, or other changes to meet standards required pursuant to certain Federal or State laws.

S. 1746

At the request of Mr. NELSON, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 1746, a bill to amend the Public Health Service Act by extending for 1 year the student loan and scholarship provisions of title VII and title VIII for medical and nursing students.

S. 1769

At the request of Mr. GRIFFIN, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 1769, a bill creating a Legal Services Corporation.

SENATE RESOLUTION 117—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF PROCEEDINGS ON THE DEVELOPMENT OF A UNIFORM CONVENTIONAL MORTGAGE FORM

Mr. SPARKMAN submitted a resolution (S. Res. 117) to authorize the printing, as a Senate Document, of the proceedings of the public meetings on the development of a uniform conventional mortgage form.

The resolution, which was referred to the Committee on Rules and Administration, reads as follows:

S. RES. 117

Resolved, That there shall be printed as a Senate document the proceedings of the public meetings, held April 5 and 6, 1971 by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, on the development of a uniform conventional mortgage form as an aid to the secondary market operations for conventional mortgages authorized to be carried out by such association and corporation under titles II and III of the Emergency Home Finance Act of 1970.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. PACKWOOD, for Mr. CASE, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Concurrent Resolution 21, calling for suspension of military assistance to Pakistan.

MILITARY SELECTIVE SERVICE ACT—AMENDMENTS

AMENDMENT NO. 68

Mr. EAGLETON submitted an amendment (No. 68) intended to be proposed by him to H.R. 6531, a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, which was ordered to be printed and to lie on the table.

AMENDMENT NOS. 74 AND 75

Mr. KENNEDY submitted two amendments (Nos. 74 and 75) intended to be proposed by him to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, which were ordered to be printed and to lie on the table.

CONQUEST OF CANCER ACT—AMENDMENTS

AMENDMENT NOS. 69, 70, 71, 72, AND 73

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. WILLIAMS. Mr. President, during the past 6 months the attention of the Congress and the Nation has been drawn to the question how we can best unlock the doors to find the cause and cure of cancer.

On November 25, 1970, the National Panel of Consultants on the Conquest of Cancer submitted its report to the Senate Committee on Labor and Public Welfare. Its conclusions were unanimous:

A national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge. However, such a program will require three major ingredients that are not present today:

First, effective administration with clearly defined authority and responsibility;

Second, the development of a comprehensive national plan for a coherent and systematic attack on the vastly complex problems of cancer. Such a plan would include not only programmatic research where that is appropriate, but also major segments of much more loosely coordinated research where plans cannot be definitely laid out nor long-range objectives clearly specified; and

Third, the necessary financial resources.

On January 25, 1971, Senators KENNEDY and JAVITS introduced S. 34, the Conquest of Cancer Act. This bill, which is cosponsored by a majority of the Senate, establishes an independent agency of the United States, the National Cancer Authority, having as its objective the conquest of cancer at the earliest possible time.

Since the introduction of this legislation a great deal of controversy has arisen concerning the efficacy of creating an independent cancer agency. During the course of 2 days of hearings and throughout the past several months I have heard expressed the views of the administration, of scientific and professional organizations, of leaders in the medical and business fields, and of thousands of concerned citizens from my State of New Jersey and across the Nation. And I have found it remarkable—indeed, in my 16-year career in the Congress, almost unprecedented—that the reasoning and thoughtful opinion has shown such great merit on both sides of this issue.

Everyone agrees that cancer is a major killer and a painful, horrifying disease. Everyone agrees that the past 10 years have seen significant breakthroughs in our efforts to treat cancer. And everyone agrees that the moment is ripe for a special effort on the part of the Federal Government to provide a massive infusion of money which might assure that the conquest of cancer can become a reality in our lifetime.

The crux of the disagreement lies in the question of how best to fashion the mechanism to reach that objective. The Panel and many eminent scientists, doctors, and lay professionals, and legislators recommend the creation of an independent National Cancer Authority. The administration, and many eminent scientists, doctors, lay professionals, and legislators urge that the effort remain within the National Cancer Institute as part of the National Institutes of Health and the Department of Health, Education, and Welfare.

Mr. President, we all know how difficult it is for each of us to make critical decisions of this nature. And we are all aware that when so many of the experts find themselves in such sharp disagreement on how best to implement a new and major Federal initiative, there must be clarifications made in legislative proposals to accommodate specific needs and to overcome justifiable concerns. To this end, I am today submitting five amendments to S. 34 which in my judgment serve to clarify and strengthen the legislation and which will meet many of the concerns expressed in the hearings and in the many conversations I have had with individuals whose advice I greatly value.

These amendments, which have the substantial approval of the National Panel of Consultants, are designed to accomplish a great many objectives. One amendment assures that the Authority will not be located distantly from NIH

but rather that the Authority will be located on and around the present site of the National Cancer Institute. This reemphasizes the intent to use NCI as the nucleus of the cancer effort.

Another amendment would obligate the Administrator of the Authority to take whatever action necessary to insure that the current lines of communication and cross-fertilization of scientific knowledge existing among and between the various institutes of health would be maintained. I fully agree with those who urge the cancer research and the other biomedical sciences must not and cannot be fragmented or isolated. Thus, an amendment of this nature is definitely in order so that we can hold the Administrator accountable for continuing the free and open exchange of information and ideas.

To make certain that the work of the Authority and the NIH are coordinated at the highest administrative and working levels, I am seeking to amend S. 34 so that both the Administrator of the Authority and the Director of NIH will sit ex officio on the National Cancer Advisory Board. The Board has been designed to have overall control of the direction and policy of the Authority. Because the activities of the NIH would have such great impact upon the Authority—and vica-versa—I feel that we must assure the best possible coordination in the Federal cancer research effort.

Another concern which has been expressed relates to the question whether the Authority will be empowered to lend financial support to research underway at NIH which has shown great promise in unlocking many of the remaining mysteries about cancer. There is no question in anyone's mind that large segments of basic biomedical research are relevant to cancer. Therefore, I am submitting another of these amendments to remove any doubt that funds may be transferred from the resources of the Authority to the NIH for the added support of promising cancer-related programs.

The concerns within the scientific community that S. 34 is unclear in terms of proper peer review procedures are accommodated in another of these amendments. The panel expressed its view that a national cancer program should include the voluntary productive interaction and joint planning of the scientists responsible for the research projects. I feel that this is an important aspect of peers so often provide insights which too frequently escape the researcher in his zeal to pursue a novel theory. Thus, my amendments direct both the Administrator and the Board to establish regulations governing appropriate peer review procedures for research grants and other programs of the Authority.

There were some very legitimate questions raised during that time period concerning the intended role of the Authority in the national health research effort. I have asked many questions. I have corresponded and spoken with many highly authoritative and knowledgeable persons. And I have concluded that if the clarifying amendments which I submit today are substantially adopted, then we will have created the best possible means of accomplishing a real breakthrough toward the conquest of cancer.

I noted that over the weekend, in Atlantic City, a large number of medical school professors suggested making all of NIH a unified independent agency as an alternative to concentrating solely on an independent National Cancer Authority. This is one of the alternatives which I have contemplated. For certainly if there is a bureaucracy problem and a management problem and a systems problem with the National Cancer Institute, I would speculate that similar difficulties affect the operation of the 12 other Institutes of Health. But, I do not think that wisdom dictates taking such an all or nothing approach. Let us, at the very least, look at the National Cancer Authority as a demonstration project—to demonstrate to ourselves and to the world that biomedical research can excel when it is reasonably free of bureaucratic and governmental restraints. And let it demonstrate that when this Nation sees particular suffering we can and we will establish a priority and reach the objective. Once we examine the success of this effort, we might at that time expand independent authority to the whole of the National Institutes of Health.

We have, in S. 34, the opportunity which seldom comes in the lives of men—to turn on the power that will save the lives of countless thousands of our fellow men. I feel as do so many Americans that the answers which are now within our reach can soon be within our grasp.

Mr. President, I ask unanimous consent that the amendments to S. 34 be printed in the RECORD at the conclusion of my remarks.

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

AMENDMENT No. 69

On page 8, line 15, redesignate paragraph (11) as paragraph (13) and insert before such paragraph the following:

"(11) take necessary action so that all channels for the dissemination and cross-fertilization of scientific knowledge and information existing prior to the effective date of this Act between the National Cancer Institute and the other Institutes of Health shall be maintained between the Authority and the Institutes of Health to insure free communication between cancer and the other scientific, medical, and bio-medical disciplines;

"(12) shall, by regulation, insure proper scientific peer review of all research grants and programs; and"

AMENDMENT No. 70

On page 4, line 13, after the word "shall", delete the dash and insert the following: "be located on and around the present site of the National Cancer Institute and shall—".

AMENDMENT No. 71

On page 8, line 11, between the words "expenditure, and "funds," insert the following: "including the National Institutes of Health for cancer-related programs,".

AMENDMENT No. 72

On page 15, after line 8, insert the following new provision:

"(k) The board shall insure that the Administrator, by regulation, shall insure proper scientific peer review of all research grants and programs."

AMENDMENT No. 73

On page 13, lines 6 and 7, delete the sentence beginning with the word "The" and insert the following: "The Administrator and the Director of the National Institutes of Health shall sit as ex officio members of the Board."

NOTICE OF HEARING ON NOMINATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, on behalf of the distinguished Senator from Mississippi (Mr. EASTLAND), to have printed in the RECORD a notice of public hearings with respect to certain nominations.

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

Notice of hearing is as follows:

NOTICE OF HEARING

(Statement of Senator EASTLAND)

Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, May 13, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

William M. Byrne, Jr., of California, to be U.S. District Judge, Central District of California, vice a new position created by Public Law 91-272, approved June 2, 1970

Mark A. Costantino, of New York, to be U.S. District Judge, Eastern District of New York, vice a new position created by Public Law 91-272, approved June 2, 1970

Murray I. Gurfein, of New York, to be U.S. District Judge, Southern District of New York, vice Thomas F. Murphy, retired

Walter R. Mansfield, of New York, to be U.S. Circuit Judge, Second Circuit, vice Leonard P. Moore, retired

William Hughes Mulligan, of New York, to be U.S. Circuit Judge, Second Circuit, vice J. Edward Lumbard, retiring

Leland C. Nielsen, of California, to be U.S. District Judge, Southern District of California, vice a new position created by Public Law 91-272, approved June 2, 1970

James L. Oakes, of Vermont, to be U.S. Circuit Judge, Second Circuit, vice Sterry R. Waterman, retired

Lawrence W. Pierce, of New York, to be U.S. District Judge, Southern District of New York, vice William B. Herlands, deceased.

Carl B. Rubin, of Ohio, to be U.S. District Judge, Southern District of Ohio, vice a new position created by Public Law 91-272, approved June 2, 1970.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

NOTICE OF HEARING ON RAILROAD RETIREMENT INCREASE

MR. NELSON. Mr. President, on behalf of the chairman of the Subcommittee on Railroad Retirement of the Committee on Labor and Public Welfare (Mr. CRANSTON), I wish to announce, for the information of Senators, that an open hearing will be held on Thursday, May 13, 1971. This hearing by the Sub-

committee on Railroad Retirement will be on S. 1304, by Senator CRANSTON; S. 1473, by Senator PROUTY; and H.R. 6444.

All of these bills would amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities. In addition, H.R. 6444 would extend by 6 months—from July 1, 1971, to December 31, 1971—the date by which the Commission on Railroad Retirement must submit its report to the Congress and the President.

The proposed 10-percent increase parallels the recent increase in social security benefits and would provide equitable treatment for railroad retirees. The other body passed its version of the 10-percent increase on April 28, 1971. By this prompt scheduling of a hearing on this measure, the distinguished senior senator from California has indicated his great concern, which we all share, that the 1,063,000 railroad retirees and their wives and widows be treated fairly and equitably in this time of continuing inflation.

NOTICE OF HEARINGS ON PRESIDENT'S LEGISLATIVE PROPOSALS ON EXECUTIVE REORGANIZATION

Mr. McCLELLAN. Mr. President, one of the six great goals President Nixon offered in his state of the Union message of January 22, 1971, was the reorganization of the executive branch of the Government. On April 1, 1971, the administration sent to the Congress four legislative proposals which embodied the President's plan. They are: S. 1430, creating the Department of Community Development; S. 1431, establishing a Department of Natural Resources; S. 1432, setting out a Department of Human Resources; and S. 1483, which put forth a Department of Economic Affairs.

In brief, these bills would restructure the executive branch by merging the Departments of Agriculture, the Interior, Commerce, Transportation, Labor, Housing and Urban Development, and Health, Education, and Welfare into four new Cabinet departments. The Departments of State, Treasury, Defense, and Justice would be retained without alteration.

Under these reorganization proposals the President has stated that the executive departments would be organized around the major purposes of Government, rather than dividing them by narrow subjects. This, he says, will allow for a clearer delineation of authority and responsibility in the executive branch rather than continuing it in its present state, scattered among various layers of overlapping bureaucracy. The President has declared:

> When we have a problem we will know where to go, and the department will have the authority and the resources to do something about it.

The public is rightfully demanding improved service in the transaction of its business. Because of the present status of our economy and the proliferation of Federal services, there is perhaps no time in history when it has been more important to evaluate governmental effectiveness. In the past 20 years the number of Cabinet departments has increased from nine to 12 and major independent agencies from 27 to 41.

The executive branch of the Federal Government is the largest and most complicated enterprise in the world, with more than 1,400 domestic programs distributed among 150 separate departments, agencies, bureaus, and boards. The Federal budget has skyrocketed during this period—from $42 billion to over $225 billion—and there are now over 2.8 million Federal employees.

The economic feasibility of the President's proposal must be carefully scrutinized. As extensive investigation by the Hoover Commission disclosed, the highest aims and ideals of democratic government can be thwarted through indulgent and excessive administrative costs.

Our governmental organizational problems have not gone unnoticed—indeed, the concept and attempt to reform and overhaul the structure of government is hardly new. I had the privilege of assisting in its last major revision as a member of the Hoover Commission. However, in the past 20 years there has been no broad overview of the executive branch. Its changes have come about only piecemeal—such as the addition of the Departments of Health, Education, and Welfare—1953—Housing and Urban Development—1965—and Transportation—1966.

The present Cabinet departments were established to meet the needs and requirements of the Nation and were charged specifically with the promotion and protection of vital major areas and interests of American life. They were not created without considerable study and debate. Therefore, we must approach the proposed changes with care to insure that the effectiveness of our present structure is retained and that any restructuring will better serve economy and efficiency. For the most essential issue in any Federal reorganization is whether this Nation of 200 million people will be better served—will they reap any benefits therefrom.

For example, great concern has already been engendered among a broad spectrum of farm and nonfarm related interests over the President's plan to break the Department of Agriculture into three separate entities. We shall, therefore, want to give this particular proposal considerable study in the months ahead.

Since the legislative and oversight jurisdiction of standing committees coincides with functions now performed by the Cabinet departments, and they are oriented to achieve the maximum, supervision off the existing Departments and agencies, the President's program would also require a major review and revision of the standing committees of the Congress.

I am merely referring to their situation as an illustration of one of the many problems which are inherent in the President's proposals.

The Government Operations Committee's hearings on executive reorganization will begin on May 25 and 26, 1971. These days will be devoted solely to hearing the explanation of and justification for these proposals from administration witnesses. With that record before us, we will then endeavor to hear from as many interested parties and organizations as possible in subsequent months so that we can provide an in-depth report to the Congress and the American people on these proposed reorganizations.

I am not prejudging the President's proposals. Like him, I want our Federal Government to be as responsive to the needs of our people as possible. And it is with this in mind and in this spirit that the committee will proceed.

NOTICE OF HEARINGS ON FREIGHT CAR BILLS

Mr. MOSS. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I announce that the Special Subcommittee on Freight Car Shortages of the Committee on Commerce has scheduled public hearings on bills related to the freight car supply—S. 1415, S. 1729, S. 1730, and S. 1731—on May 19 and 21. Hearings will commence at 10 a.m. in room 5110, New Senate Office Building.

Persons interested in appearing at the hearing should notify John Cary, staff counsel, at 225–9325.

ADDITIONAL STATEMENTS

PRESIDENT PRAISES DISTRICT OF COLUMBIA POLICE

Mr. SCOTT. Mr. President, I was somewhat startled to read yesterday one sentence in an otherwise reasonable editorial in the Washington Post. In the third paragraph of the editorial the Post makes the assertion:

> The task which Chief Wilson was given—to keep the city's traffic running at almost any cost—was a formidable one. And he has gotten no public backing from the man who gave him the task, the President, who simply left town.

That statement, Mr. President, is in disagreement with the news reports.

On Tuesday the Washington Post itself published a story quoting the statement made by Police Chief Jerry Wilson to his men at rollcall in which he quoted President Nixon as commending the police force. Although buried deep in the story, it nevertheless quotes Chief Wilson, in part, as saying:

> The President has personally asked me to communicate to each of you his commendation for the manner in which you have performed your duty during the demonstrations in this city during the past two weeks.

This, it would seem to me, is public backing by the President. At least the Post story indicates it is.

The Post editorialist would not have found it quite so difficult to spot the story in the Evening Star of May 3. Instead of being buried deep inside, the story appears by itself on the front page. The headline tells the whole story: "Nixon Praises D.C. Police for Handling of Disorders." This story then quotes the message relayed to his men by Chief Wilson at rollcall.

On page A–7 of the Washington Star of May 3 is a story from San Clemente in which Norman Kempster reports:

On Saturday, he (Mr. Nixon) warned against violence in the anti-war demonstrations and this morning praised Washington police for their handling of demonstrators yesterday.

I dwell on this subject at such length, Mr. President, because it is precisely this type of omission of highly relevant news that even if not calculated to destroy the morale of the police force and their families during their finest hour might well do just that.

The Washington police force and their able chief, Jerry Wilson, have done a notable—indeed, an outstanding—job during trying times. We are calling upon them to continue this brilliant, professional, and completely dedicated performance. These good, brave and resourceful men need all the support they can get from whatever source. Their families, going through a trying time of patient, concerned waiting, need all the moral support they can get.

It is, therefore, hardly just to these men and their families to imply that the President of the United States scorns their efforts to the extent that he will not back them publicly when that is precisely what he has done—and done repeatedly.

May I add my own small voice to the chorus of praise for the Police Department of the District of Columbia and for the military men who came in to assist them. They have done well. They richly deserve the praise which President Nixon has heaped upon them.

I commend to their attention, also, articles from the New York Daily News, the country's largest circulation newspaper. The May 4 Daily News has a paragraph in which it reports:

During the weekend he (President Nixon) watched developments closely and was "fully aware" of the steps being taken by the police in dealing with the demonstrations and fully concurred with the action.

This morning's New York Daily News carries as its lead paragraph on the story dealing with the demonstrations in Washington the following:

Amid charges that federal and local officials "jettisoned the Constitution" by ordering wholesale arrests, President Nixon praised District of Columbia Police today (Tuesday) for using "substantial restraint" in rounding up a record 7,000 persons during yesterday's May Day antiwar demonstration.

CARL HAYDEN—MAN OF HISTORY AND FEW WORDS

Mr. BYRD of West Virginia. Mr. President, the Los Angeles Times of Sunday, April 18, 1971, contained an article entitled, "Carl Hayden—Man of History and Few Words." The title of the article epitomizes the Senator, whom those of us who knew him admired and respected. Senator Hayden's distinguished service to his State and his Nation spanned over half a century—57 years to be exact. His record both in length of service and in accomplishments is one that few men will equal. I know that all who were privileged to know and work with Senator Hayden will be interested in reading the article. I ask unanimous consent that it be printed in the RECORD.

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

STILL BUSY AT 93: CARL HAYDEN—MAN OF HISTORY AND FEW WORDS

(By Jerry Cohen)

TEMPE, ARIZ.—When last seen on the floor of the U.S. Senate, he seemed merely hunched and withered. Now, two-and-a-half years later, he is bent and shriveled.

The agate-bald scalp stretches like a tightly drawn parchment across his skull. Crinkled hands tremble. The eyes often lose focus behind thick spectacles perched uncertainly on a bony nose.

As he strains to catch a question with his hearing aid, the head bobs slackly. When he walks, he wobbles. When he stands, he leans heavily on a walking stick bearing a little metal crest: Stanford University, Junior Class, 1900.

"An old man ought to have a cane," he says, and the smile deepens the hollows of the shrunken cheeks.

But the mind remains as bright as the hot Arizona sun splashing the fairways of the Shalimar Country Club just outside the old man's smart, Spanish-style townhouse here.

CONTRASTING LIFE-STYLE

How odd, it occurs to the visitor, that a politician who spent more years than any other at the center of national power should be content in this setting—so far removed from Capitol Hill where once he exercised majestic influence.

But retired Arizona Democratic Sen. Carl Hayden, who will be 94 next October, finds it not at all remarkable.

"I never liked the climate in Washington," he said in a voice still deep, still firm. "I don't like cold weather. It can't compare with the nice climate we have back here."

A surprising confession from one who served 57 years in the Congress (15 as a Representative, the remainder as a Senator).

But only a slim truth.

The real truth is that Carl Hayden, despite two-thirds of a lifetime in the ratified air of the nation's capital, never did shake the Arizona desert from his hightop shoes.

PIONEER PARENTS

Hayden, son of a prominent Arizona pioneer, was the first white child born in this suburb of Phoenix, and it is here that his heart and thoughts, if not his presence, always remained.

It was here in Maricopa County, too, that his political acuity was shaped. Even before he became Arizona's first (and only, at that time) member of the House of Representatives when the state became the 48th admitted to the union, he had been elected county treasurer ("We paid salaries in gold then") and sheriff ("I never had to shoot anybody").

So when he finally decided not to campaign for an eighth term in the Senate, he was not tempted to linger at the scene of past glories, a weakness common to many retired or defeated federal legislators. To Hayden, the only logical thing to do was to "come home."

When he did quit public life, he left behind an impressive record of legislative accomplishment, particularly in land reclamation and transportation, that changed the face of the nation and will continue to alter it for decades to come. During his long years as a public servant, he influenced the very course of American history.

He also relinquished a seat of enormous power, the extent of which was largely unrecognized by the public. But that was the way Carl Hayden, who had an absolute genius for the unspectacular, wanted it.

"In a temple dedicated to windbaggery," the Associated Press' Arthur Edson wrote in 1966, "he has kept his mouth shut while astutely pushing out invisible tentacles of power."

That power rested in no political charisma. Hayden almost never called a press conference, rarely spoke from the Senate floor. "It's no fun making a speech," he said the other day. "I never made them unless I had to."

Rather Hayden's vast "invisible" power reposed partly in seniority, which is so respected among Senators partly in the web of friendships he wove through the years with other influential politicians.

COMMITTEE CHAIRMAN

But most important of all was his chairmanship for 14 years of the Senate Appropriations Committee (he was a member for 30) whose control of the federal purse makes it all-powerful. He presided over the appropriation of untold billions needed to run the nation, and as the late Times columnist Bill Henry wrote:

". . . He has assisted so many pet projects for so many senators that when old Carl wants something for his beloved Arizona, his fellow senators fall all over themselves giving him a hand. They'd probably vote landlocked Arizona a navy if he asked for it."

Today, Hayden jokes about his decision to retire and give up all that. "It was high time to quit," he says. But he admits that it was a wrenching experience to let go. And on May 6, 1968, at age 90, he quite literally sobbed after he paraphrased the Old Testament in announcing he would not seek reelection:

"There is a time of war and a time of peace, a time of keep and a time to cast away, a time to weep and a time to laugh, a time to stand and a time to step down."

Says a longtime friend; "Carl's greatest goal for all those years had been to retain his membership in the 'club' (the Senate)."

But when Hayden did quit no man ever was more resolved to make his decision stick. Associates say that today the onetime "senators' senator" is "the most retired of retired politicians."

He still reads the daily Senate summary in the Congressional Record and scans the newspapers. Otherwise, he devotes himself to private matters.

His personal wants are attended to by the housekeeper, Miss Frances Doll, who came into his employ as a nurse for his wife in the mid-1940s. His wife, the former Nan Downing of Los Angeles, died in 1961, and Hayden spent his last years in Washington in an apartment house a block from the Senate Office Building.

He reads a wide assortment of books and articles dealing with Arizona and Western history. Though enfeebled, he takes short walks daily for exercise.

ANSWER MAIL

He keeps a steady flow of correspondence going by "scribbling" notes at home, then three times a week visiting an office provided for him in the Charles Trumbull Hayden Memorial Library (named for his father) on the Arizona State University campus here. There he turns the notes over to a typist.

Most of the correspondence is with nonpolitical friends or former constituents who still seek his help and advice.

"That always was one of Carl's great political assets," said a friend. "He always paid attention to the folks back home. He saw that every letter was answered promptly, and he tried to fill every request. He never was what you would call a great statesman, but he was a dedicated servant of the people."

Today, added the friend, politicians on all levels seek to exploit Hayden's reputation. "They try to get him to make speeches or public appearances in their behalf. But he won't do it. He's retired and he means it."

SELF-DEPRECATING

Hayden said he resists such blandishments, usually by saying good-humoredly, "I'm not reliable any more."

He remains true to his personal creed, that of the taciturn Westerner.

"He never has been a man critical of others. He always has been guarded and cautious in his comment," said a close friend.

"He always conducted himself in a manner to assure reelection by avoiding trouble and controversy. He was always a workhorse, not a showhorse; always followed the Boy Scout practice of holding a wet finger up to find out which way the wind blew.

"He's still as cautious as a man who is going to run for office tomorrow."

Ask 93-year-old Carl Hayden today to evaluate this or that President under whom he worked and he will smile like a schoolboy and reply:

"I wouldn't want to rate them. That's not good business. All were men of ability."

But with more logic than evasiveness, he explains:

"There is no way to compare two Presidents. I served under 10, beginning with Taft. No two are alike. So you can't put a yardstick to them. It's not fair to say one or two Presidents were better than the others. Each had different problems, each came along at a different time in history."

PRESIDENTIAL SCORE

If asked about specific Chief Executives, his replies are equally noncommittal but not unenlightening:

"Roosevelt? I don't know who could have done better in wartime."

"I knew Lyndon (Johnson) when he first came into the House, and later when he came into the Senate we became good friends. I think he was a good President."

"President Nixon? I think he's handicapped by the war. But he is doing his best to get us out. I got well acquainted with him when he was Vice President and presided over the Senate. I think he's a man of ability, and I think he's doing the best he can."

Without judging the man from Missouri's place in history, Hayden admits to a personal favorite. "I liked Harry Truman the best of all the Presidents," he said. "We got to be such good friends in the Senate.

"Harry was a fighter, and you've got to admire a fighter. He took a point and stuck to it, and he had a sense of humor.

ROOSEVELT DEATH

"I remember I was there that day in the Senate when someone came and called him to the telephone because the President had died. Harry got up and left and went to answer the phone and he never came back."

Hayden rose slowly from a chair in his office in his library, clutched his cane and walked over to one of the photo-lined walls. The pictures are of him with other political giants of the last five decades.

He tapped one showing him with President Truman and former House Speaker John W. McCormack, all three top-hatted and sitting in an open limousine.

"John and I rode with Harry from the White House to the Capitol that day for his inauguration."

Nearby hung a picture of Hayden and a smiling young man, inscribed: "To Carl Hayden, one of the best I have met along the way. John F. Kennedy."

On Hayden's desk sit busts of both Presidents Kennedy and Johnson, given him by the two former Chief Executives.

There is a frequently told story related originally by the late President himself about an early encounter between Mr. Kennedy and Hayden, who always went out of his way to be friendly to new senators.

When Mr. Kennedy arrived in the Senate, he struck up a conversation with the Arizonan by asking the difference between the modern Senate and that of 30 years earlier.

Hayden, who favors a corn-cob pipe today, chomped on his cigar and replied: "Young men didn't talk so much then."

When the young President was assassinated, Hayden, who never nursed ambitions beyond the Senate, was third in line as president pro tem of that body after Vice President Johnson and House Speaker McCormack.

Asked by an aide what he would do if either Mr. Johnson or McCormack were disabled, Hayden, taking note of his advancing years, replied with typical dryness:

"I'd call Congress together, have the House elect a new speaker, and then I'd resign and let him become President."

RUSSELL FRIEND

As he has a favorite President in Harry Truman, Hayden also had a favorite colleague in the Senate, the late Richard B. Russell of Georgia.

"He was the one I liked best and had the most respect for. If Dick Russell had come from the North, he would have been President of the United States," Hayden said.

"He just had a lot of good common sense and the ability to express himself. He had the courage to take unpopular positions."

Without ever abandoning the celebrated Hayden constraint, the old senator during two days of interviews at his home and office made the following comments on issues of current national interest:

The Vietnam war: "It's very unfortunate that Dulles (John Foster Dulles, secretary of state under President Dwight D. Eisenhower) got us into it. We should never have been there. What was happening there at the time never was a concern of the American people. President Nixon has a job on his hands getting us out."

The state of the nation: "I don't think we're sick. I think this nation is living and growing. I have no complaint about the drift we've taken. I don't think we're more violent than any other."

The state of the world: "I can't see any blowup in sight."

Race: "I think the situation has improved. I think the rights of the colored are respected more than they used to be."

Spending for space exploration: Hayden would not commit himself, but said: "I think it will be done for a long time to come. I think we'll continue to try to get information about space."

The SST program: "I would have voted for it. I think we need a real high-speed plane." His view probably reflects the abiding interest he always had in transportation.

A woman as President: "It's all right with me. It's possible. But I doubt it will happen. I don't know if any lady would want it. It's a terrible responsibility, you know."

MISSED COMBAT

As he looks back, Hayden says he has one major regret. A longtime Arizona National Guardsman, he accepted an Army commission as a major near the end of World War I. "We were a well-trained unit and ready to go. Then the Kaiser quit."

Because of his father's death, Carl Hayden did not complete his education at Stanford, where he played football.

His devotion to family and Arizona cost him a singular distinction, but one which never has caused him regret.

He explained: "I could have played center on the first Rose Bowl team. But I thought it was more important to come home for the Christmas holidays than play some Eastern team."

Besides, he doubts if his presence would have made much difference in the outcome. Michigan beat Stanford, 40–0.

A DIFFICULT JOB WELL DONE

Mr. GOLDWATER. Mr. President, now that the May Day protestors and hoodlums have done their work and the Government of the United States, including the Congress, is still functioning I believe it is time to express our admiration and gratitude to the officials, the police and the troops who preserved law and order in the Nation's Capital during the past 10 days.

I believe we should start with the President of the United States and express to him our appreciation of the firmness with which he instructed all officials to respond to this threatened mob action in the Washington streets. It was time for the President to exert himself in strong unyielding terms and this he did both publicly and privately.

In the same vein, I should like to compliment the U.S. Department of Justice, especially Attorney General John Mitchell and his Deputy, Arizona's own Richard Kleindienst, for the cooperation they gave to the local officials in the performance of a very difficult and dangerous duty.

Having said this, I wish to make it clear that I reserve my highest praise for Mayor Walter Washington and District of Columbia Police Chief Wilson and the men of the District of Columbia Police force who put in long hours of regular and overtime duty to make sure that the streets of the Capital remained open and free of disruption.

The Capital police also are to be congratulated for maintaining an extraordinary high degree of poise and efficiency under the very worst of conditions.

It is also time, I believe, for us to express our thanks to the military establishment which lent its assistance to make sure that the forces of law and order in the Nation's Capital were backed to the hilt by troops in the recent unpleasantness.

Mr. President, while I am at it I should like to go on record as stating that I have nothing but admiration for the methods used by the authorities. By the same token I have no patience with groups like the American Civil Liberties Union and other radicals who—now that the danger has passed—are coming up with all sorts of fine legal arguments about how the job could have been performed better. It has been suggested that the police should have followed arrest procedures recommended by the Committee for the Administration of Justice under Emergency Conditions. This committee was set up following the 1968 disorders in the Nation's Capital and would have required the police to have written out the name, the address, the charge, and the circumstances surrounding the arrest of each demonstrator. In addition, these rules would have required the police to take an individual photograph of everyone arrested.

Mr. President, after seeing the need for arresting nearly 10,000 people on Monday and Tuesday merely to keep order on our downtown streets, we can understand how silly such a procedure would have been. The mob could have tied up every major access route to the

Capital while the police were handling the first 200 cases.

There are times—and this week certainly was one of them—when extraordinary measures must be taken in the handling of a mob so that law-abiding citizens in the path of that mob can be protected. I believe there were at least two downright strokes of genius in the handling of this mob. The first was a decision—reportedly made by Deputy Attorney General Kleindienst—to have the legal permit for the demonstrators encampment in West Potomac Park revoked on Sunday, a day prior to the deadline set for the attempt to force the Federal Government to cease operation. This had the effect of disconcerting and disorganizing the demonstrators and frustrating many of their plans. The second stroke of genius, I believe, was Police Chief Wilson's decision to skip the recommended procedures and conduct mass arrests in the interest of public safety.

Mr. President, I am sure we will never stop hearing the liberals tell heart-rendering stories about innocent people who were caught up in the police net. I am sure that a number of persons were detained and even arrested who were no more than innocent bystanders. However, I do not think the inconvenience caused to such a handful of people can possibly compare with the inconvenience and delay which was caused to many thousands of commuters who come to Washington every day to earn their livelihoods. You never hear the liberals making much noise about this kind of unnecessary and unlawful interference with the freedom of American people who do not share their views or who, even when they do share their views, do not sanction the massive civil disobedience used as a tactic by antiwar activists.

In conclusion, I wish to say that two things especially bother me about the events of the past week. The first was an arrogant demand by the demonstrators that the Senate conduct a filibuster until such time as the Nixon administration agrees to the demand of the Rennie Davis' and the Abbie Hoffmans' and orders a total immediate withdrawal of all American troops from Indochina. The second was the story in the Washington Post of May 6 which details plans to be followed by the Senate doves in the weeks and months ahead. For if I read the plans correctly, they call for a series of massive legislative confrontations with the President over Indochina, starting with an intensive debate on the draft bill next week. In order words, it looks to me as though at least one group in the Senate is already attempting to carry out the demands of the radical demonstrators for a session-long filibuster to coerce the administration.

PRISONERS OF WAR DAY IN MAINE

Mr. MUSKIE. Mr. President, no more tragic situation is faced by the American people as a whole than that of our fighting men held prisoner of war in Laos and North Vietnam.

It is a matter to which many words have been devoted; but little progress has been made toward the release of these men.

The anguish experienced by the families of these men continues without relief. Those of us who share their grief owe them our full support.

In this regard, I am proud that the State of Maine has recently set aside a day in honor and support of these men and their families. In declaring April 28, 1971, as POW Day, Gov. Kenneth Curtis urged all citizens of Maine to show their respect and concern for these servicemen, and to join in praying for their release.

Mr. President, during these times of such dissension over our policy in Vietnam, it is critical that our prisoners of war and their families be aware that in the minds of most Americans there is no higher priority than obtaining their release. Therefore, I welcome this event in Maine as a serious gesture of our common concern.

I ask unanimous consent that the text of the proclamation declaring April 28, 1971 as POW Day in Maine be printed in the RECORD.

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

Whereas, the Silent Majority Mobilization has designated April 28, 1971, as a national day of support for our American Prisoners of War in the hands of the North Vietnamese; and

Whereas, these men have suffered and continue to suffer pain, imprisonment, deprivation of their rights, prolonged separation from their loved ones, and the peculiar mental and physical anguish which is the unique lot of the prisoner-of-war; and

Whereas, these men have carried out, and continue to carry out their duties to their country in accordance with their principles and pursuant to directions of the American people whom they are defending; and

Whereas, it is entirely just and in accord with humanitarian instincts that we, the American people, remember these men, cherish their contributions to our security, and pray for their safety and their speedy return to their homes and families;

Now, therefore, I, Kenneth M. Curtis, Governor of the State of Maine, do hereby proclaim April 28, 1971, as "POW Day" in the State of Maine and urge all citizens to show their respect and concern for these servicemen and to join me in praying for their release.

COLUMBIA, S.C., RECORD EDITORIAL REGARDING CALLEY CASE

Mr. THURMOND. Mr. President, the Columbia, S.C., Record of April 26, 1971, contains an editorial entitled "Danger of the Daniel Letter."

The editors of the Columbia Record deserve praise for this thought-provoking editorial regarding the letter of Capt. Aubrey Daniel which rebuked President Nixon for his actions in the Calley case.

It is surprising to me that only a few newspapers in the Nation pointed out the dangers of the Daniel letter. It appears that so many editors are hostile to President Nixon that they fail to fully examine an issue before commenting.

Those who so strongly chastised the military in past years as being too vocal in opposing communism now encourage or remain silent when military personnel attack the President of the United States.

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

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

DANGER OF THE DANIEL LETTER

A centuries-old tradition, honored by all except the poles of the American political spectrum, has been that civilian control of the military is ultimately essential and that military men will not enter the strictly political arena.

Admittedly, there's no positive black and white as one considers the politico-military essentials of modern warfare, including nuclear strategy as well as "wars of national liberation."

At the same time, a Senator like J. William Fulbright fought adamantly, vigorously and (betimes) illogically in 1962 to preserve that principle, as he saw it. Yet, it is passing strange that the liberal consortium in the U.S. Senate that opposes the Vietnam War now encourages and applauds direct violation of that principle.

Never has the case been more vividly illustrated than in young Captain Aubrey Daniel's letter to President Nixon, a cheap shot at the civilian as well as the military head of the Army.

Captain Daniel rebuked the President in language that has evoked liberal praise capsuled in the comment that his epistle "ought to be read in every schoolroom in America as a courageous statement of what this country is really all about."

Well, the praise for young Daniel bears contemplation. Does this nation want its military officers to voice public political positions on supercharged national issues? Senator Fulbright said "absolutely not" in 1962; what does he say, on the principle, in 1971?

Consider the facts: President Nixon is the Constitutional commander-in-chief of the armed forces and is Captain Daniel's civilian and military superior.

As an active duty officer and as a lawyer, Captain Daniel knows that officers are required to respect and adhere to the chain of command in all official communication. He violated this structure. Captain Daniel also knows that officers are specifically prohibited, as a matter of law, from manifesting disrespect for superiors.

Importantly and specifically, the Uniform Code of Military Justice, Article 88, enacted by Congress, prohibits officers from contemptuous or intemperate public comment upon official or personal acts by the President and certain other high officials of the government. (Retired General James Van Fleet, recalled to active duty, unfortunately violated this article upon arrival at Washington airport and damaged his usefulness as a veteran of guerrilla warfare.)

Captain Daniel's letter is a clear violation of Article 88. "The centuries-old tradition inherited by our armed forces from the British Navy and Army is that men in uniform—officers especially and pre-eminently—keep out of politics, and unquestionably obey and respect their civilian masters. These traditions are among the most long-standing and fundamental in the complex fabric of Anglo-Saxon constitutional democracy. Whatever may be said for Captain Daniel's intentions or even the validity of his views, his action nevertheless directly flouts every tenet of this vital and historic tradition," according to one military authority.

In the enfevered national debate over the Vietnam War, anti-war Senators and their adherents forget this principle. Disremem-

bering it, they could well be encouraging our military men to take the route of Latin American military establishments—an intrusion into the body politic that no sensible person wants—or should encourage.

NEW DIRECTIONS IN NATION'S SCIENCE POLICIES—ADDRESS BY DR. WILLIAM McELROY

Mr. ELLENDER. Mr. President, Dr. William McElroy, Director of the National Science Foundation, recently addressed a group of scientists in New Orleans. During his speech, Dr. McElroy described important new directions in the Nation's science policies—directions which emphasize a new awareness of the need to use science to promote the public welfare. I invite the attention of my fellow Senators to these remarks and ask unanimous consent that they be printed in the RECORD.

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

EXCERPTS FROM REMARKS OF DR. WILLIAM D. MCELROY, DIRECTOR, NATIONAL SCIENCE FOUNDATION ANNUAL MEETING OF THE BIOPHYSICAL SOCIETY, NEW ORLEANS, LA., FEBRUARY 17, 1971

The fact that NSF is requesting its largest budget increase in its 21 year history is proof, in my opinion, of some new directions and attitudes among the policy makers.

I should like to spend a few minutes on what I think to be the implications and ramifications of the NSF budget request. I predict that what we are seeing in these confusing numbers is the beginning of some rather fundamental changes. In my view, some of the policy ideas prevalent just a few years ago are being modified, and some new concepts added. Let me illustrate this by generalizing about our budget.

First, it should be quite clear that NSF is strengthening its commitment to basic research. This means both a sizable dollar total and an impressive percentage increase. Virtually all of the project research is spent by investigators within academic departments.

I'd like to see NSF and NIH become the predominant agencies in the support of basic research in our universities. Over a period of years I would hope NSF could fund 35 to 45% of all basic research, fund this percentage not at the expense of other agencies but rather as a true increase in the federal research budget. If we can achieve this state, it would give NSF the leverage to keep the big fluctuations—such as we saw during the past three years—out of the system and insure a greater stability to the research community.

I'm not entirely sure why the Washington mood has changed. Of course, one would like to believe that speeches and articles, testimony before committees and conversations with senior officials have made their mark. Perhaps they have, but primarily there seems to be a vague feeling, never quantified, that the United States may be in danger of underinvesting in research, that the Nation's economic and social future requires an increased emphasis upon the underpinnings of science and technology. These are shaky grounds for important policy decisions over the long run.

I mean to emphasize NSF's prime commitment to the strengthening of basic research. As you've seen, our budget request reflects specific evidence of that commitment. But my emphasis is for another reason: to convince you that while portions of the NSF programs have changed and become more newsworthy, relevant, and popular, the heart of the Foundation and the biggest budget item is still basic research support of individual investigators.

But while basic research is still central, there is a new emphasis revealed in the NSF budget, one which you saw on the last slide, "Research Applied to National Needs" or RANN. It is not a new concept, but the magnitude of the resources we plan to invest in it is noteworthy and symptomatic, I believe, of some new directions in science policies.

RANN, in brief, is a program to focus research activity upon a specific society-defined problem for the expressed purpose of contributing to a positive solution. The money we spend through RANN will go to both individual scientists and teams of scientists; it will support both basic and applied research.

The purpose of the RANN program is unequivocally to promote the public welfare through science. In this sense it is no different from any other Foundation program or for that matter from any Federal agency activity. But today the promotion of the public welfare has assumed an increasing urgency. This has increased the public pressures upon science, with its demonstrated capacity for scientific problem solving, to work more upon societal problems. The stakes are high: Unless the needs of the Nation and the needs and opportunities of science can be reconciled to their mutual benefit, the outlook for each can hardly be called encouraging.

The RANN program is thus the result of two principal developments: (1) The emergence of new and heightened urgency of existing public concerns; and (2) the implicit acknowledgement of a steadily growing interdependence between science and society. The latter point implies that the future of science and the future of society are directly related to one another, and that the convergence between the pursuit of knowledge and the condition of society will largely determine our future.

It is an accepted fact that the challenges of our society are of Herculean proportions; it is also accepted that these same challenges require efforts, in magnitude and kind, unlike and unequal to those pursued in the past. And among these efforts which appear to offer great promise is the pursuit of a wide variety of scientific activities. However, the very nature of our most serious and urgent public concerns are of such complexity and scope that only carefully formulated plans involving the participation of a variety of scientific talents and resources offer any chance of blunting their ill effects.

Of our more recent and widely publicized concerns—the physical and social environment, education, transportation, housing to name a few—our requirements for knowledge far overwhelm our existing stores. To be sure, the knowledge which man has created, to some extent the result of arbitrary and accidental action, has served to bring mankind to his present position—one which contains considerable that is praiseworthy and much that is undesirable and unforseen. But do we dare still place our future on chance evolution? Are we willing to use our rationality displayed in the past history of scientific development to guarantee still further societal as well as scientific progress? Society itself, through its representative processes, must make the attempts—difficult as these will be—to weigh, consider, review and decide among the alternatives. The decision must of course, encompass the voices of the scientific community, but it must in the main be a decision of the society.

The consequences of this attitude or concept will involve some changes of outlook for both the scientific community and the Federal agencies, changes which can be expected to influence the future course of both science and our society. For the program manager of RANN this will require that his public accountability now be displayed not just in terms of scientific achievement, but also through the relevance of results to societal needs. For the practicing scientist, participation in this RANN program presents a new challenge to previous professional practice. In effect, by acknowledging the relationships of science to society it offers him the opportunity—increasingly demanded by scientists everywhere—of sharing in the responsibility for his actions. Scientific professionalism may now be extended from the traditional limitations of the scientific method to its previous concept of the consideration of underlying assumptions, motivations and consequences of research. By and large, the science community is willing to accept these new societal responsibilities, in fact are chaffing at the bit. Commendable as this attitude is, we must not allow our enthusiasm to discourage or inhibit those scientists primarily concerned with science-oriented problems.

As I have said earlier, the so-called RANN emphasis is both supplemental and secondary to our support of basic research. Nonetheless, RANN is a specific response to the public and policy makers request for help on those societal problems amenable to science. We will experience growing public demands of the same nature in the future; I see no way they can be ignored, and I suspect budgets for science concentrated on societal problems will increase rapidly in the future.

And this brings me to my closing point, admittedly a judgmental one. It seems to me that we in America today are witnessing the beginnings of some rather substantial but subtle changes with a direct bearing upon members of the scientific community. You see both evidence and exaggeration of these developments in people's attitudes everywhere, from the campus to suburbia to the inner city. It's a difficult mood to describe, but it has something positive to do with the humanization of society and a greater sense of personal individualism. For science, this mood has a clear message: Science exists to serve society, not the other way around. Science is an instrument, a methodology, not an end. Science with its power must be used to liberate, not dehumanize man. Today we see a renewed interest in the emotional, which is to some extent a reaction to the over emphasis many have given to the rational, the logical, and the measurable. The best of these views might be termed a new humanism, a view that more positively places man and his relationship to other men and nature at the center of things. It is this new, deep theme in the American consciousness which scientists must recognize and adjust to. In effect, it seems to request that our scientific curiosity be matched by a refined conscience and sensitivity. It is a request which gives a new meaning to our work. It is a challenge which must be accepted.

PAVE: A COMEBACK FOR VIET VETERANS

Mr. SCOTT. Mr. President, recently, I had the opportunity to speak to a group of veterans and listen to many of their problems. It made me more aware of the scope of the difficulties which returning veterans must face. One partial response to veterans' problems is the answer presented by the Program to Advance Veterans Education—PAVE. This program, initiated in the Commonwealth of Pennsylvania by Robert Ford, strives to inform the veterans on how to get to college; it is hoped this will get to the bottom of many returning veterans' problems. PAVE recently announced a nationwide campaign which proves how a good idea, humanistic motivation, and a sincere drive can be successful and be of inestimable benefits.

To acquaint Senators better with this program, I ask unanimous consent to have printed in the RECORD an editorial entitled "PAVE: A Comeback for Vietnam Veterans," written by Robert Kotzbauer, of the Philadelphia Bulletin.

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

PAVE: A COMEBACK FOR VIET VETERANS

(By Robert Kotzbauer)

Like some other World War II veterans who got through college on the GI Bill, I've had trouble understanding why more Vietnam veterans don't take advantage of their educational benefits "like we did."

Only about 26 percent are doing so, compared to 50 percent after the "big war," and this despite the tight job market facing ex-GIs today. The current unemployment rate for returning servicemen is about 12 percent. About 352,000 are without jobs.

Robert D. Ford, who heads the Pennsylvania Program to Advance Veterans Education (PAVE), put me straight. If he can get the same message across to others, in government, at universities, and to veterans there could be some real changes.

For one thing, universities practically turned their campuses over to veterans in 1946. In fact, the GI Bill is responsible for building many of the great institutions we have today.

Not that colleges don't welcome ex-GIs today, but it's not the same. The campus atmosphere is strange to a guy who has been tramping the paddies. Everything seems geared to people who have been planning for college since before high school and escaped the draft by staying there

RODEO CIRCUIT

A grunt is likely to feel out of place in such a crowd. Some are unsure if they can cut it, what they want to do, or how to apply. And Bob Ford himself is a case in point.

After graduating from high school in Duncannon in 1957, second in his class (second from the bottom, that is,) Bob bummed around the rodeo circuit for a time then joined the Marines. Three years later, about to be discharged, he figured he'd give college a try.

"I wanted one of those papers that all the officers had," he said.

But his letter to Penn State fizzled. "It must have been like nothing," he recalls, "because they didn't even send me an application. I got a polite letter saying they didn't have anything I was interested in. I figured that was it. I couldn't go to college because the letter said so."

REMEDIAL COURSE

Bob began bartending, and that was it until 1966, when, at 26, he decided time was running out and he ought to try again.

"I wandered onto the Harrisburg Community College campus," he said. "Someone directed me to the admissions office, and I wound up with an application. I didn't even tell my wife because I didn't want to appear stupid."

Asked what he wanted to take, he chose business "because I didn't understand what all those other things were, like liberal arts."

He was assigned to remedial courses in English and Math. Yet later, Bob Ford wound up on the dean's list at both Harrisburg CC and Penn State's Capitol campus where he got his degree.

And this brings up what PAVE is all about. "A lot of veterans want to go to college," he believes, "and ex-GIs would be the backbone of the campus just as they were after World War II, if someone would only show them how.

HELP OTHERS

"I was just about to wind up my sophomore year in 1968, when I stayed awake all one night thinking how fortunate I was, and how many guys out there were like I was, and I decided to do what I could to help them get started."

He went to ex-GI clubs at the community college and Penn State branch and put his idea to them, of having veterans in college volunteer to answer questions and help others get in. They went for it.

Later, after reading former HEW Secretary Robert Finch's remarks about how few veterans were using the GI Bill, Bob Ford wrote to him and described his idea. Philadelphian Stewart Feldman, then on Mr. Finch's staff, called Mr. Ford and suggested they discuss the program with Governor Shafer's staff. PAVE was born, and after graduation, Bob Ford joined the state administration to head it. Governor Shapp kept him.

PAVE now coordinates 43 veteran counseling centers, at as many colleges and training institutions. Perhaps 1,800 ex-GI's in Pennsylvania are giving their time to helping former buddies enroll in school.

VETERANS' FAIR

It's an idea whose time has arrived. The program is now going national, sponsored by the National League of Cities and U.S. Conference of Mayors, and funded with $1 million from the Federal Government.

Bob Ford has been offered a position with the national program but he would like to see PAVE fully operational first. This week it gets its acid test.

"Veterans at Temple," with the help of PAVE and ex-GI Counselors from 14 other Philadelphia-area institutions, are holding a Veterans Education Fair at Temple's student activities center tomorrow and Saturday.

It's free and open to any ex-serviceman around here who thinks he might like to work for "that piece of paper." Nobody will tell those who turn out where to go to college, Bob Ford promises; only how.

TRAGIC EVENTS IN EAST PAKISTAN

Mr. PELL. Mr. President, I have been following closely for the past several weeks the news accounts of the tragic events in East Pakistan. In addition, I have received personal eyewitness reports of those events from constituents. From all of these accounts there seems little doubt that what has occurred is nothing short of a horrifying slaughter.

The world is too small, Mr. President, to dismiss human slaughter on this scale as merely the internal affairs of another country—affairs with which we should not concern ourselves. And yet our Government, in effect, has maintained silence in the face of these events. Whatever the diplomatic reasoning may be, the silence of the administration now is being interpreted to mean that our Government and our people have little regard for the lives of thousands of the residents of East Pakistan.

I hope the administration will soon find the words and actions to express to all of the world the deep concern that Americans feel.

A PLOT TO PAVE AMERICA

Mr. BROCK. Mr. President, one of the Nation's most critical problems is the pollution of our land, often referred to as a plot to pave America.

The April issue of Field and Stream magazine looks at what is happening and calls attention to what President Nixon has done to ebb the flow of concrete that threatens some of our remaining scenic wilderness. It is a fine statement of commitment to our natural heritage, and deserves our attention.

The article points out that the President's action in the case of the Cross-Florida Barge Canal should be a rallying point for all Americans who are concerned about what is happening to our environment. I agree.

While we cannot abandon all highway construction out of fear of ruining our environment, we must not allow the slender fragments of primeval outdoors America to disappear.

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:

A PLOT TO PAVE AMERICA

By cancelling construction of the wanton, wicked Cross-Florida Barge Canal, even after the expenditure of more than fifty million dollars, President Nixon demonstrated uncommon statesmanship. He showed responsiveness to the needs and aspirations of the people. His action proved that all is not lost in these discouraging times, that the voice of the grass roots can be heard in high places. This is, in fact, the only way we can rescue our natural environment from utter ruination by the unholy coalition of profiteers and the "bureaucratic elite" in Washington, which, to quote the President, claims to know what is best everywhere.

The President and the people should follow up this decisive victory on a broader front. If I were asked to name a single area in need of critical attention it would be the runaway highway construction program. "The Plot to Pave America" was admirably exposed by my colleague, Dick Starnes, in last November's Field & Stream, but the politicians and bureaucrats are simply not tuned in. The Federal-Aid Highway Act of 1970 makes a few token concessions to persistent public criticism, but essentially represents a frightening commitment to the unending proliferation of concrete.

I fear especially for the slender, vanishing fragments of primeval outdoors America. Unless trends are soon reversed, the ribbons of concrete are quite likely to deface some of the choicest scenic wilderness remaining to us. Wilderness to a highway builder is either a wasteland awaiting some "higher" use or a potential drive-through playground for instant sightseeing of the lowest common denomination, complete with crowds, noise, trash and litter. Never mind the game trails, foot paths, or the eternal search for solitude. Even worse, federal agencies charged with safeguarding the sacred places lack the muscle—and sometimes the conviction—to stand up against the highwaymen.

But the cause of the people is not lost, despite the odds. Let us consider as an opener the current effort to protect the Joyce Kilmer Memorial Forest in western North Carolina.

I first visited the Memorial Forest, which lies eighty miles west of Asheville, in 1961 It overwhelmed me as God's own cathedral, a woodland of marvelous diversity composed of centuries-old hardwood patriarchs standing 150 feet tall, intermingled with herbs, shrubs and vines, furnishing a haven of turkey, grouse, snakes, skunks and songbirds. And of people, too, who come to sense the wonder of creation.

In the heart of the area I found the fitting memorial plaque to Joyce Kilmer, the New

York Times reporter and author of the poem "Trees," who was killed in action in World War I. I learned that in 1934 the Veterans of Foreign Wars had petitioned the government for a living shrine to a fallen hero. After a long study of areas throughout the country this 3,800 acre tract of the ancient Cherokee hunting ground in Nantahala National Forest, not just a grove but an entire drainage circled on three sides by steep ridges, was chosen. A more impressive site would have been difficult to find.

Across one ridgetop the 10,000-acre Slickrock Creek watershed adjoins the Memorial Forest like a companion piece. The upper slopes of Slickrock are composed of virgin timber, while the rest, logged years ago, has regained much of its wilderness quality. The area is favored by boar, deer, turkey and bear, and hunters who follow these species. The creek is noted among fishermen as one of those few choice streams where trout reproduce naturally, largely because of the stable conditions of the watershed.

When the Kilmer shrine was established the Forest Service pledged to protect it forever as "a place of inspiration and a treasure of native flora and fauna." But even "forever" has its limitations, and the leadership of the Forest Service forgot its promise too soon.

In the early 1960's Congress authorized construction of a scenic road across the Unicoi Mountains connecting Tellico Plains, Tennessee, and Robbinsville, North Carolina. It sounded like a good idea at the time. The Forest Service in retrospect alleges citizen conservationists accepted the project without complaint, but the agency itself never spoke up to warn of dangers implicit in construction in such terrain or of the threat to the Joyce Kilmer.

The case developed quite to the contrary. Of the several possible routes considered, that chosen was one of the worst. It would have sliced across the upper portion of Joyce Kilmer, on steep terrain, dividing and scarring the wilderness with cuts and fills. In 1964, the Chief of the Forest Service, Edward P. Cliff, nevertheless approved construction of the road, advising his boss, Secretary of Agriculture Orville L. Freeman, that it would "enhance access to the Joyce Kilmer area." He overlooked mentioning that inevitable siltation would disrupt the ecosystem, or that heavy tourist travel would create pressure on fragile areas protected primarily by lack of access.

Apparently there were serious doubts within the Forest Service. On June 10, 1964, Chief Cliff wrote an internal memorandum acknowledging that construction along the proposed route was certain to stir public opposition. He decided, therefore, to avoid holding a public hearing or to dealing the people in on the full facts.

In early 1970, the environmental vandalism and imminent intrusion of the Joyce Kilmer became apparent. The little people, who like to think the public land is theirs, became restive. Vigorous protests were heard. Accordingly, in June in the small town of Robbinsville, the Forest Service and Bureau of Public Roads designed to conduct a public hearing, covering the last two sections of construction, even while continuing to stake the road.

This kind of strategy has a way of backfiring. The word spread, protests mounted. After all, so little primeval forest remains in eastern United States, it seems incredible that anyone would consider cutting more.

At last, in early January of this year, Ted Schlapfer, the regional forester in the South (who had not been involved in the earlier actions), announced his intention to protect the integrity of the Joyce Kilmer, to move the road to the crest of Slickrock and to initiate a study to add the Slickrock Creek drainage to the National Wilderness Preservation System. The decision was wise, but does not do the trick. Trout Unlimited, the hiking clubs of the area, and other citizen groups had already proposed placing the unviolated Memorial Forest and Slickrock Creek drainage into the Wilderness System as a roadless single unit.

Where should the incompleted link be built? The best alternative is to give it up as a bad job. At a time of intense national concern for environmental quality and for federal protection of fragile ecological areas, economically unjustifiable projects and nearly useless roads should be written off the books. President Nixon has shown the way. In fact, the Bureau of Public Roads concedes that "extensive environmental damage" would result from locating the road on the narrow ridge in Slickrock—exactly the same words used by the President in reference to the Cross-Florida Barge Canal.

Local residents have been told the road would bring in tourist dollars. But the boomers didn't say it would disrupt the quality of outdoors life the people now enjoy, or that it would drive away hunters, fishermen, campers, hikers and nature lovers. "You can't make a scenic highway for people who want to see a virgin forest," as Professor Newt Smith, of Western Carolina University, aptly declared during a rally in protest to the road.

Meanwhile, turning to an issue across the continent, Representative Jerome Waldie and more than a dozen other California Congressmen, of both parties, are sponsoring legislation for the establishment of a 43,000 acre San Joaquin Wilderness to fill the gap that is missing in an otherwise continuous strip of wilderness along the crest of the High Sierras. The area lies within boundaries of the Sierra and Inyo National Forests, embracing part of the John Muir Trail, the celebrated footpath that offers solitude, grandeur and dramatic mountain scenery for 200 unbroken miles between the summit of Mount Whitney and Yosemite Valley.

The immense popularity of the proposed wilderness among outdoors enthusiasts is more than the road builders can stand. They must forever "enhance" things with the blessings of the bulldozer. As a Washington press agent of the Federal Highway Administration, J. W. Perlin, wrote last October, another trans-Sierra route would help the Forest Service "implement such management functions as timber harvesting, enhancement of the environment, and providing recreation in large areas of the Sierra National Forest."

You would think a resource agency capable of defining its own management function needs, rather than to acquiesce to the viewpoint of another. But this is not always so. Last September the supervisor of the Sierra National Forest, Zane Smith, Jr., wrote a Field & Stream reader, "It has been the position of the Forest Service that the construction of the Minarets Summit Highway is a Public Road authority decision." And again to another, "I must remain mindful, too, that the Forest Service has agreed to the granting of right-of-way for a Forest highway through this particular area should the appropriate highway authorities decide it should be built."

What about safeguarding the Sierra wilderness in its trust from the bulldozer? The agency has ducked this question; it remains for outsiders to speak. "Completion of this road, in my opinion, would be the greatest tragedy since Hetch Hetchy," according to Norman B. Livermore, California Secretary of Resources. "The John Muir Trail is the very heart and soul of the wilderness concept, both in California and elsewhere. To what avail would success be in other great causes such as the redwoods, the Cascades, the Grand Canyon, and the proposed Golden Trout wilderness, if the grand jewel of them all, the High Sierra and its John Muir Trail, is bisected by a road?"

Such a statement would be fitting from a Forest Service spokesman, considering the agency has had wilderness in its charge for years. Equally fitting would be to point out, as does Mr. Livermore, that when wilderness is overcrowded, use needs to be limited. As he declares, "Improvement of highway access would further limit wilderness user satisfaction by infusing even higher density recreational developments in the area. Moreover, fears have been expressed by a large segment of the general public that development of this highway is merely an initial step in the development of a trans-Sierra route, I share these concerns."

In 1968, Orville L. Freeman, then Secretary of Agriculture, denied a scheme to punch an Interstate freeway through a primitive area in the national forests of Colorado. He acted in direct response to pressure of the people and his own personal conviction. "It is in the public interest to designate for future generations some specific areas where roads will not be built," Mr. Freeman declared. "We hold that economics alone is not a sufficient basis for determining whether wilderness shall survive or die."

President Nixon has expressed a similar concept, but appointed officials in his own administration, as well as the bureaucracy, are failing to follow through. The use of much of the irreplaceable resources of the national forests is based on commodity production. Large areas of wilderness not yet classified are slated for extensive roading and logging. The refusal of Mr. Nixon's Secretary of Agriculture, Clifford M. Hardin, and the Assistant Secretary, Thomas K. Cowden, to hear the pleas of the public has resulted in wide controversy and loss of confidence throughout the West.

The same weakness and inconsistency pervades other agencies. At a year-end press conference, Attorney General John Mitchell pledged the Justice Department would be more vigorous than ever before in the "whole environmental quality area." A few days later, however, Solicitor General Erwin N. Griswold, the chief trial lawyer of the administration, went before the Supreme Court to oppose a public group trying to save Overton Park in Memphis from invasion by a six-lane freeway. His basis for argument was that government officials know best and should not be challenged in court by little people at the grass roots. The President should give the Solicitor General a lecture some time.

It isn't easy to make headway in the public behalf. The highway builders represent a powerful force into themselves. Last November Representative Samuel Stratton, of New York, spoke with shock on the floor of the House of Representatives about the intention of the Federal Highway Administration to conduct hearings on road location without really paying attention to the will of the people. He quoted from a memorandum on how to brainwash the public and impose the highway viewpoint, which includes this reference: "Techniques of public relations, use of the mass media, public information meetings and other methods of informing the people and trying to sell the ideas and concepts the engineers and planners have come up with are the usual characteristics of this approach."

That's the mild part. It may explain part of why the President is trying to reorganize the government structure, and why he'll have a tough time doing it. Heroic stands, such as in the Cross-Florida Barge Canal decision, are the best way of winning friends and supporters who will stand up and be counted with him.

ACTIVITY AT NATIONAL CAPITAL AIRPORTS

Mr. SPONG. Mr. President, when the Federal Aviation Administration agreed

to the introduction of stretch jets at National Airport a little more than a year ago, its own airport experts warned that the decision would have a serious impact on the growth of Dulles Airport. With every month that goes by, the validity of that warning is brought home with force.

This month's FAA airport traffic report is a case in point. In March air carrier operations at National increased by 6.6 percent over the same month a year ago. Similar operations at Dulles declined by 2 percent. The picture is even more striking in terms of the total passengers using the two airports. For March the number increased by 2.4 percent at National but declined by 16 percent at Dulles.

The totals for the first quarter of 1971 at the two airports show air carrier operations down by three-tenths of a percent at National but down by 7.5 percent at Dulles. Total passengers for the quarter showed a slight decline of 1 percent at National but 11.8 percent at Dulles.

A similar decline has occurred in business at Baltimore's Friendship Airport. For the first 3 months of 1971, air carrier operations were down by 15 percent over the same period a year ago. Passengers were down by 6 percent.

Mr. President, despite the warning of its own airport experts and the clear evidence of these traffic reports, the FAA continues to maintain a public position that stretch-jets at National will not hurt utilization of Dulles and Friendship Airports. This blatant charade is carried on with no apparent concern for embarassing facts.

As one example, a few weeks ago the FAA substantially revised its 10-year forecast of passenger traffic at the three airports, with the revision all in the direction of much greater use of National. This change was made without benefit of any public notice or explanation, although it is a basic concession to the truth of what the airport experts have been predicting.

The only response of the FAA to the advice of its experts has been to summarily abolish the jobs of many of those experts. Without public announcement of any kind or advance warning to the employees involved, the FAA in February notified Bureau officials that henceforth their work would be handled by another agency of the FAA, and that 75 percent of the Bureau's employees would have to find new jobs.

Mr. President, another part of this charade has been the position taken by the FAA and the air carrier trade association, that "all U.S. air carriers serving this area favor the use of Boeing 727–200's at Washington National." That quotation is from an Air Transport Association report, which was widely circulated by the air carriers and the FAA as a rebuttal to critics of the stretch jet decision.

In fact, Mr. President, many of the air carriers serving this area do object to the use of stretch jets at National. I have in my files a letter written to the administrator of the FAA by the president of one of the major aircarriers serving Dulles, protesting that the use of stretch jets was not in the best interest of National and could seriously hurt his company's business at Dulles. That letter is dated 6 weeks after the ATA testified before the Commerce Committee that there was no air carrier objection to stretch jets.

Mr. President, in a later speech I intend to go into much greater detail on this decision by the FAA, and to discuss how considerations of the huge financial profits which the air carriers will realize from this decision have been allowed to override the public interest in a balanced utilization of the airports in this region.

Mr. President, for the present I will let the traffic figures I have cited speak for themselves. I ask unanimous consent that the FAA's first quarter report on the two airports be printed in the RECORD.

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

FEDERAL AVIATION ADMINISTRATION NATIONAL CAPITAL AIRPORTS WASHINGTON NATIONAL AIRPORT ACTIVITY[1]

	March		Year to date	
	1971	Percent change from 1970	1971	Percent change from 1970
Operations:				
Air carrier	18,762	+6.6	52,427	−0.3
General aviation	9,060	−1.6	22,954	−15.5
Military	99	−39.6	[2]440	−33.8
Total operations	27,921	+3.5	75,821	−5.7
Passengers:				
Domestic airlines	801,414	+1.8	2,199,226	−1.7
International airlines				
Total airlines	801,414	+1.8	2,199,226	−1.7
All others [3]	36,841	+18.3	102,278	+16.9
Total passengers	838,255	+2.4	2,301,504	−1.0
Cargo (thousand pounds): [4]				
Air mail:				
Domestic	3,439	+34.7	9,384	+24.5
International				
Total air mail	3,439	+34.7	9,384	+24.5
1st-class mail	3,034	−13.8	8,222	−22.3
Freight:				
Domestic	6,706	+11.3	17,707	+1.3
International				
Total freight	6,706	+11.3	17,707	+1.3
Express	1,707	−2.3	6,014	+21.0
Total cargo	14,886	+7.5	41,327	+1.9

[1] Totals of inbound and outbound traffic.
[2] Adjusted for error of 466 operations.
[3] General aviation and military.
[4] Partially estimated.

FEDERAL AVIATION ADMINISTRATION NATIONAL CAPITAL AIRPORTS DULLES INTERNATIONAL AIRPORT ACTIVITY[1]

	March		Year to date	
	1971	Percent change from 1970	1971	Percent change from 1970
Operations:				
Air carrier	5,335	−2.0	14,766	−7.5
General aviation	7,109	−5.6	17,677	−17.6
Military	5,142	+65.9	13,094	+54.9
Total operations	17,586	+9.4	45,537	−.7
Passengers:				
Domestic airlines	123,650	−19.9	352,237	−15.8
International airlines	20,667	+10.9	56,937	+3.9
Total airlines	144,317	−16.6	409,174	−13.5
All others [2]	14,036	−8.5	43,148	+7.8
Total passengers	158,353	−16.0	452,322	−11.8
Cargo (thousand pounds): [3]				
Airmail:				
Domestic	1,158	−6.0	3,045	−12.1
International	309	+90.7	1,289	+173.1
Total airmail	1,467	+5.2	4,334	+10.1
1st-class mail	1,158	−3.8	3,249	−13.3
Domestic	2,132	+16.9	5,253	+3.8
International	1,408	+9.3	3,834	+17.4
Total freight	3,540	+13.8	9,087	+9.1
Express	135	+11.6	364	−5.2
Total cargo	6,300	+8.1	17,034	+3.9

[1] Totals of inbound and outbound traffic.
[2] General aviation and military.
[3] Partially estimated.

FEDERAL AVIATION ADMINISTRATION NATIONAL CAPITAL AIRPORTS—TOTAL WASHINGTON AIRPORTS ACTIVITY [1]

	March		Year to date	
	1971	Percent change from 1970	1971	Percent change from 1970
Operations:				
Air carrier	24,097	+4.6	67,193	−2.0
General aviation	16,169	−3.4	40,631	−16.4
Military	5,241	+60.6	13,534	+48.5
Total operations	45,507	+5.7	121,358	−3.9
Passengers:				
Domestic airlines	925,064	−1.8	2,551,463	−3.9
International airlines	20,667	+10.9	56,937	+3.9
Total airlines	945,731	−1.5	2,608,400	−3.7
All others [2]	50,877	+9.4	145,426	+14.0
Total passengers	996,608	−1.0	2,753,826	−2.9
Cargo (thousand pounds): [3]				
Air mail:				
Domestic	4,597	+21.5	12,429	+13.0
International	309	+90.7	1,289	+173.1
Total airmail	4,906	+24.3	13,718	+19.6
1st-class mail	4,192	−11.3	11,471	−19.9
Freight:				
Domestic	8,838	+12.6	22,960	+1.9
International	1,408	+9.3	3,834	+17.4
Total freight	10,246	+12.2	26,794	+3.8
Express	1,842	−1.4	6,378	+19.1
Total cargo	21,186	+7.7	58,361	+2.5

[1] Totals of inbound and outbound traffic.
[2] General aviation and military.
[3] Partially estimated.

FEDERAL REVENUE SHARING

Mr. DOLE. Mr. President, there has been tremendous support for President Nixon's proposal for sharing Federal revenues with State and local governments. As I have traveled throughout the Nation, it has become apparent to me that the Congress must act affirmatively on this proposal if we are to save the State and local governments from fiscal chaos. The local government officials in Wichita, Kans., recognized this fact and recently the board of city commissioners passed a resolution endorsing Federal revenue sharing.

I ask unanimous consent that the resolution and a news column and editorial from the Wichita Eagle and Beacon be printed in the RECORD.

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

A RESOLUTION ENDORSING PROPOSALS FOR A PROGRAM OF SHARING OF FEDERAL INCOME TAX REVENUES WITH STATE AND LOCAL GOVERNMENTS AND URGING THE KANSAS CONGRESSIONAL DELEGATION TO SUPPORT THIS LEGISLATION

Whereas, the increasing urbanization of our society has placed unremitting demands upon local governments to provide new and expanded services, such as safer streets, better schools and cleaner environment in addition to services already provided; and,

Whereas, the rising expenditure requirements of this urbanized society have placed state and local governments in an untenable position in relation to sources of revenue to provide these services; and,

Whereas, the Federal government has dominated the use of the income tax as a revenue source while state and local governments have been dependent upon property and sales tax revenues; and,

Whereas, property taxes and sales taxes are relatively slow in response to the rapid cost increases of an expanding economy while the income tax can provide a more rapid response as wages increase; and,

Whereas, Federal assistance to state and local governments through categorized funding is restricted to furtherance of Federal objectives and restricts initiative, innovation and local application in these programs; and,

Whereas, a system of sharing of income tax revenues with state and local governments would express the confidence of the Federal government in these local governmental units and reaffirm our Federal system of government; and,

Whereas, the newly reorganized Board of City Commissioners of the City of Wichita wishes to join its predecessors in endorsing this program and in expressing the urgency of this measure by ratifying the Resolution adopted on the 9th day of March, 1971. Therefore, be it

Resolved by the Board of City Commissioners of the City of Wichita, Kansas, (1) A system of revenue sharing by the Federal government with state and local governments is urged and endorsed; and,

(2) The Kansas delegation to Congress is urgently requested to give their full support to legislation now pending before Congress which would provide a system of Federal Revenue sharing; and which includes the following five points which are considered essential to the effectiveness of such a revenue sharing program:

A. An automatic annual appropriation of a designated portion of federal income tax revenues should be made.

B. An annual distribution to the 50 states should be made according to a formula based primarily upon population.

C. A mandatory and equitable pass-through of funds from each state to its local governments, spelled out in a clear formula must be a part of such legislation.

D. All general purpose local governments should be included in the pass-through to include counties, schools and cities.

E. No program or project restrictions shall be placed on the use of these funds except those reasonably required in areas such as equal opportunity employment.

[From the Wichita (Kan.) Beacon, Apr. 26, 1971]

MORE RESPONSIBILITY

Officials of the City of Wichita are beating the drums for federal revenue sharing, and they're right to do so.

If Congress agrees with the President's idea to return federal tax money to local and state governments, with no strings on some, and fewer strings on the rest, it will be a greater opportunity for cities like Wichita to work toward logical, consistent improvement of services and facilities.

It will also mean that the local taxpayer will get a little less squeeze, for some of the many dollars he sends to Washington will return to help his home community.

And it will be a much greater responsibility. City Manager Ralph Wulz acknowledges that city leaders will face many problems when the major job of sorting out local priorities rests on local government's shoulders.

This is scary, for in the past, local governments often have shown themselves to be unaware or unconcerned about the pressing problems of the poor and the minorities that federally-supported programs like the Office of Economic Opportunity and Model Cities have been dealing with. Cities and states have to prove themselves capable of dealing with these and other human needs, however. They might as well start now.

Wulz said the city plans to institute some kind of citizen participation program, citywide, so the people of Wichita will have a full voice in how the federal monies are spent. This will be good, if some way can be found to equalize the voice of the rich and the poor, and if the city officials aren't driven out of their minds by the conflicting demands of 250,000 people.

If revenue-sharing bills pass Congress as introduced, there will be two categories of dollar-returns. One would be new money, now estimated to be $2.5 million for Wichita, under General Revenue Sharing. If it comes in time, it could help Wichita avoid a sales tax or some other new source of revenue which, it now seems, will be needed by 1973.

The other is Special Revenue Sharing, and it would replace federal spending for such programs as Model Cities, OEO and Urban Renewal. Wichita would probably get about as much as it now receives under such special grants. Such funds would be allocated under broad categories, e.g., Urban Community Development and Education. The city could spend the money as it chose, as long as it was within the confines of the specific category.

Right now, as Wulz points out, dollars flutter down from Washington in specific grants for specific programs. The city must write up proposed programs, get them approved, and justify them to numbers of different officials. A lot of time and money is spent on "grantsmanship."

Grants are given without reference to whether there is an even-handed attempt to meet other needs in the community. It is a rather crazy system, and can stand some improvement.

But the thing about revenue-sharing that worries critics is that this is tax money levied by one body of government, to be spent by another. Local governments are going to be on the spot, and have to prove themselves responsible enough to spend the federal windfall in ways that really improve the community, and help the taxpayers.

[From the Wichita Eagle and Beacon, Apr. 24, 1971]

REVENUES PONDERED FOR WICHITA'S 1973 BUDGET

(By Dolores Quinlisk)

City Manager Ralph Wulz said Friday that the city can prepare a 1972 budget without new sources of revenue but will have to "go to the people" for a local sales or income tax to help finance the 1973 budget unless federal revenue-sharing is passed by Congress.

City officials came out strong in support of the Nixon administration revenue-sharing

proposals at a briefing Friday morning for news and communications media personnel.

The State tax lid will "place the most serious restriction on development of city plans for 1972." Also, there is a continuing concern of local taxpayers that their property taxes cannot be increased, Wulz said.

The city is looking to the proposed federal revenue sharing program for relief, he added, and urged that citizens contact senators and congressmen to request that they support the revenue-sharing legislation.

Present revenue-sharing proposals would provide that Wichita receive $2.5 million in new, unrestricted money; $7.5 million in special revenue-sharing funds for urban community development, plus additional amounts for education, law enforcement, transportation and manpower training.

Wichita has been fortunate in receiving substantial amounts of federal assistance in recent years but this federal assistance has had its highs and lows, Wulz said.

"The new revenue sharing program would provide new money for the community as well as a continuous and ever-growing block grant," he added. "The block grant would not have federal restrictions and the local officials would determine how these moneys would be spent.

"This type of grant, over the previous categorical grant, is therefore an improvement and definitely places the responsibility for expenditures at the local level where obviously priorities can best be determined."

The way present categorical grants work, Wulz said, is that a city department comes up with a project, puts in an application and it may or may not be funded, with no overall consideration to merits of the project in relation to needs of other departments.

Under revenue-sharing, with a set block grant, the city will be able to plan for the money and determine priorities at the local level. "Now, it's just whatever we can get, from month to month," Wulz explained.

"It's going to be tough on the city—it will bring us under lots of pressure—but we should be required to consider priorities."

Cities have been promised by the administration they will not get less in revenue-sharing funds than the average amount they received in federal grants over the past five years, it was said.

Wichita received $14.7 million in federal grants, excluding highway funds, in 1970; $11.5 million in 1969 and about $8 million in 1968. Figures for 1966 and 1967 have not been researched thoroughly. They appear to be about $14,000 in 1967 and $645,000 in 1966.

ALCOHOLISM—ONE OF SOCIETY'S GREATEST PERILS

Mr. PASTORE. Mr. President, in a time when the headlines are being given to drugs and the disorderly behavior that stems from drugs, our concern must not be distracted from one of society's greatest perils—alcoholism.

Nine million Americans as individuals —and the homes and families that share their problem and suffer their agonies cry out to Congress for help.

The distinguished junior Senator from Iowa has made some cogent remarks on the problem of alcoholism. They are of the greatest importance to all Americans as well as to this Senate. I feel that a most useful purpose would be served by their insertion in the RECORD, so I ask unanimous consent to that they be printed in the RECORD.

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

THE NATIONAL ALCOHOLISM PROGRAM AND ITS FUTURE

(By Senator HAROLD E. HUGHES)

This morning, the Senate Subcommittee on Alcoholism and Narcotics, which I chair, began what I have called "show-down" hearings on the Drug Abuse Crisis U.S.A., with particular reference to that deadly cutting edge of the drug epidemic—heroin addiction.

The mayors of six major American cities, who know at first hand the dire urgency of the drug problem, were our lead-off witnesses.

My conviction is that we can no longer wait for sure-fire solutions on which all parties can agree to control the growing drug epidemic. While government and private agencies are bogged down in red tape, controversy over methods, reluctance to fund the necessary measures and nebulous pledges of future action, the drug problem and the universal crime it propagates have reached a point unacceptable to a civilized society.

While I am trying to blast through public and official apathy to awaken the country to the urgency of heroin addiction and other perils of the drug scene, I am ever mindful of the fact that the most widely abused dangerous drug of all is alcohol.

Alcoholism and alcohol dependence cause more damage to our scoiety in terms of death, human misery and economic waste than all of the other specters of the drug scene.

Yet, as you know, alcoholism control is the most neglected and under-funded of any of our major health problems.

There is alarm, verging on panic, throughout the country about the drug menace—despite the fact that the alarm has not yet been translated into action on any realistic scale.

But as regards alcoholism, the blunt truth is that we have had neither public action of any degree of adequacy nor compelling public interest.

And such public interest as there is continues to be largely moralistic and punitive—and definitely counter-productive so far as alleviating the plague of alcoholism.

As long as we continue to emphasize the stigma, we will never find the means of effective control.

In the meantime, abuse of alcohol continues to grow amid the other more colorful and more publicized items on the drug scene.

A recent report in the New York Times tells of a 22-year-old University of Wisconsin student who has "snorted cocaine, been strung out on amphetamines, taken something like 60 trips on LSD, and run through the whole range of synthetic drugs—but has now found a new way to get high."

"It's called Annie Green Springs," he said. "It comes in a hip, handicraft bottle. And as wines go, it's cheap."

Alcohol is still the drug of choice for the most Americans, including many of the younger generation.

Yet, as you know, alcoholism has received the least attention from those involved in the prevention and treatment of drug abuse. The federal government plans to spend, in F.Y. 1972, $119.7 million to combat drug abuse and $53.4 million to combat alcoholism.

The first figure is tragically inadequate, but the second figure is utterly absurd.

The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, which I introduced in the Senate, was signed into law on New Year's Eve.

The new law was the culmination of the bipartisan Federal legislative process working at its optimum level in the public interest. It was co-sponsored by 52 members of the Senate. It passed both houses of Congress without a dissenting vote. It was hailed by medical associations and public interest groups of all persuasions as the most progressive and far reaching legislation enacted in our history to protect America from what the Administration's highest ranking health official has called "the nation's number one health problem."

However, it is self-evident that no law accomplishes its legislative intent until its provisions are implemented. P.L. 91-616 requires the establishment of a National Institute on Alcohol Abuse and Alcoholism; it requires the establishment of an independent National Advisory Council on Alcohol Abuse and Alcoholism, to insure outside evaluation of federal efforts in this area; it requires the establishment of a formula grant program for developing needed state programs and coordination; and it requires the establishment of a project grant program to assist public and private non-profit groups and organizations in financing specific alcoholism prevention and treatment projects.

To date, no Institute has been administratively created; no Director for the Institute has yet been appointed; and no National Advisory Council has yet been formed. In addition, at recent hearings on the implementation—I should say lack of implementation—of this new law, the Subcommittee on Alcoholism and Narcotics was informed by Administration spokesmen that there is no intention on the part of the Administration to request supplemental appropriations for either of the two grant programs for Fiscal year 1971 or for fiscal year 1972.

This stubborn inaction is both tragic and incredible. Yet I believe that it is a reflection of the general public apathy concerning the problem of alcoholism in our society.

* * * * *

The need is clearly established:

Alcohol is a mood-changing drug, as are marijuana, heroin, cocaine, barbiturates, and amphetamines. The alcoholic is addicted to alcohol and therefore an addict. He takes alcohol as a drug. Dr. Roger Egeberg, Assistant Secretary for Health and Scientific Affairs, has declared alcoholism America's "Number one health problem." Researchers at George Washington University set the figure at 9 million alcoholics, with as many more on the verge of a serious drinking problem.

Were 9 million Americans found to be suffering from any other disease, an epidemic would be declared and the country would be a state of emergency. Abuse of hard drugs and marijuana has nowhere reached the proportions of alcoholism, yet concern for alcoholism is far less than for hard drugs.

One in every 13 employees is an alcoholic. Losses in industry because of alcoholism have been computed at 6 billion dollars per year. The total cost to the nation and the cost in human suffering to individuals, families, and communities is incalculable.

Less than 5 percent of our alcoholics are on skid row. More than 95 percent are found in homes, factories, offices—they are employed and support families. A large number are found in the arts, in high executive positions, in elective office.

50 percent of all fatal accidents on our highways are caused by alcoholics. The FBI reports that our courts are overcrowded because more than 95 percent of short-term prisoners are serving time in jail because of alcoholism. One in three suicides involves alcoholism.

The need—I repeat—is clear. Yet our government and our society refuse to take the steps necessary to bring this problem under control.

* * * * *

Why does this country remain deaf to the thunderous need for action to alleviate the drug epidemic in general and alcohol abuse—the most widespread and damaging phase of the problem—in particular?

What can be done to get through to the

public, the administration and the Congress with the urgency of that need?

I can only tell you what one man believes after years of involvement with these problem areas.

What must come first is a simple but profound change of public attitude.

More than new medical techniques, more than new government programs, more than a millenium of law and order, we need a new era of forgiveness and reconciliation in America.

I am talking about a changed attitude towards our fellow human beings . . . something that can't be legislated or decreed, but must be born in the individual heart.

Because our need is of this kind, you members of the clergy are in a front-line position to help and to provide leadership.

The basic premise from which we must start is the all-encompassing belief in the indestructible value of every human being . . . even the least of these.

And the first obstacle we must surmount is our traditional morality which is less concerned with helping people than with judging whether or not they deserve to be helped . . . more preoccupied with punishing than with healing . . . more intent on revenge than redemption.

Guilt-ridden and confused ourselves, we have a desperate mania about finding scapegoats on whom to place the blame for our troubles and frustrations.

Here is the real hang-up.

When our moralistic and vengeful attitude is changed, all things will be possible in rescuing human beings from the deadly burden of addiction.

Without a fundamental change of attitude, I am convinced that our best efforts are doomed to failure.

* * * * *

About five years ago in the courts of the District of Columbia, an historic legal decision was handed down.

In simplest words, it held that a homeless alcoholic could not, from that point on, be booked on a criminal charge for public drunkenness.

Unfortunately, the decision applied only to the District of Columbia. In most other regions of the land, sick people suffering from this treatable and controllable disease are still put in jail.

Nonetheless, the decision stands as a landmark pointing to a new era of hope and humanity for America.

Appropriately, the name of this ruling, as you may know, was "the Easter decision."

The "Easter Decision."

Does it strike a bell in your hearts?

It should.

For after all, in my assertion that our first need is for a simple and profound change in public attitude, it is really the Easter Theme about which I have been talking.

THE VOUCHER SYSTEM

Mr. BUCKLEY. Mr. President, Americans have relied increasingly on the public school system to serve the educational needs of society. All sectors of government—Federal, State, and local—have allocated sharply increased budgets to maintain and enlarge this system. Despite the increased amount of funds, criticism of the educational output of public schools has mounted, and parents, taxpayers, and educators have been seeking new ideas.

Perhaps the most innovative and sweeping reform recently proposed is the voucher system, which would introduce the principles of the market economy and competition into governmental financing of education. The American Conservative Union has published an excellent study of the voucher system, with an introduction by ACU Chairman M. Stanton Evans. This report, authored by Prof. Yale Brozen and Roman L. Weil, of the Graduate School of Business, University of Chicago, is a lucid summary of the arguments in favor of a voucher system. I commend its analysis to those interested in educational reform, and ask unanimous consent that the ACU report be printed in the RECORD.

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

THE VOUCHER SYSTEM

(By Yale Brozen and Roman L. Weil)

"To an economist, many of the criticisms recently made against big-city public school systems have a familiar ring: they are identical with the complaints that consumers have leveled against monopolies for centuries. Since big-city school boards, administrations, and teachers' organizations are all essentially monopoly organizations, this similarity of discontent is not coincidence.

"The classic antidote to monopoly is competition. By introducing alternative sources of supply, competition expands the choice available to consumers. Moreover, these alternative sources are likely to use different methods and approaches, or even to develop wholly new products, thus greater variety makes expanded choice really meaningful. Since consumers can shift their trade from suppliers who do not please them, suppliers have a strong incentive to provide what consumers want. This attitude also means competitors regard innovations positively, as potential means of winning more business. In contrast, monopolies usually view innovations negatively, as a bother designed to upset established routines for no good reason. Clearly, if greater competition causes these results in general, it might produce some tremendous improvements in big-city school systems." *Community Control of Schools,* edited by Henry M. Levin (Washington: The Brookings Institution, 1970), p. 219.

Government-operated schools are under attack for failing, in many instances, to educate their students. In the words of a report on fifty-seven academic public high schools in New York, "The school system does not succeed with any students except those who couldn't possibly fail under any circumstances." Solutions are being sought for the problem that much schooling produces little education for many children.

Among government-operated schools, some are successful. Others, with student bodies not substantially different in background or ability, are bitterly resented by the parents of the children they have failed. Both ghetto and suburban parents are frequently frustrated in their attempts to obtain schooling which teaches their children to read adequately, to write understandably, and to figure competently.

Where public schools have attempted to respond to parents' complaints, the effort to improve has often taken the form simply of obtaining more funds to hire more teachers. They then apply the same techniques to small classes which have failed with large classes. Remedial programs are installed attempting to teach what should have been learned earlier.

The increase in funds provided public schools shows little correlation with improvements in education. One study,[2] in New York, shows some schools with slim funds doing better than other schools receiving large amounts of financial support. Money has not solved the problem of schooling failures.

The ferment involving our government-operated schools has produced many puzzles and few answers. Why is increased funding (in dollars per student) poorly correlated with improved results in schooling? Why aren't all schools as successful as some in educating ghetto children? Why aren't all schools as successful as some in educating middle class and suburban children? What can be done to produce more and better education?

THE PRESENT SYSTEM

At present, tax funds are used to finance government-operated schools which may be attended by almost any child.[3] To get the benefit of public funds, children must attend a school chosen for them. To exercise a choice among schools, they must attend a private school which charges tuition.

We do not question, in this paper, the amount of government financing of schooling or the means by which governments raise funds, although questions have been raised in both these areas. We are concerned here only with obtaining a better return from the governmental outlays.

THE VOUCHER SYSTEM

In this study, we describe the voucher system, why it is likely to be better than the present system, some arguments against it, and counter-arguments. We conclude with a discussion of a proposed test of the voucher system.

The issue is whether more education is obtainable for given expenditures by subsidizing schools or by subsidizing students. Under a voucher system, the governmental unit disbursing funds for schooling issues to the individual who is to receive the benefit of those funds—or to his parent if, as for most recipients, he is a minor—a voucher (or ticket or scrip) to be used at any acceptable school as a ticket of admission. The school, in turn, provides to the presenter of the ticket educational services. It redeems the ticket, with the appropriate governmental unit, for the money the ticket represents.[4]

The voucher might represent, in any given school year, let us say, $750, assuming that figure to be the current per-pupil cost of the government-operated system in a given district. If all parents of children now attending public schools choose to continue sending their children to those schools, then the schools in that district would receive the vouchers and redeem them for the funds which would pay the cost of the operation. Parents would be free, however, to send their children to public schools in their district other than those in their neighborhoods or to public schools in other districts if they feel other schools are preferable.

Parents could send their children to private schools if they prefer them. Where private school tuition is no higher than the cost of operating public schools, the voucher would cover the tuition (assuming the voucher is set at this level). If a parent chooses a private school whose tuition exceeds the value of the voucher, he can pay the difference and obtain a more costly education for his child, if he feels that it is appropriate or necessary to meet special needs (such as blindness, deafness, mental retardation) or to develop the talents of his child or merely to invest more in his child's education than the state is willing to pay.

Although it was suggested above that the value of the voucher might be equal to the per-pupil cost of the government-operated system in the district in which the student resides, it does not have to be. In one state-operated voucher-like system—the state of Virginia—the value amounted to only $250 for an elementary pupil and $275 for a secondary pupil. Local districts in the state were allowed to provide payment up to the per-pupil operating cost of their schools, but few exercised this option. Many attempted to conceal the availability of the state voucher. Twelve thousand students in Virginia made use of the voucher in 1963–64 to make part payment on tuition to public schools outside

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their district of residence and in non-sectarian private schools, despite attempts in some school districts to conceal the availability of vouchers.

There are many ways in which a voucher system may be designed. The voucher value may be set equal to operating cost per pupil of public schools in the district of residence. It may be set at lower levels. Restrictions may be placed on the schools at which vouchers are usable. The amount of payment by a parent supplementary to the voucher may be restricted. The voucher value may depend on the progress made by the student.

The voucher system, no matter what accessories are attached to it, basically involves putting purchasing power—money earmarked for education by the government—into the hands of the consumer or his parent. It allows the consumer to choose the school at which the voucher is presented for educational services.

Simply put, in a voucher system the state finances education by giving parents money to hire teachers. Public funds for education go only to schools in which parents enroll their children; schools without students get no money and, presumably, go out of business.

Currently the state decides who gets educated, who pays for it, and how the school system is structured. In a voucher system the state retains control over who gets educated and who pays for it but relinquishes, to the degree the vouchers are unregulated, control over how the school system is structured. With vouchers, students and parents control the school system by their choices among the schools which compete for the business.

WHY VOUCHERS?

Questions concerning who pays for public education and who receives the benefits are separable from the question of what system shall be used for the delivery of education. It is the latter problem which the voucher plan is designed to solve.

The central problem in the present delivery system is the lack of control most parents have over the education their children receive and the poor value many people think is provided for the public dollar spent on education. People from across the political spectrum complain that current education is not what they want. Only if a parent can afford private schooling can he buy the education he desires for his child.

Some complain that the history and culture of blacks are not adequately taught.

Some complain that schools teach and reinforce patterns of male chauvinism.

Some complain that the contribution to American history of American Indians is distorted.

Some complain that the schools teach Communism or Socialism.

Others complain because Communism is not taught!

Some complain too little time is spent on the three R's or on religious training or on physical education.

There is no one best way to educate; there is no single set of knowledge that is most worth having for all students. Our current school system tries to ascertain what is best for everyone and then provides an education that pleases almost no one. Educators do not necessarily believe they know what is right for *all* children to learn. But they are forced to act as though they do. Uniform curricula are forced on schools with dissimilar student bodies.

A Chicago school principal and the parents of his students want to try an innovation in teaching but the school board will not allow it.[5]

The Gary, Indiana, school administration wants to hire an outside firm to teach reading with the firm's fee proportional to its success, but the teachers' union think it's a bad idea.[6]

Parents in New York City want the district board of education removed because of lack of cooperation for the reopening of the schools.[7]

An American citizen's choice of school systems is much like a Polish citizen's choice of automobiles: a single state-supplied model, unless one has sufficient wealth to buy elsewhere.

Would vouchers solve the problem?

With a voucher system, public schools would compete with each other and with private schools. Instead of parents being forced to take whatever education the state provides to receive the subsidy provided from tax revenues, parents could choose among schools and among varieties of educational offerings.

The present system has captive customers who must take what is offered whether or not superior alternatives are available. It's much as if everyone were offered a suit of clothes at the expense of the taxpayer and each customer were assigned to a specific suit manufacturer. If the manufacturer to which a suit-user is assigned chooses to produce only size 38 blue serge suits in three-button models, but the customer prefers a size 42 double-breasted gray flannel, that is simply too bad for the customer. If he wants a state-provided suit, he must take what the manufacturer to whom he is assigned provides. He may argue that he would prefer the size 42 suit produced by the manufacturer in a neighboring town, but he is not allowed to take that suit unless he changes his residence to the neighboring town (which may make travel to work very inconvenient or force a change of jobs). The manufacturer to whom a customer is assigned is paid by the government, not by the customer, which gives the customer only the power to complain to the governmental authorities. "So go fight City Hall."

If a voucher for a suit were provided and the customer were subsidized instead of the manufacturer, the user of subsidized suits could then choose among manufacturers. He would not be forced to take whatever is provided by his assigned source of suits. Manufacturer would have to compete for customers. They would, then, produce suits attractive to customers. Since manufacturers would no longer simply be paid for the cost of operation regardless of whether or not they are efficient, they would find it necessary to become efficient in order to offer attractive values.

With a voucher system in education, those public and private schools now doing a good job would attract students. Others would be forced to adapt and improve, instead of comfortably providing whatever they choose to provide, confident their costs will be met by direct government subsidy.

In addition to improvement in quality and efficiency, schools would no longer force all students into a limited number of straitjacket educational "suits." Variety in offerings would become available, making it possible to choose the approach more nearly approximating the needs of each student.

At worst, existing school systems can continue. Even if education with vouchers were to be essentially the same as now, the competition of privately operated schools, many of whom, it is hoped, would be profit-oriented, would force cost-effectiveness on the system. Private managers with profits at stake would find means of producing the educational product at less cost. With greater efficiency, it is probable that the educational product would improve since more could be delivered for the same number of dollars. Competition in quality, as well as cost, makes it doubtful that educational services would remain as bad as they are now.

THE CASE AGAINST VOUCHERS AND A DEFENSE[8]

We know of six principal criticisms of the voucher system, to wit:

(1) The voucher system will lead to a higher variance or dispersion in the distribution of education than at present. The gap is too wide now between the best and worst; with vouchers the gap will get wider.

(2) Because of increasing returns to scale (the larger the school, the smaller the per pupil cost), the voucher system will lead to increased costs. Money spent on education will not buy as much as it does now.

(3) Because of individual choices made by users of vouchers, students will attend classes with students more like themselves than at present. That is, the voucher system will reduce heterogeneity in class composition and, as a result, the value of education.[9]

(4) What is really a special instance of number 3, vouchers will lead to increased segregation. Some (many?) parents will prefer sending their children to all-white schools. Such a result, should it occur, would be contrary to an expressed national goal (and to law). It would result in inferior education for blacks.

(5) Public schools must remain available for those who cannot find adequate private schools. The dull, poor, or sick student will not be accepted at a private school. An undesirable class will, as a residue, become the charge of the public school system. These children will be worse off as a result.

(6) The voucher system would cost more than the current system because students now in private schools would receive public funds they do not now get.

Complaint 1

Consider the present. A majority of families send children to public schools; some send theirs to private schools. The options available to most families are to spend nothing extra for their children's education or to spend a lot—the entire tuition bill of a private school. It's now all or nothing at all. You have no convenient way to determine the amount spent on the principal components of your child's education.[10]

With vouchers you can spend whatever you can afford on the school system. It's as though now you can buy only a Vega or a Cadillac. You do not have middle courses of action from which to choose. With vouchers some will want the cheapest possible education; some, the most expensive education; but many will want an intermediate product.

The use of unregulated vouchers will tend to lead to smaller variance in dollars per child spent in education and, presumably, on education received. Consider, for example, a hypothetical population of eleven children in a community where the expenditure per pupil is $750. Without vouchers, three of these eleven children go to private school at a cost of $1150 per pupil; the rest go to public school. With unregulated vouchers assume the poorest parent spends nothing extra on his child, the next poorest spends $50 extra, the next $100 extra, and so on. Thus the eleven children have spent on them $750, $800, $850, . . . $1250. The variance of the expenditures without vouchers is 25 per cent *larger* than that with vouchers.[11]

Further, assume public education is only 70 per cent as efficient as private education. Then the cost of providing vouchers to *all* (eleven) children and maintaining the quality of education at current, public school levels will be *smaller* than without vouchers.

Concern for increased variance of expenditures on education and its adverse social result has led some to propose a *limited* voucher system under which the voucher may *not* be supplemented with extra funds. Such a restriction appears misguided for it will still be the poor among us who will have no chance to achieve the benefits of spending

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a *little* extra on their children's school system.

Even if variance should increase, would that be upsetting? So long as no one is worse off and at least one person is better off with vouchers, one must prefer vouchers unless a perverse attitude is adopted.[12]

To argue that variance is less now than it would be with vouchers and that this is preferable, is to argue that those who might receive a superior education with vouchers should be held down to an inferior but equal education.

Complaint 2

No economist we know of has argued that there are increasing returns to scale in education beyond that achieved by many already existing private schools and that this dooms the effectiveness of the dollar spent via the voucher system relative to a public education. Not classrooms, not teachers, not land are bought more cheaply by the hundred. These are the expensive educational inputs in our current system. Chalk, books, and the like are bought more cheaply in bulk. There is no evidence that the loss in bulk buying of chalk will make a significant difference in cost-per-pupil if student population per school (or per school system) decreases.

Furthermore, if there are economies of scale, the smart, profit-seeking individuals who open private schools will "go big" if that is more profitable and *if they can provide as good a product* that way. It won't do to argue that big schools are cheaper—one must also show that *for a given quality*, big schools are cheaper.

Complaint 3

Those who argue that vouchers will lead to increased homogeneity may mean social-attribute homogeneity or income-class homogeneity, or both. The latter argument appears faulty for the same reasons that the increased-variance argument was. (Consider again the hypothetical population of eleven families analyzed earlier.)

On the claim that the distribution of social attributes or scholastic aptitude will be worse with vouchers than without, reconsider the behavior of the profit-seeking, private school operator. He wants to provide the best product he can for a given input of dollars. Assuming consumers respond to quality here as elsewhere, he can achieve a higher return for himself (make more money) by inducing a range of students to attend his school. We are not able to anticipate how he will do this. If, as the sociologist find, diverse student populations lead to better educations, entrepreneurs can be expected to achieve the optimal distribution one way or another *in order to benefit themselves*.

Suppose, however, it is not educationally advantageous to mix the bright with the dull, but that our society wishes to do so for other reasons. Any desired mix of students may be achieved by statute, or better yet, by appropriate further subsidy to voucher-receivers or to schools. Here, as elsewhere, the problem is not that some goal cannot be achieved with vouchers. It is only necessary that society identify its desiderata and structure the system to achieve them. As a goal is identified, the system can be structured to achieve that goal. It won't do to argue that some aspect of education will change with vouchers; one must show that it is a change for the worse and that the voucher system cannot be modified to cure that ill.

Complaint 4

Segregation could conceivably increase with vouchers. We wonder if those who argue that it will have considered the silent minority of Southerners or suburbanites who prefer, but are frustrated by law or practice, that their children attend school with black children who want to learn. We wonder if those who argue that segregation would increase have considered the desires of black parents for better education for their children—parents who are now frustrated by the low quality of many ghetto schools. With vouchers, these parents could send their children to better quality schools whch are likely to attract white children as well as black because of their quality. The *de facto* segregation found in practically all schools in an area such as Washington, where 94% of the children in the total elementary school system are black, and in large black ghettos in major cities, is more likely to diminish with the voucher system than to increase.

Suppose vouchers did result in increased segregation, in spite of current laws. Would not the cost of increased segregation be small relative to the enormous benefits accruing to the voucher system? The benefits from the voucher system should accrue disproportionately to blacks. It is black, not white, children who read more below grade level. The nonteaching, "jail" or baby-sitting schools are relatively more predominant in black areas than in white. Insofar as blacks receive inferior education now, they have more to gain from vouchers.

Some parents, for whatever reason, will prefer segregated schools and be willing to pay extra to achieve this goal if the voucher system and laws allow it. One wonders how much extra money these parents will be willing to spend. To maintain segregated schools will, under a voucher system, cost the parents who want the segregation. Under the current system all *pay* for the segregation desired by only a part of the society. A voucher system will force those who wish segregation to pay for their wishes.

Complaint 5

As for the argument that the public schools will become schools of last resort for the dull and the sick: note that now, some states, e.g., Illinois, do not allow some children to attend public schools. They provide vouchers for these children. It is private schools to which are thrown the residue. There is ample favorable evidence, and none to the contrary of which we know, that private schools will arise to fill the wants of those who will pay. Private schools now take children the public schools avoid, such as spastic and retarded children in Illinois.

Insofar as the residue at the public schools of last resort are not dull but merely the rebellious and the discipline problems, how are these children worse off? They attend school in jail-like atmospheres now. Their classmates who, with vouchers, could learn in a more peaceful atmosphere would be better off. It is conceivable that the public schools might become schools of last resort for a residue unwanted by private schools. The attributes which make the residue unwanted are self-imposed, however, not externally imposed, and can probably be more easily changed if they are taught by teachers aware of their special problems. Furthermore, private enterprise might provide better schools for the discipline problems than public schools do or can. There are now private, residential schools famous for willingness to accept students whose families find they cannot cope with their children.

Complaint 6

Less than 12 per cent of the children attending sub-collegiate institutions are in private schools. If the children in public schools who are provided with vouchers attend public and private schools as inefficient as the average public school now operating, public costs of education would rise by about 14 per cent—as additional expenditures for the payment of vouchers provided for children who would have been sent to private schools by their parents without vouchers.

In some areas, private schools are now closing, or will soon close, because costs have increased to the point where tuition and contributions do not meet the costs of these schools. Their student bodies will soon be forced into public school systems. They will become a public cost whether or not a voucher system is adopted.

Dr. Donald Erickson, professor of education at the University of Chicago, in a report on private education in Illinois, found that 18.1 per cent of all pupils attending private schools transferred to public schools in 1969. He forecasts a rise in the rate of transfer to 12 per cent in 1971 and a continuing rise in succeeding years. He estimates that the provision of a $300 voucher would actually save the state $7 million by 1976 and $74 by 1980.[13]

Most of the private schools facing a financial crisis operate at cost below those of public schools. Their closing will increase total costs of schooling without a commensurate increase in quality.

More important, however, when schools must compete for students and when there is a profit motive for controlling costs, providing a given quality of schooling should cost less. We have found many instances where, for example, public schools have purchased equipment which their teachers do not use. The equipment was purchased simply because funds were made available for such purchases. Public school buildings have been built and remodeled in the last few years at scandalously high costs which could have been avoided by appropriate scheduling of the remodeling and by cost-motivated negotiations with architects and contractors for new buildings. Pay scales for support personnel such as janitors in many public schools in metropolitan areas are notoriously high relative to what privately-operated buildings pay for the same services. Private schools are known to hire teaching personnel who are frequently better trained to handle their subject areas than those hired by public schools, but who are not acceptable in public schools because they do not have the right "credits." Public schools frequently assign teachers with the right "credits" to the teaching of subjects in which they have little competence.

With private operations competing with public schools as well as public schools competing with each other, efficiency can be expected to increase by amounts sufficient—only 14 per cent—perhaps more than sufficient, to carry the burden of financing some or all of the tuition of those now in private schools.

If the prospect of increased efficiency is not sufficiently assured to allay the fear of larger schooling costs to be borne out of tax revenues, voucher values can be set at, let us say, 14 per cent, or about one hundred dollars, less than current per pupil costs of public schools.

Students are now leaving private schools for public schools in increasing numbers because their parents cannot afford to pay taxes and private tuition bills. These students will require public school expansion and resultant expense. Vouchers would keep these students out of the public systems and save the expansion expenses which will otherwise be needed. These savings can be used to "buy" vouchers for children who would be sent to private schools no matter the cost.

Suppose costs did rise by helping parents who now send their children to private schools and who forego the state subsidy they would receive if they sent their children to public schools. The usual view that only "rich" parents use private schools does not square with the facts. Whether or not the "soak the rich" doctrine is ethically acceptable, it remains that a great many parents impoverish themselves in order to obtain the desired education for their children. Why should parents who care about their chil-

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dren's education be penalized while those who do not, are not?

PROPOSED TEST OF THE VOUCHER SYSTEM

The Center for the Study of Public Policy (CSPP) of Cambridge, Massachusetts, received a grant from the U.S. Office of Economic Opportunity to study variants of the voucher system and to propose a demonstration project or experiment with a specific implementation. By September 1972, an experiment may be underway. The CSPP[14] study is a reasoned presentation of various plans and arguments. An appendix discusses legal problems of the voucher system. The conclusion appears to be that law provides no strong impediment to the voucher system but does impose some constraints—e.g., on segregation in the resulting private schools.

There are several aspects of the experiment proposed by CSPP with which we disagree—particularly the rules on supplementary tuition expenditures.

The CSPP study lists seven different forms of the voucher system. Of these we discuss three—the one CSPP has chosen for its project and the two we think they should have chosen from. We use the names given by the CSPP.

1. *Unregulated Market Scheme.* The value of the voucher is the same for each child. Schools are permitted to charge whatever additional tuition competition and the quality of their offerings permit.

2. *Unregulated Compensatory Scheme.* The value of the voucher for poor children. Schools are permitted to charge whatever additional tuition they can, as above.

3. *Regulated Compensatory Scheme.* Schools may not charge tuition beyond the value of the voucher. They may "earn" extra funds by accepting children from poor families or educationally disadvantaged children.

CSPP has proposed installing the regulated compensatory scheme. They have needlessly compounded the separable questions of who is to get how much public funds and how the education is to be provided. CSPP is concerned that poor or disadvantaged children receive more money than other children. They are concerned that, in the absence of such provisions, the equal dollar expenditures for all children will provide inferior educational inputs to the poor.

For example, argues CSPP, affluent taxpayers or those without children might form a political bloc to hold down the value of the vouchers.[15] For example, argues CSPP, teachers prefer to teach the non-poor. To get equally good teachers for the poor as for the non-poor, therefore, requires larger salaries.[16]

CSPP has stated that to deserve support from the U.S. Office of Economic Opportunity a voucher plan should have two objectives:[17]

1. To improve the education of children, particularly disadvantaged children.

2. To give parents, particularly disadvantaged parents, more control over the kind of education their children get.

The voucher system need not incorporate special provisions to help "disadvantaged" children and parents simply because a voucher system is put into operation. It will help these children without such provisions. A decision to aid particularly the disadvantaged is *independent* of a decision to finance education with vouchers. If society decides to give extra aid to the disadvantaged, such extra aid can be given within or without a voucher system. The issues are separable and ought, for the sake of analysis, to be kept separate.[18]

Let society decide whether or not it wishes to give extra money for education to the poor. (We believe such a subsidy appropriate and justified, but our value judgments are no better than anyone else's.) If children disadvantaged by poverty are to get extra help, then we prefer the unregulated compensatory scheme.[19] The value of the voucher would depend (inversely), then, on a family's wealth and the parent might supplement the voucher with extra money to pay tuition.

CSPP worries that the affluent will choose to supplement the vouchers with more money than the poor, and that as a *result* the poor will receive less from their vouchers than they otherwise would. To be specific, CSPP argues that if a basic voucher is worth, say $750 per year per pupil, the $750 poor man's voucher would be less valuable if the rich man spends an extra, say $600, or a total of $1350, than if the rich man can spend only $750.

". . . the critical question is often how the school's resources compare with its competitors' resources. Suppose, for example, that schools attended by poor children were to double their teachers' salaries over the next five years. Suppose that schools attended by middle-class children tripled their salaries over the same period. The quality of the teachers in the schools attended by poor children would probably decline under these circumstances. It follows that the quality of education provided by a school does not depend simply on the per pupil expenditure, but also on how this expediture compares with that in competing schools."[20]

Note this argument says the quality of teachers in schools attended by poor children will *decline*. CSPP seems to believe that the resources or inputs to the educational system are relatively fixed—that all school systems compete for the same fixed number of teachers, books, equipment, etc. If this assumption were true, their reasoning might be correct. When resources for a given use are fixed—economists would say "are inelastically supplied"—the ratio of purchasing power of buyers determines the allocation. But educational resources are not fixed, except perhaps for short time spans. If teachers' salaries increase, more people will choose to be teachers. If more people want to buy teaching machines, someone will find it profitable to produce and sell more of them. We can think of no input both essential to education and in fixed supply. As matters stand, the supply of teachers to public schools is more *inelastic* than to private schools because of arbitrary certification requirements.

Parents who spend more on education will buy more and better educations for their children than those who spend less. Those who spend less will get not measurably worse educations than they would have, had no one spent more.[21]

Education privately supplied by entrepreneurs can be expected to be so much more efficient than that now publicly supplied that the relative educations of the rich and the poor will be closer together no matter what restrictions are placed on extra payments.[22]

CSPP argues[23] that "if education is sold on the open market, like housing or food, legislators are likely to take their usual attitude toward subsidizing the poor . . . legislatures may provide poor parents with slightly larger vouchers than rich parents, but the difference is not likely to compensate the poor for their inability to spend private funds on education." The implication is that legislatures will not allocate "enough" to the poor so the voucher system ought to be designed to ensure that the poor get "enough." The designers of a voucher system surely are not better qualified than the legislatures to decide how much is enough. Important political decisions ought not be made by educators or economists but by the people who are the payers and the payees. CSPP, too, ought to separate the question of values from those of analysis. They may wish to persuade society of the desirability of extra money for the poor but they are not better equipped to make the decisions than other special-interest groups or society as a whole through its normal legislative process.

For the most part we disagree with those who argue the case against vouchers about what the facts will be. These are essentially empirical questions. Words or logic must ultimately give way to what happens when experiments are tried.

FOOTNOTES

[1] Daniel Dobin, *The Failure of Academic High Schools in New York City* (Brooklyn Education Task Force, 1970), cited in "Report Criticizes City High Schools," *New York Times*, Dec. 13, 1970, p. 86.

[2] First National City Bank of New York.

[3] In Illinois, the public schools prefer not to deal with some children, such as the spastic child, and refuse to accept them. Since the law requires that schooling be made available to all children, these undesirable (undesirable to public schools) children are provided with vouchers equal to the tuition charged by the private school they choose to attend. In the case of spastic children attending private schools with programs especially designed for them, tuition vouchers in 1969–70 averaged $2000 per year.

[4] The mechanics of the voucher system may be arranged in other ways. Instead of presenting a voucher to a school in partial or full payment for tuition, a parent may pay a school's tuition bill directly. He or she may apply for a refund, up to the limit of what a governmental unit provides per child, to the appropriate agency. In this case, the school may not or need not be aware of the fact that a parent is obtaining funds for tuition payments from governmental sources.

The Virginia voucher plan worked in this way. Many schools, both public and private, received tuition payments partly covered by the Virginia tuition voucher without any awareness of the source. Some of these schools indirectly receiving such funds stated they would not accept payments from the state, were opposed to the tuition voucher, and would not accept students using the voucher.

[5] *Chicago Tribune*, February 13, 1970.

[6] *Time*, August 24, 1970.

[7] *New York Times*, August 27, 1970, p. 21.

[8] We refrain from calling this section, "The Case Against The Case Against Vouchers" because that construction has been used before. We thank James Tobin, an intelligent critic of the voucher system, for his conversations with us. The reader should not infer from our thanking him here that he approves our presentation of the case against or that he believes the case against includes all points we list. No doubt he would do better—his heart would be in it.

[9] James S. Coleman in *Equality of Educational Opportunity*, 1966, has presented evidence and argued that all students learn better when classes are heterogeneous. The bright child teaches the dull one and both are better off—the bright one, because to teach one must understand better than otherwise and the dull one, because he has a more sympathetic teacher.

[10] You can, of course, spend whatever you like on educational toys, dancing lessons, tutors, and the like. You cannot augment the funds used to hire your child's teacher to hire a better one.

[11] There are many statistical measures of dispersion. No doubt, there are some which will show higher readings with vouchers than without.

[12] The opponents can argue that if millions of children are involved, at least one, for whatever reason, will be worse off under the voucher system. They are right. So long as one person is worse off, the dominance or Paretooptimal argument cannot be invoked. But since it is not argued that the voucher system *caused* this child to be worse off—only the uncertainties of life did that—we point to the fallacy of *post hoc, ergo propter hoc* and sympathize with the few worse-off

children. The misfortunes of these children should not be charged against the voucher system unless it is shown *that the voucher system causes the worse-off* to become that way.

[13] D. A. Erickson, *Crisis in Illinois Public Schools* (1971), cited in "$300 in Parochial Aid Urged," *Chicago Tribune*, Dec. 30, 1970, Section 1, p. 5.

[14] *Educational Vouchers, A Preliminary Report on Financing Education by Payments to Parents.* Center for the Study of Public Policy, Cambridge, Mass., March, 1970. References to this report cite *Educational Vouchers.* The arguments and proposals in this report are excerpted in Christopher Jencks. "Educational Vouchers," *The New Republic*, July 4, 1970, p. 19.

[15] *Educational Vouchers*, pp. 27–28. One wonders why such a bloc does not now reduce public contributions to education. The incentives and opportunities are exactly the same now as they would be with vouchers.

[16] *Educational Vouchers*, p. 30.

[17] *Educational Vouchers*, p. 8.

[18] The CSPP proposal does not make clear whether the extra aid to the disadvantaged is a desideratum in any event or just of a program to be funded by the U.S. Office of Economic Opportunity. CSPP may think of the issues as separate but have combined them to get support from an agency whose mandate requires help to the disadvantaged.

[19] If not, we prefer the unregulated market scheme.

[20] *Educational Vouchers*, p. 30.

[21] For those who do not spend extra to be exactly as well off independent of the others' expenditures, the supply of educational resources would have to be perfectly elastic. We do not argue that educational resources are perfectly elastic, but elastic enough so that one could not measure the difference in educational input.

[22] Suppose, on an arbitrarily defined scale, the education now received by the poor rates ten and that received by the rich rates fifty—the rich get five times better educations. With a voucher-financed system allowing extra payments, these numbers might change to fifty for the poor and one hundred for the rich. The rich would only be twice as well off as the poor and all would be better off.

[23] *Educational Vouchers*, p. 33.

EUROPEANS SHOULD REVALUE

Mr. PROXMIRE. Mr. President, yesterday the Germans and four smaller European countries closed their exchange markets in the face of an onslaught of dollars. The dollar inflow became so great that the Bundesbank was no longer capable of handling the inflow through normal processes of intervention. The German Cabinet will meet tomorrow to decide what to do about the situation, and exchange markets will not reopen before next Monday.

The crisis was triggered by a flow of arbitrage capital that swelled into a speculative rush for the strongest available currency. Recently interest rates in the United States have been low, since the Federal Reserve has appropriately been attempting to stimulate a domestic recovery, and rates in Germany have been high, since the authorities there were fighting a battle against domestic inflation. The consequent interest rate differential, supplemented by the strong trading position of Germany, produced a large net incentive to transfer funds to that country.

Under normal conditions, short-term capital flows—even massive ones—could be managed by central banks through recycling arrangements, through special lending and borrowing agreements between treasuries, or by possible widening of the band within which exchange rates are allowed to fluctuate. However, as administration spokesmen reminded us earlier this week, the situation is not normal and the international monetary system suffers from a structural U.S. payments deficit. Because of the persistence of this country's structural imbalance, only a shift in exchange rates will restore calm to the international monetary system. Ad hoc or partial measures are bound to fail; an increase in the dollar value of at least the German mark and the Japanese yen is essential. Perhaps a number of other currencies should also be revalued upward.

The officials of foreign countries have consistently objected that since the problem is one of dollar deficits, it is we who should devalue. But as the last annual report of the Joint Economic Committee emphasized—with the bipartisan support of both Republicans and Democrats—not every country in the world would choose to let the dollar value of its currency increase by the same amount. Therefore, any attempt by the United States to devalue would immediately be followed by parallel offsetting devaluations by many other countries. In addition, this country is committed under the IMF Articles of Agreement to peg the value of the dollar in terms of gold.

Surely there are sensible things the United States can do to curtail the deficits—particularly reduce our military expenditures abroad. But to the extent that foreigners do not wish to see a reduction in U.S. troops stationed overseas, they should pick up a larger portion of the tab. Over the last decade the United States has spent billions of dollars on troops stationed in Europe. These costs can and should be assumed by European governments. If they are reluctant to alter their exchange rates or fear doing so by excessive amounts, the need for upward revaluation can be diminished by assumption of the full foreign exchange cost of U.S. troops stationed within their own borders for the defense of Europeans.

Revaluation by other countries would also have the desirable effect of increasing the cost of direct investment abroad for Americans and reducing the cost to foreigners of investing in the United States. Thus, as the change in exchange rates would help diminish the U.S. structural payments deficit on both the trade and capital accounts.

The international monetary system cannot and will not function smoothly and efficiently as long as U.S. deficits persist and exchange rates remain out of line. The latest crisis indicates the total futility of attempting to counter basic economic forces with piecemeal measures such as capital export controls, taxes on investment abroad, special reserve requirements, Government procurement guidelines which raise the costs to taxpayers of defense and other Government activities and, most recently, special subsidies for exports. The appropriate remedy is to let the markets function and to permit the structure of exchange rates to be realined in a manner that will once again assure freedom of trade and capital movements. Therefore, I urge the European governments who have closed their exchange markets to permit the value of their currencies to float upward when the markets are reopened. I also urged the Japanese to participate in such a move as the cost constructive action they could take to reestablish harmonious economic relations between Japan and the United States.

SALUTE TO AGRICULTURE DAY

Mr. BELLMON. Mr. President, the American farmer will be given some long overdue recognition Friday, May 7, when a unique "Salute to Agriculture Day" will be observed in the Nation's Capital and elsewhere. President Nixon will lead the salute to the farmers all over this country who have earned the reputation of being the best food and fiber producers in the world.

Although there are still many problems facing agriculture, many gains have been made under the present administration. President Nixon reiterated his support of this great industry in a speech last Sunday in which he recommended a number of additional steps to strengthen agriculture and the rural economy.

As a resident of a State which produces several commodities suitable for export, I am especially pleased that the President is proposing a $1 million increase in fiscal 1972 funding for the Foreign Agricultural Service.

I also commend his action in increasing the availability of Farmers Home Administration insured ownership loans and recommending an increase in the level of farm operating loans.

The President's request for an additional $7.6 million for agricultural research will have a most favorable impact on the State of Oklahoma, because part of the extra money will be used to find new methods of controlling ticks, which have caused serious damage to livestock and wildlife in our State.

Finally, I applaud the President for increasing his budget request for the Soil Conservation Service by $12 million and proposing an increase of $28 million in Federal grants for small watershed projects. Also of great importance to communities in rural areas of Oklahoma and other States is the President's action in increasing by $100 million this year and $111 million next year the insured loan program for building water and sewer systems.

Mr. President, as a member of the Agriculture Committee, as a farmer, and as a Republican, I am proud of this administration's efforts in behalf of American agriculture. The Congress should act responsively to implement the President's recommendations for improving and expanding this vital segment of the Nation's economy.

I ask unanimous consent that the remarks of President Nixon entitled "A Salute to Agriculture" be printed in the RECORD.

There being no objection, the remarks

were ordered to be printed in the RECORD, as follows:

"A SALUTE TO AGRICULTURE" REMARKS OF THE PRESIDENT

OFFICE OF THE WHITE HOUSE
PRESS SECRETARY,
San Clemente, Calif., May 2, 1971.

Good afternoon, my fellow Americans.

Next Friday, May 7th, I ask the people of the United States to join with me in celebrating the Salute to Agriculture Day. As a part of that celebration, I am honoring representatives of agriculture at a series of events in Washington, D.C.—including a special dinner at the White House. I officially designate this day, however, in the hope that our celebrations will extend far beyond Washington—and that it will give our people, in every walk of life, an opportunity to learn more about both the accomplishments of the American farmer and the problems he confronts.

During the last quarter century, I have had the opportunity to visit some 75 countries around the globe. I have spent a good deal of time in studying their agricultural systems and their techniques of farming. I have talked with peasants in Poland, with cultivators in India, with shepherds in Africa, with South American gauchos. And I have often been very impressed with what I have learned.

But nothing I have seen anywhere on earth can even begin to compare with the success story written by the men and women of agriculture in our own country. The surging vitality of our agriculture has made our country the best fed, the best clothed nation on earth, and it has contributed immensely to our strength abroad and here at home. I have been involved in international diplomacy and international economics since my first visit to Europe as a Member of Congress in 1947. Again and again, I have seen the problems which result for a country when its leaders must deal from a position of agricultural weakness rather than agricultural strength. Some even have had to cope with the inability of their farmers to feed their own people.

For American leaders, on the other hand, the situation has been just the reverse; our farmers have not only provided a solid base for the United States economy, they have also helped to feed the people of other lands. Our strong international position has grown even stronger in the last few years. As recently as the 1968 Fiscal Year, farm exports actually dropped by half a billion dollars, a condition which I promised in 1968 to remedy during my Presidential term. I am happy to say today that we have delivered on that promise. Our agricultural exports this year will be at an all-time high. Their volume will be some six percent higher than it was a year ago and their value is expected to reach at least $7.4 billion.

Today, we are exporting the production from approximately one acre out of every four we harvest in America. Two-thirds of our rice crop, more than half of our wheat and our soybean crop, and one-third of our cotton crop are now going to foreign markets. This is a very good record. And yet we want to do even better. We would like to be exporting some $10 billion worth of American farm products each year. To help achieve this goal, I am announcing today an increase of $1 million in the Fiscal Year 1972 budget for the Foreign Agricultural Service—the Federal agency which helps our farmers expand their sales abroad. And I also pledge that we will continue our efforts to lower trading barriers to our farm exports around the world.

From Rotterdam to Singapore, from Galveston to Duluth, a new current of energy has been felt along the trading lanes of the world in the last few years. Aspirations are rising, economies are growing, purchasing power is increasing—and our farmers have proven their ability to capitalize on these new opportunities. We know that American agriculture can compete successfully—whenever it has the chance. And we are determined to see it has that chance.

The new market energy we see abroad has also been felt in our own country. For example, beef consumption per person has gone up by one-third in the last 10 years. This means that for every three pounds of beef he consumed in 1960, the average American is consuming four pounds in 1971.

What these growing markets can mean, of course, is growing farm income. As a result, in part, of expanding markets, soybean prices, for example, have been running a good half-dollar a bushel above the price support level. Grain prices and cotton prices are also well above loan levels. Cattle prices have recovered and stand above their levels of a year ago. Hog prices, of course, are still too low. To help meet this situation, the Department of Agriculture has already purchased over 145 million pounds of pork for its food distribution and school lunch programs in this fiscal year. This is the highest level of pork purchases since 1956. Our purchase program is continuing and we expect that hog prices will show substantial improvement later this year.

All in all, it is clear that the total income of American farmers will be higher this year than ever before in our history. But this brings me to another of the major difficulties which confront our farmers, the fact that increases in total income are not always reflected in more net income. Now the reason, of course, is the high cost of farming. Over two-thirds of agriculture's gross income goes right back out again to pay for farm expenses.

This is why the farmer has such a tremendous stake in the battle against inflation. In a sense, he has a double stake, for inflation hits farmers in two ways. It drives up both the cost of farming and the cost of living. I am particularly pleased, therefore, to report that while the battle is far from won, we are definitely making progress against inflation. The rate of inflation in the first quarter of 1971 was the lowest in four years, only one-half of what it was in 1970. We are working very hard, then, to ease this perennially troublesome cost-price squeeze. At the same time, we recognize that the supply of farm credit is now extremely tight and we are working to expand it.

To begin with, I am recommending that the level of farm operating loans be increased in Fiscal Year 1972—just as soon as the Congress enacts my proposal to allow the Farmers Home Administration to insure loans for operating expenses—as it can now do for ownership purposes. In addition, I am directing the FHA to increase the availability of its insured ownership loans by almost three-fourths—from $210 million in the current fiscal year to $350 million next year.

It is my hope that these efforts to expand farm credit will be especially helpful to the farmers of the Southwest who have been suffering so much from one of the worst droughts in history.

And I hope, too, that expanded credit will strengthen the position of younger farmers, of the hundreds of thousands of family farm operators, because they are still the backbone of American agriculture.

Let me turn now to another set of problems—crop, plant, and livestock diseases. I am today announcing several measures to step up our fight in this area. In the first place, I am asking Congress to provide an additional $7.6 million to the Agricultural Research Service and to the State Agricultural Experiment Stations. A good deal of this money would go for fighting Southern leaf blight which recently has created such major problems for corn farmers. Some of this added research money would also be used to find new ways of controlling insects, including cattle ticks, and to do needed work on the relationship between hosts and parasites, and on disease resisting plants.

At the same time, I am offering or ordering the use of $2 million from this year's budget for more applied research on controlling the fire ant and the gypsy moth which is seriously threatening our Eastern timber stands.

I have also directed that more money be used for accelerated research on matters like cotton seed proteins and insect pests.

Another area where government should do more to provide technical assistance for farmers is that of soil and water conservation. Long before most Americans were thinking very much about the environment, our farmers, our ranchers, our woodland owners, were working together with the government to conserve our natural resources. I believe we should now be providing more help for our dedicated corps of soil conservationists whose number has dropped sharply in the last four years.

I am therefore increasing my new budget request for the Soil Conservation Service by $12 million to provide more manpower for this valuable work. I am also proposing that Federal grants for small watershed projects be increased by $28 million to a level of $105 million, and that 75 new projects be authorized. I am further recommending quadrupling of loan programs to help local communities finance their share of these projects.

In many other ways we are working to fulfill our responsibilities to the agriculture community. For example, I am ordering an additional increase of $100 million this year and $111 million next year in our insured loan program for building water and sewer systems in rural areas. Through such programs I know that this Administration can work closely with farmers, with farm organizations, and with the Congress to serve agricultural America more effectively. Working together we can resolve difficult issues involved in pesticide control, farm labor, farm bargaining legislation, other complex matters, as well as the many aspects of other national policies that bear directly on the lives of farmers.

But even as I mention all of these government programs, I know that the agricultural community also shares my feeling that in the final analysis the problems of American agriculture can best be solved by those who know farming best, farm people themselves, with government backup when necessary. That is one reason why I have high hopes for the new farm programs which are in effect this year. They remove some of the old restraints in a way which gives every farmer a chance to make more of his own decisions about the kind of farming that suits him best. At the same time, we are continuing our search for better methods of maximizing the receipt of farm income from the market.

After all, some 60 percent of farm income comes from commodities that are not price supported and have not been supported in the past. Moreover, the major supported commodities are now selling well above loan levels. It seems to me that the brightest future for agriculture lies in actions that stimulate new energy in the free market system.

As I think about the challenges that confront American agriculture, it occurs to me that farmers must, by nature, be incurable optimists. Like everyone else they are concerned about the great questions of war and peace, about the economy, and education and crime, and all the other issues that face our society. But in addition, the agricultural community also has its own special problems to worry about, including such uncertain factors as the weather, the condition of volatile markets, and even the direction of

government policies in this country and abroad. Their vocation, moreover, requires them not only to be good farmers, but also to be good scientists, skilled engineers, able businessmen. All of these challenges have been successfully met by America's farmers.

In that process, they have achieved a remarkable record of production, setting a brisk pace for the rest of our economy. And they have also provided a continuing source of moral and spiritual strength for America, giving shape and substance to our national character from the very heartland of America.

And so we approach Salute to Agriculture Day in a spirit of gratitude with a sense of obligation to the farmers of this country. Though only a small group of farm representatives will be able to be with us at the White House next Friday night, I feel that every farmer and rancher in America, his wife, his family, will be with us in spirit.

What we will be saying on that occasion is very simply this: Agriculture was America's first industry. For most of our history it was our largest industry. Today it continues to hold an honored place in our society, a keystone not only for our economic strength but also for our entire way of life.

THE F-111 AIRCRAFT

Mr. McCLELLAN. Mr. President, news reports of May 1, 1971, indicate that the Air Force once more has grounded all F-111 aircraft because the crew escape system may have a serious defect. According to the Washington Post of May 1, this is the sixth grounding of the F-111's in 3 years because of deficiencies, most of which were discovered during investigations of 22 major accidents in which 17 planes were lost and nine crewmen were killed.

In the latest crash of an F-111, on April 23 in California, the escape capsule failed to function properly after the crew activated it, and both men were killed as a result. In subsequent inspections after the crash, according to the news reports, other escape capsules were found which may have the same deficiencies.

Clearly, the Air Force Tactical Command has made a wise decision in grounding the planes until the safety and efficiency of all the escape capsules can be determined. Should the defect in the escape capsule of the plane that crashed on April 23 be disclosed in other aircraft of the fleet, it seems likely that the Air Force would have to keep the planes grounded for a considerable period of time while they undergo extensive and expensive refitting.

Mr. President, the Senate Permanent Subcommittee on Investigations conducted hearings in 1963 and again in 1970 on the TFX or F-111 program, and we filed a report in the Senate on December 18, 1970, which gave a full account of the engineering and technical problems and deficiencies which have troubled this seemingly ill-fated aircraft from the beginning. Our report also clearly fixed the responsibility for many of the engineering difficulties and the huge cost increases in the F-111 program.

We concluded in our report that the initial decision to attempt to build a multi-mission TFX was a mistake by Secretary of Defense McNamara, and that the decisions which followed throughout his administration in the Pentagon continued to compound the effects of the original error. Many of the problems of the program were the result of mismanagement. I quote from the report:

These decisions to continue the program were made in the face of conclusive evidence from the flight tests of the planes that they were deficient—for instance, they were grossly underpowered—in their tested configurations.

We reported that the TFX program has been a failure. The Federal Government will spend more than $7.8 billion to procure about 500 aircraft, although the original production schedule called for more than 1,700 aircraft to be purchased for less money. Of the 500 planes we will have, less than 100—the F-111F's come reasonably close to meeting the original standards.

In view of the poor results of the program and the fact that we now have underway new aircraft for the Air Force and the Navy which promise to provide substantial improvements in our defense posture, it may be wise, Mr. President, for the Congress to take another close look at the continued procurement of F-111 aircraft. It may be time to make the painful judgment that we should not keep sending good money after bad. The Nation's defense and the taxpayer's purse may be better served in the long run if we stop the production line now and invest our funds for air defense elsewhere than in the ill-fated TFX.

Mr. President, I ask unanimous consent that the news article about the grounding of the F-111's be printed in the RECORD.

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

FLAW IN PILOT ESCAPE SYSTEM GROUNDS F-111 FLEET AGAIN

(By Michael Getler)

The Air Force, for the sixth time in the last three years, has grounded all its F-111 fighter-bombers after discovering a fatal and possibly widespread flaw in the pilot escape system.

The grounding comes on the heels of an Air Force investigation into the latest F-111 crash on April 23 near Edwards AFB, Calif., in which both crewmen were killed.

Air Force officials said yesterday that the bail-out capsule in which the pilots ride separated properly from the plane when it got into trouble at 6,000 feet, but that a metal door on the capsule that encloses the recovery parachute failed to blow off.

After discovering what had happened, the Air Force, it has been learned, quickly ordered random firing tests to be made on the ground of the explosive system which is supposed to cut the parachute compartment door away from the bail-out capsule in an emergency, thus freeing the parachute.

On the third plane tested, officials say, the charges that knock off the critical door also failed to operate.

The Tactical Air Command also started checking its 120 F-111A aircraft at the same time and on five planes found what appear to be physical discrepancies in the system. These tests were just inspections rather than actual firing checks. The Air Force, officials say, is slated to try blowing these five doors off today.

Should the tests turn up additional failures, the Air Force could be faced with an extended grounding and a potentially expensive refitting of its F-111 fleet. The Air Force now has 257 of these planes on operational status, with 238 others either still being tested for earlier structural flaws or still being built.

Air Force officers are hopeful that this most recent problem is a limited one. Officers point out that in 10 previous F-111 crashes where the bail-out capsule was activated, the system worked properly.

All told, the F-111—which costs about $9 million apiece—has been involved in 22 major accidents since January, 1967, involving the loss of 17 planes (including two lost in Vietnam) and nine crewmen.

What also worries the Air Force as a result of this latest crash is that there are about 200 of these explosive charges used throughout the F-111 escape system in places other than the main parachute compartment door.

The escape system is one of the features of the F-111 that its designers were most proud of.

Rather than use the individual ejection seats of earlier jet fighters, the F-111 uses a technique in which a pilot in trouble fires an explosive cord which, in effect, cuts the entire cockpit section out of the plane and then rockets it upward and away from the rest of the craft. Then, similar explosive charges cut away small side doors holding three different parachutes, one to stabilize the falling capsule, a second small chute used to pull out the main one, and then main recovery chute.

An Air Force announcement issued late yesterday at the Pentagon said that "pending completion of tests to determine the cause of the failure, the Air Force considered it prudent to suspend all F-111 flying temporarily."

The Air Force announcement said they hoped to make a decision by Monday on resumption of flying.

What caused the crew to bail out of the crippled plane on April 23 is also still unknown.

REPRESENTATIVE LARRY WINN RECEIVES NATIONAL RECOGNITION

Mr. DOLE. Mr. President, Representative LARRY WINN, of Kansas' Third District, is one of the hardest-working and most conscientious Members of the House of Representatives. All of us who have served with him know the hours he puts in and the care he takes in solving the problems of his constitutents and considering the great issues which face our Nation. The voters of his district have demonstrated their appreciation of LARRY's talents and devotion to his job by sending him to Washington for three terms.

Recently, LARRY received national recognition for his work by being cited in the National Observer as an example of what the people expect their Congressmen to be.

In his "Perry on Politics" column James M. Perry described some of the reasons that make LARRY WINN an exemplary public servant and legislator in the eyes of his colleagues and his constituents. I ask unanimous consent that a column published in the National Observer of April 19, 1971, be printed in the RECORD.

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

WHAT THE FOLKS ARE THINKING BACK ON THE KANSAS HUSTINGS

(By James M. Perry)

The scene is always pretty much the same. There's the head table and then there are two or three other tables joining it at right

angles. The formation looks like the Greek letter pi, squared.

The food is pretty much the same too. The entree has some kind of deep-fried, crumbly crust, and what's inside is not easily identifiable. There is a kind of sea-green salad that looks like plankton but may be cold slaw. Everyone gets iced tea or coffee, a hard roll, and a pat of butter on a little piece of cardboard, topped with waxed paper.

It may be a meeting of Lions, or Rotary, or Optimist, or Cosmopolitan. It's a service club, and last week a fair number of Congressmen were back home, riding the service-club circuit, telling the folks what has been going on in Washington and listening to the folks tell them what *ought* to be going on in Washington.

I came here to Middle America—they call it Mid America—with Rep. Larry Winn, Jr., Republican from the Third District of Kansas, an ordinary, somewhat faceless, but hard-working politician who is representative, I think, of the breed.

It was Easter recess for the Congress last week and the members were supposed to be back home, keeping in touch with their constituents, mending their fences, listening to what people are saying.

It is, in fact, something of a myth. I checked with a dozen congressmen before finding one who was actually up to what we tend to think they're all up to. A good many members hang around Washington, loafing; a few take junkets to Europe or the Caribbean. Others go home and loaf.

But Larry Winn is no loafer. He was elected to Congress in 1966, succeeding Robert F. Ellsworth, an important supporter of Nixon who is now our ambassador to NATO, Winn was re-elected in 1968 and in 1970 because, as he says, he "gets around pretty good" and because he answers his mail and services his constituents.

It is easy for an effete Easterner to make fun of the service-club meetings and all these other handshaking, back-slapping activities in Middle America. Too easy. These activities are an important part of the lives of millions of business and professional men all over America. And these people are mostly serious, decent, hardworking, and almost pathetically eager for love and recognition. Then, too, they are mostly Republican; they form the backbone of Larry Winn's middle-class constituency.

CHEERS FOR THE WINNER

So, what are these people thinking and how is Winn responding to their questions? Perhaps one of several meetings Winn attended last week gives most of the answers.

It was a 7 a.m. breakfast—7 a.m.!—of the Cosmopolitan International Club of Johnson County, Kansas, at the John Francis Overland Restaurant in Overland Park.

The members passed the "Mr. Handshaker Pot" around, and everyone dropped in a dime or a quarter. The mystery "handshaker" got up and announced that the winner was the fifth member he had shaken hands with that morning. Cheers for the winner. Then there was the usual blessing and the usual pledge of allegiance. On came the eggs and the hashed-brown potatoes and the rolls and those little pats of butter.

Then it was Winn's turn to talk. He has a few standard opening gags. His best is that business has been so bad recently that the Mafia has had to lay off four judges in Newark, N.J. The sally received a hearty response. Newark, N.J., is a long way from Overland Park, Kansas.

Then he slapped his own back. He's still on the House Science and Astronautics Committee. Even better, he said, he has been named to a Republican task force on labor-management relations and will become chairman of a subcommittee looking into labor-management problems in the construction industry. Winn used to be a home builder and he thinks he has some useful expertise.

"After almost five years in Congress," he told the breakfast meeting, "I think I'm really in a position now when I can actually try to do something constructive for the nation."

Being a congressman is frustrating. The day before, Winn had attended the opening of a new shopping center and the dedication of a new sign at a large motel. Both times, Gov. Robert Docking, a Democrat, showed up, and stole the spotlight. "Sometimes," Winn said, "they ask you to take a bow, sometimes they just forget."

AN UNVARNISHED PITCH

In his prepared remarks at the Cosmopolitan Club, Winn defended the FBI and J. Edgar Hoover from recent charges by Rep. Hale Boggs and others. And he concluded with a "space odyssey," a recounting of what will happen in years to come with the space shuttle and other NASA programs. It was an unvarnished pitch for the space program and the aerospace industry.

Then it was time for questions.

The first question gave some indication as to why it's important for politicians (and maybe for reporters too) to get home.

"We know how many troops the President is pulling out," the questioner said. "But we don't get told how many men he's sending in. What I want to know is what is the *net* reduction in the troops."

The same misapprehension popped up a couple of other times. The voters hear about the troops coming home. But they also hear about the sons of friends who are still going to Vietnam. They're going as replacements, of course, and the President is doing just what he says he is—making a net reduction in our forces. But it simply is not understood that way.

In his response, Winn didn't make the point very clear. He did say that he has attended three meetings with the President and he is convinced in his own mind that the President "honestly wants to bring the troops home." He also said that the President knows that if he doesn't bring them home, "he's not going to be in the ball game, politically."

Winn sends out a questionnaire to his constituents every few months. He was given the results last week of his latest, and he passed some of the figures on to the members of the Cosmopolitan Club.

One of the questions was:

How do you rate President Nixon's performance in office at this, the half-way mark?

Given the fact that this is a good Republican, pro-Nixon district, the response (he got 18,000 answers) is interesting.

Among men, 14 per cent rated Nixon excellent, 29 per cent good, 29 per cent fair, and 27 per cent unsatisfactory. Among women, 13 per cent said excellent, 33 per cent good, 24 per cent fair, and 30 per cent unsatisfactory.

The problem with interpretation of the figures is that this is the first time Winn has asked the question. There's no way to determine what the trend might be. But Winn is convinced that there has been a drop-off in Nixon's popularity, although there is no question that he would still carry the district today.

QUESTION OF CALLEY

Then, of course, there was the question about the conviction of Lt. William Calley. "What's been the response to that?" Winn was asked.

He said he received some 400 communications—letters, telegrams, phone calls—in the first few days after the verdict was announced. "There were 390-some sympathetic to Calley and 2 that said he got what he deserved," Winn said.

"Some of the phone calls," he went on, "were highly emotional, highly emotional," a statement that produced laughter among the club members.

"People were surprised by the verdict. They thought it was a pretty rough penalty. This might phase out a little but there's still a high percentage of sympathy. I think the President was wise to remove Calley from the stockade and say that he would become involved in deciding his fate. That kind of cooled things down."

He was interrupted by a member of the club. "It's pretty hard for me to say that Calley is like hundreds of thousands of our soldiers when he blows the heads off all those people. Where are we going to when people say this man should go free?"

"Well," said Winn, "people don't think he should go free. . . ."

"But that village was leveled," the same member said.

"People ask me why didn't he separate the adults from the children," Winn said. "A mother called me the other day—she was crying—and she said her son in Vietnam had befriended an eight-year-old Vietnamese boy. And then that boy stabbed him to death."

"That's right, Larry," said another club member. "They hang hand grenades around the necks of these little kids, and they send these kids out to kill. . . ."

"But," another member interrupted, "we've had thousands of lieutenants over there and, hell, they didn't all go ape."

An oral surgeon changed the subject. "I think you had a question in that questionnaire about establishing a national health-insurance program. What was the response?"

Among men, Winn said, 55 per cent said yes and 33 per cent said no. Among women, 49 per cent said yes and 33 per cent said no. There were 12 percent maybes among the men and it was even higher among the women, 17 per cent.

"People don't understand what its all about," said the dentist.

"They don't seem to," said Winn.

It was 8:15 a.m. and time for the club members to go to work. It was also time for Winn to move on to his next meeting. The League of Women Voters had some questions they wanted answered.

WE CAN REASSERT WORLD LEADERSHIP IN HUMAN RIGHTS BY RATIFYING THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, 75 nations have now ratified the Genocide Convention. The United States is the most prominent member of the United Nations not to have ratified this important document. Former U.S. Ambassador to the United Nations Arthur Goldberg, in his testimony before the Senate Foreign Relations Subcommittee on the Genocide Convention on March 10, 1971, termed our failure to adhere to this convention "an unnecessary diplomatic embarrassment." At a time when our position as the world's leading protector of human rights has been questioned both at home and abroad, we do not need to further tarnish our international image by failing to support a measure so clearly consonant with our national purpose.

In his testimony, Mr. Goldberg says:

When I was United States Ambassador to the United Nations, I was often asked to explain our failure to ratify the Genocide Convention. Frankly, I never found a convincing answer. I doubt that anyone can.

The U.S. Constitution and the Bill of

Rights were the first set of statutes to define and guarantee so broadly the rights of the individual citizen of a nation. Most observers at the time did not believe that a nation could be organized at all under the provisions of these documents, much less that it could become the leading nation in the world power structure. The leaders of the major nations of the western world thought this country would collapse in anarchistic chaos in a short time, and all they had to do was wait for the principles we had based our young government on to be proven unworkable, however desirable they seemed.

This has not happened. Far from drowning in a sea of selfish squabbles and dividing into 13 or more little independent States, we have become the most powerful nation in the history of the world. Our Constitution has outlasted every other code of government in force at the time of its adaption, and has served as a model for many of the constitutions of other countries in effect today.

We must not permit our dedication to the principles we have followed and attempted to spread for nearly 200 years to be questioned. We must reaffirm our dedication to the principles on which our forefathers based this Nation. I can think of no better way to show the world where we stand with respect to the natural rights of human beings than by ratifying the Genocide Convention.

PULITZER PRIZE AWARDS

Mr. CASE. Mr. President, I was delighted to learn that my long-time friend, William Caldwell, has won the Pulitzer Prize for commentary. Bill Caldwell is almost a legend in the New Jersey newspaper community. His wit and sparkle, his trenchant observations on matters great and small, and his integrity and sturdy character shine through all his writing.

The citation reads:

Commentary—William A. Caldwell of The Record, Hackensack, N.J., for his daily column on local affairs, "Simeon Stylites," which he has been writing for more than 40 years.

New Jersey is also honored to have Lawrance Thompson. While I have not had the pleasure of meeting Dr. Thompson, I join his colleagues in extending my congratulations. His citation reads:

Biography—"Robert Frost: "The Years of Triumph, 1915–1938," by Lawrance R. Thompson, who carried on research since 1939 as the poet's companion with the understanding that the work would not be published during Mr. Frost's lifetime.

Mr. President, I ask unanimous consent that biographical sketches from the New York Times of May 4 be printed in the RECORD.

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

WILLIAM A. CALDWELL

COMMENTARY

In a column called "Simeon Stylites," for the fifth-century Syrian hermit who spent 35 years in meditation atop a pillar in the desert, he has been writing about Bergen County, N.J., for more than 40 years . . . associate editor of The Record, of Hackensack . . . he was awarded the prize for distinguished commentary in articles that often urged the conservative community to take a more active role in local affairs . . . born in Butler, Pa., Dec. 5, 1906 and grew up in Titusville, Pa., where his father was managing editor of The Titusville Herald . . . after working as a part-time reporter, he joined The Record (then The Bergen Evening Record) in 1926 and has remained there ever since . . . in addition to his column, he writes editorials . . . received an honorary LL.D. last June from Rutgers University . . . lives with his wife at 936 Glen View Road, Ridgewood, N.J. . . . they have two grown daughters and a son.

LAWRANCE THOMPSON

BIOGRAPHY

Began research for his prize-winning work on Robert Frost in 1939 by becoming the poet's confidant, traveling companion and interpreter, with the understanding that the biography would not be published during Frost's lifetime . . . Previously had published six peripheral works on Frost and biographies of Henry Wadsworth Longfellow and Herman Melville . . . Born April 3, 1906, in Franklin, N.H. . . . Received Bachelor's Degree from Wesleyan University in 1928 and his Ph.D. from Columbia in 1939. . . . After teaching for a year each at Columbia and Wesleyan, entered the Navy in World War II . . . Joined Princeton faculty in 1947, became a professor of English in 1951 and is now the Holmes Professor of Belles-Lettres there . . . He and his wife live in Princeton, N.J. . . . They have four children.

CLAIMS AND SELF-DETERMINATION: ALASKA NATIVE STYLE

Mr. KENNEDY. Mr. President, the desire to settle the Alaska Native claims issue fairly and justly seems to be catching. Last year I voted against the Senate-passed claims bill, because I did not believe it was just or fair for the Eskimos, Indians, and Aleuts of Alaska. In providing only 10 million acres for the Natives, it fell far short of what was necessary to reflect the magnitude of Native legal rights, as well as to assure the security and opportunity for development that the Natives must have in the years to come.

At this session, the Senator from Oklahoma (Mr. HARRIS) and I introduced a bill that represented the position of the Alaska Native Federation, and is now cosponsored by 12 Senators. While our bill is technically quite different from the other proposals, it most importantly provides for 60 million acres to be retained by the Natives. Since that time, the administration has proposed legislation vesting title to 40 million acres in the Alaskan Natives. And a number of groups and individuals who had earlier been satisfied with the 10 million-acre settlement have now come around and are supporting the Natives in their claims to a substantially larger land base than that. These changes in position do not reflect greater ambition on the part of the Natives; they merely show a growing awareness of the justness and fairness of the Native cause.

An article published recently in the Christian Science Monitor discusses the claims issue and the factors that may yet bring a favorable resolution of this issue. I ask unanimous consent that the article be printed in the RECORD. I also ask unanimous consent that an editorial published recently in the Anchorage Daily News be printed in the RECORD.

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

[From the Christian Science Monitor, Apr. 10, 1971]

ALASKANS STRIVE FOR UNITY—AND POLITICAL CLOUT

(By Lansing R. Shepard)

ANCHORAGE, ALASKA.—"This is our land," said Joe Upickson angrily, "and the United States Government and the State of Alaska have no right to claim it or sell it."

Mr. Upickson is a Point Barrow Eskimo, born and brought up on the vast, treeless, hill-less, oil-rich North Slope of Alaska. Slight and very soft-spoken, being angry does not seem to fit him.

But angry he is—at any reference to the now-famous $900 million sale of North Slope oil leases in 1968 by the State of Alaska to seven of the world's largest petroleum companies.

His indignation is shared by many of the 5,000 or so Eskimo who live along the state's northern fringe. And Mr. Upickson's anger is echoed throughout the Alaskan hinterland where nearly 70 percent of an estimated 60,000 other Alaskan Eskimo, Indians, and Aleuts live. Altogether, they claim some 90 percent of the state's surface.

In the villages where most of native Alaska lives, partial or total subsistence living is still a way of life. Not much stock is placed in allegations that the quality of life for the native Alaskans will be raised by state revenues from North Slope oil.

Most native leaders are emphatic: It's the land that's needed.

The natives have pinned their future to a bill submitted to Congress by Sen. Fred R. Harris (D) of Oklahoma. The measure calls for retaining 60 million acres of land, $500 million in cash and a perpetual 2 percent override on all minerals—including oil—extracted from the state as compensation for the land lost.

But there are two other measures that have also been submitted. Sen. Henry M. Jackson (D) of Washington, out of whose Senate Interior Committee a bill will eventually come, has sponsored a measure allowing native Alaskans retention of 10 million acres and $1 billion as compensation. The money would be paid over a 20-year period.

BILL PASSED

The bill passed the Senate last year, but the House did not have time to act on the measure.

The most recent bill to reach Congress has been an administration-sponsored measure that would allow native Alaskans 40 million acres of land, and $1 billion in compensation for the rest. The money would be paid over 20 years. The final legislative outcome is unclear Capitol Hill sources say.

Eight years ago such mass native aggressiveness would have been unthinkable.

But recent events are indicative of a growing awareness of native Alaskans the vast social and economic discrepancies that exist between the state's native and nonnative populations. The vehemence with which it is expressed is said to be due, in part, to increasing native recognition of the tragic enormity of the consequences of past native-management of native affairs.

LACK OF EFFORT REPORTED

There has been little effort to bring native Alaskans into the white-collar professions, since so many lack even the most fundamental educational skills. So the promise of "enormous prosperity" once the oil starts to flow holds little meaning for the native Alaskan.

There are signs that the situation of the native Alaskan is improving. But there has been nothing to indicate any sudden or great change—either now or in the near future.

Victims of the white men's guns and white men's diseases in the early days, they later proved ready pawns in the West's rush for whale oil, furs, fish, and gold.

Used primarily as cheap labor, Alaskan natives saw only a small fraction of the wealth that was eventually extracted from the land. Throughout the state's subsequent booms and busts, most of them continued to live much as they do today—in abject poverty.

The only significant change in their lives over the years has been a decreasing ability to live off the land—incomes of native Alaskans are generally so low and prices so high, most must rely on the land for a good portion of their food—and an increasing reliance on the Bureau of Indian Affairs (BIA) and other federal agencies responsible for their well being.

The BIA, instituted close to 80 years ago in Alaska, is charged with the responsibility of bringing the native Alaskans into the "mainstream of modern life."

Yet today, it is a documented fact that native Alaskans are generally undernourished, undereducated, underemployed, inadequately housed, often misunderstood, and largely underestimated.

It is a situation many of their leaders are blaming the federal government for. And many and bitter are the charges leveled at the BIA.

LACK OF DIRECTION HIT

Some members and former members of the bureau have charged that there is no direction to its educational and vocational programs—that bureaucracy has replaced purpose. More than one native leader has accused it of substituting sensitivity with initiative-sapping paternalism.

Others have accused the agency of simply neglecting large areas of its responsibilities. Housing and education are the most frequent examples raised.

BIA officials counter by saying they are doing as much as possible with the limited funds and personnel at their disposal.

There are some positive sides to the picture. In recent years the native Alaskans have begun to organize. Since 1966, a number of regional organizations have sprung up. Today there are 12 official associations, all of which are tied to one statewide Alaskan Federation of Natives (AFN).

In less than four years time, the AFN and its subscriber groups have garnered enough respectability to take over many services formerly administered by the BIA. (The agency is being phased out of Alaska.)

POWER ACQUIRED

In the process, the organizations have acquired enough political clout to become an important swing vote in statewide elections.

More importantly, however, has been the AFN's transition into a quasi-official spokesman for all native Alaskans in the current push for congressional settlement of their claims to some 340 millions acres of the state.

The discovery of North Slope oil and the state acquisition of land under the Alaska Statehood Act of 1959 provided the natives with the unifying catalyst. (The state is supposed to select 103 million acres of Federal land under the act.)

As word of the state acquisition of land spread, natives retaliated by filing blanket claims that began adding up to significant portions of the state.

By 1966, native action prompted then Secretary of the Interior Stewart L. Udall to impose an informal "freeze" on all Federal land transactions in the state. The move was to buy time for the Congress to settle the matter once and for all.

RESPONSE MADE

In response to the subsequent congressional investigation the next year, the fledging AFN proposed legislation that was basically similar to the present Harris bill. The major difference was that the natives were only asking for 40 million acres. The only other difference lay in the methods of land distribution.

To push their claims, the federation hired considerable lobbying muscle in Ramsey Clark, former attorney general, and Arthur Goldberg, former United Nations ambassador. Both are working for the federation in an advisory capacity.

Still nothing came of the AFN bill or any other land-claim measure filed over the following months.

Two years and a few dead bills later, Secretary Udall turned the freeze into a public land order—a move which dubbed it the "super land freeze."

The order has since been extended twice and is due to run out this coming June.

Few people believe that the eventual settlement, no matter how favorable, will provide the answer to native problems. But many are convinced that it will be a crucial factor in the success or failure of the current native-Alaskan drive for self determination.

[From the Anchorage Daily News, Apr. 27, 1971]

THE LAND CLAIMS

"Take our land, take our life."

That's the simple, straight-forward message that Don Wright, the able president of the Alaska Federation of Natives, and his staff have been attempting to get across to Congress in support of a just Native land claims settlement. Happily, they appear to be succeeding.

Last year, when a Senate-passed claims settlement was not acted upon in the House, there was concern that a unique opportunity might have been lost and that the century-old claims would slip back into limbo in the new Congress—to the detriment of both Native and white society.

In retrospect, it seems clear those fears were unfounded. Time is on the Natives' side. There is growing optimism for a settlement this year on much better terms than would have been possible last year.

The Natives are seeking from Congress a settlement consisting of:

Fee simple title, including mineral rights, to 60 million acres of land (about 17 per cent of the state's area).

$500 million from the federal treasury, payable over nine years with four per cent interest on the declining balance.

A two per cent royalty on oil and mineral lease proceeds.

In return, the Natives would agree to drop claims to most of the remaining 33 per cent of the state's land, which would be held by the federal and state governments. We find this position both reasonable and just—if a land selection war between the Natives and the state can be avoided, as we believe it can.

The people of the United States—Alaskans included—have, we believe, both legal and moral obligations to fulfill.

The primary obligation is legal. The land claims settlement frequently is thought of as a "gift" or act of charity. Nothing could be further from the truth. The settlement will be, as the Natives correctly remind us, a "real estate transaction."

This is so because when the United States acquired Alaska from Russia it did not pay $7.2 million for legal title to the land itself. Rather, it paid that sum for sovereignty over the territory and the right to administer it. Our highest legislative and judicial bodies—Congress and the United States Supreme Court—have consistently acknowledged that ownership of the land remained with the Eskimos, Indians and Aleuts by right of aboriginal occupancy.

Thus, the question Congress must answer is not how much land the Natives should be "given," but rather how much they will be allowed to keep. What is at stake here is not some vast welfare project, but just compensation for acknowledged property rights.

The accompanying moral obligation also is compelling. This country's past history of dealing with the Indian societies overwhelmed by the European immigration has not been a happy one. Alaska is the last major opportunity for the American people, through Congress, to deal with a large Native population in a fair and equitable manner. We believe that the consistent recognition by Congress and the Supreme Court of Native land rights obligates us morally to do so.

Further, from the standpoint of the majority white society, there is practical motivation for a just claims settlement; it will be good for all Alaskans—not just the Natives. This is so for two reasons. First, a just land settlement, coupled with a reasonable amount of cash, will give Native Alaska, for the first time, the capital it needs to establish a cash economic base. Much of this money is bound to find its way into the tills of businesses throughout the state as the Natives spend to improve their way of life. It also should lead to some increase in permanent employment in a job-hungry state and to a decline in welfare recipients. Second, settlement of the claims is a necessary prerequisite to construction of the trans-Alaska pipeline.

All this said, we come to the question which most concerns many thoughtful Alaskans: Is there enough land to go around? Can the needs of both the state of Alaska, which has yet to receive most of the acreage granted it under the Statehood Act, and the Natives be met? Can a bitter and divisive head-on clash on land selection be avoided?

We believe the answer is yes, if the final claims settlement is drafted with care, forethought and consideration of the needs—and rights—of both the Natives and the state.

First, if a 60-million acre settlement is to be feasible, there must be provision for selection of a substantial amount of acreage from federally withdrawn lands. A prime example is Naval Petroleum Reserve No. 4 next door to the Prudhoe Bay oil field. This potentially valuable oil land is not open for selection by the state—so there would be no competition between the state and the Natives.

Second, the Natives, in our opinion, should not be granted title to the Prudhoe Bay oil lands, to which the state has been granted tentative ownership—but not, as yet, final title. This is the land on which the state must currently stake a good bit of its economic future—and the benefits from it will accrue to the Natives as well as to all other Alaskans.

Third, the final settlement bill must provide some machinery establishing priorities in land selection between the state and the Natives. This should not prove impossible, for the interests of the Natives and the state will not always coincide.

We believe a workable settlement could be reached if the Natives were allowed to select four townships contiguous to each village (about 20 million acres) and potentially valuable mineral lands from NPR 4 and other federal reserves closed to the state (another 20 million acres). Generally speaking, the lands contiguous to Native villages are not lands which also are of great interest to the state; and lands in federal reserves are not open to the state in any case.

Thus, competition between the state and the Natives would be largely confined to the remaining 20 million acres of the settlement. And it would be up to Congress to devise appropriate machinery for selection which

would protect both the Natives' prior rights to land they have occupied for centuries and the state's right to lands which will help make it an economically viable place for all its people. Such machinery certainly will entail compromise and neither the Natives nor the state are likely to be entirely happy with the result.

Still, a reasonable compromise and a just final settlement of the claims appears to us the only desirable way out of this thorny thicket. In this respect, we have been encouraged in recent weeks to note the acceptance of a large cash settlement is gaining increasing support—often from people and groups opposed to it in the past. Because of that trend, we hope Governor Egan will see fit to endorse the Natives' just claims in his testimony in Washington next week.

A CHANCE TO LIVE

Mr. GURNEY. Mr. President, on April 30, one of Florida's most responsible newspapers, the Pensaocla News, ran an excellent editorial entitled "America Owes Everyone the Chance for Living."

The subject of the article is an essay written by a young Floridian. Like most of his peers, this young man has something to say about his country and its Government, and his comments on the meaning of America speak louder than irresponsible demands and shouts of protest.

The young man is Doug Dickinson, 16-year-old son of Florida's Comptroller Fred O. Dickinson, Jr. Doug thinks his country owes him something—a chance.

I commend Doug and the Pensacola News for this fine editorial and 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:

AMERICA OWES EVERYONE THE CHANCE FOR LIVING

Among the many stirring words of the American Declaration of Independence are these:

"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, that among these are life, liberty and the pursuit of happiness . . ."

There can be no quarrel with this; yet in recent days and years those words have been deliberately distorted in many instances to mean something of a far different nature.

But not everyone is fooled by these distortions. Consider this short essay written by Doug Dickinson, 16-year-old son of Comptroller Fred O. Dickinson Jr., on the meaning of America:

"If there was one single factor which would represent the liberty of the United States of America, it would have to be that each individual is given a chance to succeed and make his living the way he chooses. Human beings from all regions of the world are living in the United States, and all are given this equal chance to survive and make his or her living. Even more important, all are free to practice their own religion and worship the God of their choice. America is indeed the land of justice and liberty for all, this includes people from all walks of life.

"A great example of this was the legendary Vince Lombardi. This great football coach was an Italian who came to America looking for a respectable life, and he got just that, because he was willing to do a little work. He attended a small high school in our country to get a football scholarship. From there it's history, becoming the most famous coach ever, and creating a hero image in America.

"America is totally unique in the fact that it comes closer than any other country in the world to having a true democracy.

"America is a nation where free enterprise is not only legal but is welcomed and plays a large role in the economy of our country.

"America has a better form of government, and has more justice in their court system than any other civilization known to man. Next to the Bible the Constitution of America has more justice and equality of laws in its context than any set of rules ever written.

"America is not only the greatest nation in the world, equaled by none, but its contributions and help around the world, which is more than all other nations combined, have given many nations new life and has kept their existence a reality.

"In short, America is the greatest organized civilization ever known to man. Its contents of justice and equality to men in other nations is a fantasy come true, in our country it's the way of life.

"America owes me a chance."

A chance.

The Declaration was never intended to mean that all people are endowed with equal abilities, skills, intelligence, wealth, initiative.

What this country offers, everyone, is a chance to use his natural endowed abilities to his best advantage to find his own niche in the American way of life.

America does not owe anyone a living, or even happiness—it owes everyone a chance to earn his own living and pursue his own happiness.

REV. JOHN R. FRY AND THE BLACKSTONE RANGERS

Mr. McCLELLAN. Mr. President, I read with great interest an article published in the Washington Post of Saturday, May 1, 1971, reporting that the Reverend John R. Fry has decided to leave his position as pastor of the First Presbyterian Church of Chicago. For the past 6 years, Mr. Fry has made his church available as headquarters for a lawless Chicago street gang who were known as the Blackstone Rangers, but who now call themselves the Black P Stone Nation.

The Senate Permanent Subcommittee on Investigations conducted a lengthy inquiry in 1968 into the affairs of the Blackstone Rangers, particularly in connection with an Office of Economic Opportunity grant of almost $1 million which was supposed to be used to train young Rangers and members of another street gang in basic educational skills. Our hearings disclosed that wholesale fraud and forgery had been used to steal the Federal funds, much of which went directly into the gang leaders' pockets.

Our investigation also showed that Mr. Fry's church was used as a planning center for Ranger street wars, various rackets they operated such as dealing in marihuana, and as a storehouse for their guns and ammunition. Testimony from a number of witnesses indicated that Mr. Fry was well aware of what was happening in his church, although he denied any knowledge of complicity in Ranger activities. He described himself as a "legal counselor" to the gang leaders.

Many of the witnesses in our hearings were Chicago law enforcement officers who testified about their vigorous opposition to the OEO grant to the street gangs. They said the Federal money would only serve to strengthen and perpetuate the gang structures, which they were attempting to break down and destroy. These law officers also testified that Mr. Fry was consistently antagonistic to them and hampered their efforts to stop the criminal activities of the Blackstone Rangers.

The newspaper article quotes one of those officers, Capt. William B. Griffin, who was a valuable and informative witness in our hearings. He commands a police district on Chicago's South Side According to the news report, Captain Griffin said:

What I would call him would be unprintable. He offered a sanctuary for these kids to go hide after perpetrating their acts of violence. None of us have any doubt that there were marijuana parties at church.

In our hearings, Captain Griffin testified:

The Rangers are acting in the capacity of an organized criminal element.

On the same day, Pastor Fry testified:

They [the Blackstone Rangers] have thus used their organization to reduce violence and to create order in an otherwise chaotic environment.

Mr. President, let us examine how the Rangers reduced violence and created order. The former president of the Blackstone Rangers is serving a prison term for solicitation to murder; he was convicted of sending teenaged boys to kill a narcotics pusher. The current president of the Blackstone Rangers, Jeff Fort, is serving a prison sentence for contempt of Congress, committed before the subcommittee, and is also held without bail on numerous felony charges, including attempted murder, kidnaping and aggravated assault, and bail jumping.

Finally, Mr. President, as a direct result of the evidence of fraud and forgery disclosed in the subcommittee's hearings, a Federal grand jury in Chicago has indicted 23 leaders of the Blackstone Rangers on 132 counts charging conspiracy to commit fraud, conspiracy to file false statements, and fraudulent misapplication of Federal funds. Of the 23 persons indicted, 21 were named in our hearings as members of the "Main 21," the leadership group of the Ranger organization. At the time of the indictment on April 6, 1971, nine of the Rangers indicted were already in Illinois State prisons or in Cook County Jail for various offenses including murder, assault, and armed robbery.

Mr. President, I cannot say whether Mr. Fry is pleased to leave Chicago to become a professor of social ethics in California, as the news article reports. However, I feel certain that many people in Chicago, including the hard pressed law-enforcement officials, will be glad to see him go.

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:

WEARY PREACHER SEVERS TIES WITH CHICAGO GANG

(By Ken Pierce)

CHICAGO, April 30.—The Rev. John R. Fry says that his own weariness led him to the decision that has been unsuccessfully urged on him for years from many sides. Next June 15, he will leave behind the First Presbyterian Church here and a tortured, bitterly criticized relationship with Chicago's biggest black ghetto gang.

"I would stay if I felt I could provide the kind of imaginative leadership the job requires, but I realized I can't any more," Mr. Fry said in an interview last week.

"I'm pooped out. Tired. Absolutely on the floor."

The 47-year-old pastor has been at the center of controversy, including a Senate investigation, since he offered the church six years ago as headquarters for what is now called the Black P Stone Nation. Originally known as the Blackstone Rangers, it is an organization of perhaps 1,000 black youths centered in the Woodlawn neighborhood.

Since he began his gang program, Mr. Fry has frequently maintained that the police harass the gangs. "When dealing with parish groups like the Blackstone Nation," he said last week, "the concepts of guilt and innocence are not real to police or the courts." Instead, he has maintained, officials conduct crusades to break up the gangs.

Mr. Fry cites as evidence the fact that local officias such as Mayor Richard J. Daley have declared "wars" on the gangs, with the announced aim of jailing their leadership.

"I have been trying to somehow stand between the tremendous engine of violence in this area—the violence of the Stones and of the whole ghetto scene—and the functionally lawless police activity," he said in the interview.

In an approach that has been anathema to Chicago police and many city youth-work agencies, he has urged the gangs to go straight but remain organized as a militant community group. By contrast, the usual method of dealing with gangs is by seeking to eliminate their influence on ghetto youths.

As a result of Mr. Fry's methods, there has been intense hostility between himself and Chicago officials. "What I would call him would be unprintable," said Police Capt. William B. Griffin, commander of the Southside Grand Crossing police district.

"He offered a sanctuary for these kids to go hide after perpetrating their acts of violence. None of us have any doubt that there were marijuana parties at church. Local police have attacked Mr. Fry in public speeches.

Mr. Fry's church has been raided by police several times and the pastor has accused police of setting a fire in his office.

Besides being a focus of constant local pressures, Mr. Fry moved into the national eye in 1968 when the Senate Permanent Investigations Subcommittee, chaired by Sen. John L. McClellan (D-Ark.), held hearings on the Blackstone Rangers. Chicago police helped produce some evidence.

Mr. Fry was accused by a former gang member of passing an order for a gang killing, of allowing his church to be used for sex and marijuana parties, and of hiding guns. A church staff member was said to have aided Rangers in purchasing guns during a trip to Michigan.

But a special committee appointed by the Presbytery of Chicago conducted its own investigation and issued a report vindicating Mr. Fry. The report asserted that the charges were not true and it attacked the "low credibility of the witnesses who made them."

"The McClellan Committee's passive acceptance of . . . testimony, and the treatment of that testimony by some of the media, can only be regarded . . . as highly unfortunate and unfair," the Presbytery committee said.

The report made no finding about the extent of illegal activities by gang members, but it concluded that Mr. Fry and his church staff were working to prevent illegal gang violence and to redirect gang members.

Now Mr. Fry is leaving all this to become a professor of social ethics at the San Francisco Seminary, a job he was first offered in January. He said, however, that he hopes to create a nationwide group called Friends of the First Presbyterian Church, 100 people who will contribute $1,000 each with no strings attached. He said he thinks that the church will continue to aid the Black P Stone Nation.

In part because of Fry's efforts, the Black P Stone Nation has participated in many activities that are not the usual street gang stuff. They have organized antiriot patrols which were praised by police; they have joined programs of job training and community planning and they got their gang members together for demonstrations seeking black jobs in the construction trades.

Yet these activities have generally been publicly attacked and shortlived. Some have ended in acrimony between the Rangers and other groups, including black organizations that have accused the Rangers of extortion and terrorism.

The day after Fry announced his resignation, 23 Rangers were indicted by a federal grand jury and charged with forging paycheck endorsements and collecting salaries without doing work in the Office of Economic Opportunity job training and education project, which was the subject of the McClellan hearings. The indictment said program participants were pressured to give part of their salaries (of about $45 per week) to gang leaders and the gang treasury. The trial of the 23 Ranger leaders is scheduled to begin June 1 in U.S. District Court.

Does he look on his efforts with the gang success or a failure?

"The Rangers have lost ground in the past two or three years," Mr. Fry said. "It's been a bitter story.

"But I learned something from the Stones. I don't look at things in terms of success and failure as I used to. The Stones can't get into that world where they can succeed or fail. They are in another area of America, where you live or you die. These are significant options.

"I've just hung in as good as I could."

GOVERNMENT GUARANTEES FOR LOCKHEED?

Mr. BROOKE. Mr. President, recent administration statements have indicated that serious consideration is being given to the request of the Lockheed Aircraft Corp. for a Federal guarantee prior to proceeding with the production of the Lockheed Air Bus. I appreciate the magnitude of the problems which have afflicted the Lockheed Corp. as a result of previous major contracts. While I do not wish at this time to comment on the merits of the corporation's proposal, I do wish to point out one potentially grave inconsistency inherent in its presentation.

We are faced with a persistently high level of unemployment throughout our country. Lockheed is one of the more severely affected corporations. Indeed, a major justification for the proposed guarantee is the alleged need to assure the jobs of Lockheed's employees. Yet the proposed guarantee would also include the manufacturer of jet engines for the air bus—which happens to be British not American.

As the distinguished junior Senator from Ohio (Mr. TAFT) and other Senators have pointed out in colloquy in this body, American jet engine manufacturers are both capable and willing to enter into negotiations with Lockheed to supply an engine for the air bus. Is the airframe industry any more important to this country than the jet engine and allied industries? Is the employment of Lockheed workers any more desirable than the employment of persons by General Electric or Pratt-Whitney?

I believe that these are questions which the Lockheed Aircraft Corp. would do well to consider. It may well be that there are overriding reasons why a domestic manufacturer was not chosen. But given the present fiscal and economic situation, an all-U.S.-produced aircraft might be a more appropriate recipient of Federal guarantees than the present domestic-foreign hybrid.

Until this question is resolved, however, I believe it would be inappropriate for Congress to address itself to the larger issues posed by the request for a guarantee.

FAIR CREDIT REPORTING ACT

Mr. PROXMIRE. Mr. President, the efforts of the general and trade press to explain the new Fair Credit Reporting Act have been exceptionally good. Twice recently I have asked that some of these explanations be printed in the RECORD. Today I am making a similar request, to include, also, the printing of an article detailing some computer errors in billing.

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

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

[From Industrial Banker, April 1971]

FINANCE COMPANIES AND THE FAIR CREDIT REPORTING ACT

On Saturday, April 24, 1971, the Fair Credit Reporting Act will become the law of the land throughout the entire United States.

The purposes of this Act as stated in the *Congressional Record* are "to give the consumer a chance to correct any inaccurate information in his credit file; to preserve the confidentiality of such information; and to prevent any undue invasion of the consumer's right to privacy."

The Act covers all reporting on consumers, whether it be for the purpose of obtaining credit, insurance, or employment. However, credit reports or other information on business firms are excluded from the new law.

To accomplish these objectives, much of the Act concerns itself with the operations of credit reporting agencies, such as credit bureaus. But because of certain sections within the Act and the way they are written, it is our opinion that the Act will also have an affect on all kinds and types of lending institutions, including small loan, sales finance, and industrial loan companies.

There is one thing to keep in mind, however, in connection with this Act and that is that there is nothing in the law that should cause a lender to hesitate to provide his own experiences with a consumer to a reporting agency provided he is *sure* that the information is correct.

In order to understand the Act better it is wise to study carefully the meaning of certain terms used in the law as written by

Congress. The most important of these are the terms "Consumer Report;" "Consumer Reporting Agency;" "Investigative Consumer Report;" and the term "File." All of these terms are defined in Section 609 of the Act.

"The term *'consumer report'* means any written, oral or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under section 604.

"The term does not include (A) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (B) any authorization or approval of a specific extension of credit directly or indirectly by the issue of a credit card or similar device; (C) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under section 615.

"The term *'consumer reporting agency'* means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

"The term *'investigative consumer report'* means a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

"The term *'file,'* when used in connection with information on any consumer means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored."

Section 615 of the Act sets forth the requirements on users of consumer reports and applies directly to the finance industry. It reads as follows:

"(a) Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall so advise the consumer against whom such adverse action has been taken and supply the name and address of the consumer reporting agency making the report.

"(b) Whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose, the nature of the information to the consumer. The user of such information shall clearly and accurately disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

"(c) No person shall be held liable for any violation of this section if he shows by a preponderance of the evidence that at the time of the alleged violation he maintained reasonable procedures to assure compliance with the provisions of subsections (a) and (b)."

SPIRIT AND LETTER OF THE LAW

In order that all members of the finance industry understand exactly the spirit as well as the letter of this new federal law, we are setting forth herein the requirements of the Act as we interpret them. Please keep in mind that this information is not intended in any way to be legal advice. You should consult your own attorney for such advice.

1. When you receive a consumer credit report and after looking it over decide that because of information contained in it you cannot grant credit to the consumer applying to you, you must advise him of this fact. You must also provide the consumer with the name and address of the reporting agency.

2. You may not cause a credit investigation to be made among the consumer's friends, neighbors, or associates unless you first inform the consumer of the possibility of such an investigation.

3 When you reject an application for credit on the basis of an investigative consumer report, the consumer or applicant must be told that he has the right to learn the substance of the information gathered, if he should ask for it. However, it is not required that the specific sources of such personal information be given.

4. Remember that the requirements of this Act apply not only when credit is denied, but also when the charge for credit, including the rate of interest or financing of discounts, is increased as a result of the credit information.

5. If the dealer intends to offer to you or anyone else the consumer's contract he must give you your name and address to the consumer, and if you subsequently turn down the offer the consumer must be informed.

6. If you pass on to others any information you have about a consumer other than that which is based on your own experience with the consumer, you may be considered under this law to be acting as a "consumer reporting agency."—Should this be the case then you must disclose to that consumer.

(a) the nature and substance of all information in your file about him;

(b) the names and addresses to whom you gave such information; and

(c) if you are considered to be acting as a reporting agency, then the consumer must be given direct access to the file maintained by you, have the opportunity to try to delete from such file any information disputed by him or not subject to verification, and you must delete certain types of "obsolete" material from the file (for example, adverse information more than 7 years old, or bankruptcy information more than 14 years old).

(This question of who is or who is not a credit reporting agency is receiving different interpretations by attorneys at this time and we will not know what Congress meant until either a court decides or the Federal Trade Commission issues a rule or regulation on this point. The only safe way to avoid this situation at this time is to simply stop providing any information *other than your own experience* with a consumer.)

ENFORCEMENT AND PENALTIES

The enforcement agency of this Act insofar as the finance industry is concerned will be the Federal Trade Commission. And finally the penalty section of the Act provides that any granter of credit, reporter of credit, or consumer who obtains a consumer credit report under false pretenses is subject to a fine of $5,000, a year in prison, or both.

It also provides that if you willfully fail to comply with the requirements of the Act you can be sued for actual damages, punitive damages for an unlimited amount, and legal fees. If it is found that you have been negligent in establishing reasonable procedures to comply with the law, you can be sued for actual damages plus legal fees.

There is a two-year statute of limitations from the date the liability arises. In the case of material and willful misrepresentation, the two-year period runs from the date of discovery.

Please keep in mind that Congress says the purpose of this Act is to require consumer reporting agencies to adopt reasonable procedures with reference to credit, personnel, insurance and other information reporting that will be fair and equitable to the consumer.

[From the Philadelphia (Pa.) News, Apr. 6, 1971]

NEW LAW OPENS UP CREDIT FILES

(By Ray Wise)

Your three-year-old car is making strange noises, so you decide to trade it in. At the auto dealer's you fall for a sporty number and order it in blue. But two days later the salesman calls you up. I'm sorry, but I can't arrange credit for you." You can't buy the new car.

A good credit risk, you're stunned. What happened? Well, you've forgotten that several months earlier you had bought a new refrigerator—on time—and it had never worked properly. Receiving no satisfaction from the store which had sold it to you, you've refused to make payments on the "lemon."

Unknown to you, that store gave you a bad credit reference which bounced your application for an auto loan.

The situation described above is common. And usually the consumer simply gives up, because he never gets to see the confidential credit files which can help him or hinder him in making a loan, buying insurance or even getting a job.

You, the frustrated car buyer, never find out that it was the refrigerator deal which stood in your way. The credit bureau reports the bad credit reference to the auto salesman, but the credit bureau never tells you anything.

As of April 25, all that will change. That's when the federal Fair Credit Reporting Act takes effect. The new law opens up credit files to the consumers whose lives they affect.

"There's a whole mass of information in credit files, some of which is documented, and some of which is almost fabricated. This law gives consumers direct access to the information, and it provides that certain information may not be included in the credit files," Max Klass of the Federal Reserve Bank of Philadelphia said yesterday in an interview.

Under the new law, the car salesman who bounced your purchase would have to tell you the name and address of the credit bureau which gave you the bad credit reference.

You could then go to the credit bureau

and request all of the information on you it has in its files.

You could bring someone with you to see these files.

You could obtain information from the bureau as to the sources of its information.

You could get from the credit bureau a list of those to whom information about you had been sent.

If you found information in dispute—the refrigerator case—you could take steps to have the situation reinvestigated.

"It gives the consumer direct access to his file. This is no longer a private file. That is very important," said Klass.

This access is not limited to situations involving financing. Insurance companies and potential employers check on your credit rating, also. In these cases, too, you will have the right to know what's going on whenever there's a decision unfavorable to you.

In the words of the legislation itself: "There is a need to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy."

Also, the new law bans obsolete information from the credit files. Excluded are.

1—Bankruptcies more than 14 years old;

2—Lawsuits and judgments more than 7 years old or governed by a statute of limitations, whichever is longer;

3—Paid-up tax liens which are more than 7 years old;

4—Accounts placed for collection or charged to profit and loss if they are more than 7 years old;

5—Arrest, indictment or conviction of a crime for which the disposition, release or parole is more than 7 years old.

6—Any other adverse information which is more than 7 years old.

The above exclusions do not apply in cases involving credit transactions of $50,000 or more, life insurance involving $50,000 or more and employment involving an annual salary of $20,000 or more.

Violation of the Fair Credit Reporting Act can bring stiff penalties—punitive damages for willful non-compliance, for example. "It is scaring some of the creditors I've talked to," Klass notes.

However, he says, "the new law gives the consumer another right—to get behind that mysterious veil of secrecy surrounding credit information."

[From Chicago Today, Apr. 9, 1971]

INVADING THE PRIVACY OF A CREDIT BUREAU THERAPIST

After a while, talking to Milton I. Deutsch, the therapy begins to set in and you really believe him when he says his hobby is helping people.

"People can't control themselves," Deutsch says sadly. "They should be taught in the eighth grade the value of credit. But no—they're out to keep up with the Joneses, and the Joneses keep refinancing. A man can go insane with credit."

Deutsch runs the Chicago Credit Bureau at 538 S. Wabash Av. He has got to know more about the alibis of mankind than any priest in any confessional. Mortal sins are nothing compared to the stomach clutches a man gets when the collection agency starts hammering.

"Why, we have people coming in here every day," Deutsch said, "and they rave at us. They tell us much more than we have in our files. Sometimes they get out of control."

In his wisdom, drawn from 50 years of watching Chicago citizens doing psychic bends over their credit, Deutsch has developed a kindly protectiveness.

"I tell all my workers whenever anyone comes in to check his file 'Bring them in to me.' I take them into my private office—most places shove them into a cubbyhole—and I treat them like people."

Deutsch's private office is, indeed, a comforting place. It is green, with a sparkling plastic rubber plant in one corner, pictures of the Deutsch family on the walls, and the Declaration of Independence behind the desk.

The calm is shattered every now and then by the phone, a beige-pink one, which can connect Deutsch to any one of his 40 lines, but which shrills during credit therapy sessions only on imperative matters.

"Yes, all right, did you hit them?" Deutsch was demanding the other day into the beige-pink receiver.

He covered the phone and nodded at me. The basic, kindly gnome face was overlayed with the pucker you see in French movies when the husband slams open the bedroom door and goes, "Ah, ha!"

"We trapped them," Deutsch muttered, if a gnome can mutter. "Man called up, said he was Steinex pharmacy. Wanted to know the credit rating of one of our files."

"Yes, yes?" he was back into the phone now with his agent. "Checked out the place, eh? Vacant lot, eh? Good work."

"People try to get to us all the time," Deutsch explained later, settling down behind his enormous, vacant desk, into his enormous leather chair.

"Neighbors checking on neighbors. Wives checking on husbands. Fly-by-night businesses trying to get free service without paying our fee. We catch them every time. I have a team of agents going around, just to make sure we don't give out information to people who shouldn't have it."

Who, I wondered, should have it?

"Legitimate people," Deutsch said. "Stores, banks, finance companies, employers."

What about the Army and the FBI and the Police Department and . . .?

"You're talking about invasion of privacy and that's a red flag to me," Deutsch said, and his face—so like a tiny, kosher Mr. Micawber—went into another change. It got very bastille-unpassable.

"We are not commercial. We protect the consumer. We protect also the rights of the credit grantor. We believe in the American system of free enterprise."

But the Army, and the FBI and the police . . .?

"Only if they sign the correct inquiry forms and only if they are on official business," Deutsch said. "We have a very great obligation to our consumers and our credit grantors."

The consumers are you and me and the five million cards in Deutsch's cabinets. If you've ever charged anything in this city, you're in the file.

And he is our protector as well as our mentor in this marvelous system of universal owing.

But the trouble with systems is that they can be copped out by signing the right form.

The FBI and the police just have to sign the right form and there they are knowing how much is due on April 16 on the living-room sofa, and whether the neighbors say we drink a lot. It may or it may not interest them. But they can get it.

On April 25, about two weeks from now, a new federal act goes into operation. It is called the Fair Credit Reporting Act, sponsored by—who else?—Sen. William Proxmire (D., Wis.).

It says, among other things, that we—the consumers, the borrowers, the ones who live on credit—have a few rights of our own.

That's why I was over there the other day with the truly intriguing Deutsch. I wanted to see what invasions on his privacy Sen. Proxmire's bill would make.

SUNDAY: "Listen, I'll send you a check on Monday."

OPEN FILE ACT EFFECTIVE APRIL 25: NEW LAW CREDIT TO THE BUSINESS

On April 25 it becomes legal for anyone to go to his nearest credit bureau and demand:

A look at his credit file, and the names of anyone who has gotten an employment report on him for the last two years or a credit report for the last six months.

Plus the right to demand that all "adverse information"—bad debts, records of arrests, indictments—be removed if they are seven years old. Bankruptcy, too, if you went bankrupt more than 14 years ago.

And, theoretically, the right to be protected from federal snooping unless you've asked for a job which requires a federal security check.

If you've been turned down on a charge account anywhere, after April 25 the store has to tell you why and who provided the information.

Then you can march up to the credit bureau and glom thru your file. If you don't agree with what they have, they have to make check out calls at their expense while you stand there tapping your indignant toe.

I'm telling you all this to give you stamina when it comes to dealing with the great credit ogre, the nightmare of us all.

The Fair Credit Reporting Act becomes effective April 25, but in actual fact it turns out most credit bureaus have been going along with the basics of the thing for a long time, possibly sensing a credit apocalypse on the way.

Over at the Chicago Credit Bureau, Milton Deutsch isn't worried.

"We have been operating this way for as long as I can remember," he says soothingly. "Let us meet upon the level and part upon the square," Milton Deutsch says, that being his motto.

Deutsch says he receives 25 to 30 of Chicago's citizens each day, inquiring about their credit ratings.

If the inquirer hasn't been refused credit somewhere within the last 30 days—if he's just browsing—Deutsch charges him $4 for the privilege of the snoop.

If he's trying to track down the cause of a recent credit turn-down, he gets a look for nothing.

"That's only fair," Deutsch says. "A man has to know where he stands."

His biggest problem, Deutsch says, is wives checking on husbands and husbands checking on wives.

"My heart goes out to them," he says, his face looking like a chutzpah Brownie. "But of course we can't give in. All those husbands with all those Michigan Avenue accounts. All that lingerie sent to unmarried ladies . . . our files are sacred."

More than 2,000 Chicago businesses, banks, and finance companies subscribe to Milton Deutsch's service, at $25 a year, plus a charge for each inquiry.

Deutsch, who also runs a collection agency which he says is quite separate from the credit bureau, is proud of the speed with which his operators answer queries:

"Three minutes from the time the query originates, unless it involves out-of-town calls."

He insists that he only records the "basic" information—"Does a man live where he says he lives, how he pays his obligations, how long does he hold his job, things like that"—and he gets this from direct query from former employers and landlords and the like.

The other information—mistresses, drinking habits, etc., is gathered thru a special investigation, and Deutsch doesn't bother with this.

He does, however, own a separate collection agency which hires investigators who do deal with these more embarrassing matters.

"We keep the two agencies apart," Deutsch says delicately.

As for federal agencies on their information-seeking sprees, Deutsch is firm with the proprieties of information. He won't let them thumb thru his files unless they have proper credentials. "They must be on really official business," he says.

He recalls with regret the edict of former

Superintendent of Police O. W. Wilson, who cut off the interchange of information between the credit bureau and the police.

"We obviously have useful information for each other. It would really make sense for us to cooperate, but . . . that's the way he wanted it."

Milton Deutsch was very firm. "Certainly under these circumstances I would never give any information to the police."

Certainly under any circumstances it has got to be one of the best four bucks anyone has spent to go down to Milton Deutsch's place and browse among his ownings.

The address is 538 S. Wabash, past Zanone's Flower Heaven and the Chicago Chess Club.

As Milton Deutsch himself would say, "Let us meet upon the level, and part upon the square."

[From the Fort Wayne (Ind.) Sentinel, Apr. 17, 1971]

NEW LAW AFFECTS ALL RATING BUREAUS

(By Bill Brutton, Jr.)

When Mr. Consumer walks through the door of his local credit bureau the morning of April 26, it will be with a different status than he had at closing time the week before. His right to review his credit file and to make specific other requests will be a matter of law under the Fair Credit Reporting Act.

This change in legal status will pose a little problem for Associated Credit Bureau members. The provisions of the law regulating consumer interviews, in most instances, are the same as the terms of the "Policies to Protect Consumer Privacy"—adherence to which has been a condition of membership in ACB for over two years already.

There are a few important differences, however, and they center on five areas: Telephone interviewing, disclosure of the receiver of employment and other reports, third party presence during interviews, the filing of statements concerning disputed accounts, the sending of corrected reports to recipients of previous incorrect information, and the death of waivers of immunity.

Telephone interviewing has always been hard to swallow in the past due to complexities of establishing positive identification, but the needs of consumers unable to come to the bureau necessitated a change. Written requests are required in advance before such interviews can be made, however. This written request will provide information which will check with the credit file and make identification complete before the consumer is called by the bureau.

The new law stipulates that the consumer to be told the names of anyone who received employment reports on him within the previous two years and who received reports for any other purposes six months before the interview.

A consumer being interviewed at a bureau now has the right to have someone in addition to a spouse accompany him. Congress recognized that uneducated, low income, or foreign speaking consumers, might need interpretative help from a friend, neighbor or legal aid attorney, for example. This "other person" must comply with the same standard of "reasonable identification" that the consumer does. Bureaus also may require the consumer to sign a statement granting them permission to discuss his file in the third party's presence.

The consumer also has the right to attach a letter of explanation to his credit record in the event of a disputed account. If there is error or a disputed fact in the record, a bureau is required to reinvestigate the information within a reasonable period of time and record the current status in the consumer's file.

In review, bureaus are now required to hire trained personnel to interview and counsel and to provide such counseling during normal business hours. This means between 9 a.m. and 5 p.m., if such are a bureau's normal hours. If these hours should still prove impossible for the consumer, then a telephone interview may be arranged. All credit interviews should be made with the view of improving the image of the bureau and to create and maintain goodwill as well as to educate the consumer in the functions of a credit bureau.

The new law is fair to all parties and should help to remove the shrouds of secrecy which many consumers have felt surrounds their credit file.

[From the Philadelphia (Pa.) Inquirer, Apr. 25, 1971]

NOW, A LOOK IN THOSE FILES

The Fair Credit Reporting Act goes into effect today. It is complex and relatively unheralded. If we are to believe the popular generalities about American consumer debt, it will touch the lives of practically every adult in the United States.

Hotly debated for three years in Congress, the Fair Credit Reporting law is an important blow for privacy, and against the accumulation of powerful—but unchecked—data which can be used arbitrarily against individuals. The protections it offers and sanctions it imposes against commercial agencies should, as quickly and forcefully as possible, be extended to appropriate government bureaus.

In essence, the new law strips all secrecy from the commercial credit investigation and records system and gives individuals redress.

Almost anyone in the United States who buys anything on time or borrows money is subjected by the lending agency to a credit check. Nationally, the more than 2500 firms comprising the industry process some 150 million such background reports a year. Until now, no consumer knew where the information came from—or what it was. Abuse, arbitrariness, and casual incompetence were frequent.

Under the new law, everyone is entitled to examine—and trace the sources of—all information (except medical) kept on him by any credit reporting or investigating agency in the country. If there is error, the agency must correct it; in cases of dispute the file must include at least an explanatory statement offered by the subject. With some exceptions, the act outlaws distribution of adverse information which goes back more than seven years. Agencies are liable for damages in cases involving not only misrepresentation but also negligence.

The effectiveness of these important protections depends heavily on the initiative of private consumers. Disclosure and relief are rights which should be demanded, firmly and quickly, by everyone who has any reason to doubt the accuracy of his financial portrait in hitherto secret files.

[From the Madison (Wis.) Journal, Apr. 11, 1971]

FAIR CREDIT ACT MAY STRETCH WAIT TO OBTAIN LOANS

The new Federal Fair Credit Reporting Act, which will go into effect Apr. 25, may make loans easier to understand but may slow down the process of getting them, according to a group of lawyers.

The lawyers explained the new law to nearly 1,300 bankers, savings and loan officials, and credit union personnel at meetings recently in Eau Claire, Green Bay, Milwaukee, and Madison.

The act imposes strict requirements on disclosure and notification to the consumer. However, other parts of the act may decrease the ability of lending institutions to exchange information and lengthen the wait for the loan.

Notebooks explaining the law in full are available from the Wisconsin Bankers Assn., 14 N. Carroll St.

[From the Richmond (Va.) Times-Dispatch, Apr. 25, 1971]

CONSUMERS SHOULD KNOW: CREDIT RECORD NO LONGER SECRET

(By Estelle Jackson)

I've always had a secret desire to find out my credit rating.

I visualized myself in my less-controlled daydreams as sneaking down the aisles of the local credit bureau, pulling out my file and leafing through it hastily to see whether or not there was any record of the times back in 1962 when I let my account with a certain department store ride for a couple of months. "It's going to affect our credit rating," my husband kept insisting.

Another dream came true for me last week. I paid my visit to the credit bureau—in this case the Credit Bureau of Richmond—and saw my file. But there was nothing subrosa about the whole operation. The file was produced willingly and I was even allowed to hold the information in my hand. The Credit Bureau of Richmond proved to be a nice place to visit.

In a rather tired-looking brown envelope, dating from 1951 when my husband opened his first charge account at a men's clothing store here, were a whole sheaf of papers—reports on our credit status from various stores where we had accounts, and carbon copies of reports sent by the bureau to other bureaus or businesses.

The information was largely in code, which was interpreted carefully to me. Descriptions of a customer's manner of payment are in a "common language" that ranges from an "0" for an account that is too new to rate, to a "9" for one that's a "bad debt; placed for collection; suit; judgment; bankrupt; skip." Businesses are listed literally from A to Z—from A for an automotive concern to Z for miscellaneous.

The file contained what amounted to my husband's employment history—since most of the positions he's held since youth were listed on one report or another. I also read that at age 24 he was considered, in a report ordered by a clothing store from another agency, to be a person of "good character and habits."

Facts about myself were completely lacking, however. Except that presumably I had something to do with Mr. Jackson's parenthood of two children and my existence was implied in the use of the word "married."

So, I found out, my particular credit rating was actually dependent on my husband's. And, if the credit bureau reasoning is to be accepted, it's not really a credit rating but a descripition of how we pay our bills.

And, even more deflating, it turns out my husband was right. Back in 1962 that department store did notice my late payment: they gave me our only "2" (for payment in 30 to 60 days).

As of today, a new law—the Fair Credit Reporting Act—makes it possible for any consumer to find out what his credit records contain.

Numerous provisions of the new law will mean no changes for the Credit Bureau of Richmond, Inc., according to Jeff D. Smith, Jr., executive vice president of the Retail Merchants Association of Greater Richmond and the Credit Bureau of Richmond.

The new law requires—and the Credit Bureau of Richmond has already as its policy—that any concerned consumer can walk into a credit bureau and see his file. He is entitled to complete and accurate disclosure of the information in the file. The Credit Bureau of Richmond already has a consumer relations specialist, said Smith.

Under the law and already standard op-

erating procedure to the Credit Bureau of Richmond, the consumer must present proper identification.

But while the Credit Bureau of Richmond lists an estimated 550,000 persons in its neat and well-organized files, a one-stop survey of its information probably would not provide the total picture of anyone's credit reputation.

While the credit Bureau of Richmond, with its 96 employees, is undoubtedly the city's biggest bureau, there is a competing agency—the Retailers Commercial Agency, with a complement of about four employees.

Credit bureaus in other cities may also have records of your credit history.

And, in Richmond, there are investigative reporting agencies which make reports for insurance companies and employers—some among these are the Retail Credit Company, Hopper-Holmes Bureau, Inc., and O'Hanlon Reports.

Investigative reports can include information about your character, general reputation, personal characteristics and mode of living, obtained often through personal interviews with friends, neighbors and associates.

All such credit bureaus and investigative reporting agencies are covered by the act.

Rep. Leonor K. Sullivan (D.-Mo.) had proposed that the law require credit bureaus to notify consumers as soon as they are made the subject of a dossier. The proposal failed.

However, the law does provide that you be notified of the location of the files if the files are used against you.

Consumers who want to take full advantage of the protection of this law should acquaint themselves fully with their rights under its provisions.

A consumer who is rejected for insurance, credit or employment based wholly or in part on a credit report must be told that such a report was made. He must be provided with the name and address of the credit bureau supplying the report—and then can go to the agency and see his file.

He can visit the credit bureau in person, or can make a written request for a telephone interview—and then review his credit record over the telephone.

He may be accompanied by another person of his choice. This has not been permitted by most bureaus.

The law doesn't specify that the consumer can hold the report in his hand. Jeff Smith said the Credit Bureau of Richmond will permit it. On the other hand, R. W. Hensel, branch manager for the Retail Credit Company, said his office will read the information to you.

The consumer is also entitled to learn who are the sources of the information, except in the case of investigative reports. Sources of information used in this type of report are to be kept confidential, the reason being that many were afraid that sources would dry up if their names were disclosed.

However, if a consumer brings a lawsuit because of the investigation file, these sources must be revealed. And lawsuits can be pressed in civil court against credit reporting agencies, if the agency is negligent and reports inaccurate information.

Medical information is also exempted from disclosure.

Consumers will be told the names of those who have received employment reports within the past two years, and the names of all others who have received credit reports within the past six months.

If the consumer questions any item in his file, the credit bureau must reinvestigate. If it is found to be inaccurate or can no longer be verified, the item will be deleted. If the consumer still disputes the information after a second investigation, he has the right to have a summary of his version of the dispute written into his file.

Agencies also are required to delete adverse information if more than seven years old, except for bankruptcies which may be kept on record for 14 years (excepting only in cases involving credit or life insurance involving at least $50,000, or an employment report involving a minimum annual salary of $20,000).

The Virginia statute of limitations on judgments is 20 years, so under the credit reporting law, the Credit Bureau of Richmond could carry a report of a judgment for that length of time, according to Smith. Instead the bureau will only report judgments for seven years. Also, no arrests will be reported by this bureau unless they are followed by a conviction, he said.

The deletion of adverse material older than seven years should make credit easier to get for some, he said, citing examples of persons who have a "rocky" time getting their credit established during their youth.

The law also requires notification of investigative reports. When an investigative report is made, the fact must be disclosed to the consumer in writing no less than three days after the date the report was first requested. A consumer will also be informed of his right to request additional disclosures about the scope of the investigation. No adverse information can be used in later investigations on the consumer if that information is more than three months old and has not been verified again.

If an item is deleted or a statement added to a consumer's file, he may request that the credit bureau inform those who have received employment reports within the past two years and all others who have received regular credit reports within the past six months.

There's a $5,000 fine—or one year's imprisonment—or both for anyone who willfully obtains a credit report under false pretenses. Uses of credit and investigative reports are restricted to legitimate business uses, such as extending credit or underwriting insurance. Government agencies will have access to files if acting as an employer, insurer or creditor, otherwise a court order will be necessary to get information.

The Associated Credit Bureaus, Inc. of Houston, Tex., has prepared a leaflet on the Fair Credit Reporting Act, which is available at the Credit Bureau of Richmond, one of its 2,100 member organizations.

The emphasis of the law is on consumer access to his own credit information—and ability to dispute and correct it. But it is up to the consumer to exercise these rights when the occasion arises, and thus protect a very valuable asset—his credit.

[From the Syracuse (N.Y.) Post-Standard, Apr. 5, 1971]

CONSUMER CREDIT AID

If you think a credit reporting firm's records on you are all fouled up, causing you problems in opening charge accounts or installment loans, the mysteries can be unraveled April 25 and thereafter.

On that date a new federal law, the Fair Credit Reporting Act, takes effect, bringing sweeping changes in credit reporting practices. Here's how it can protect you.

You can demand to know the information in your file and its sources. Simply make a request in person or by letter to the credit bureau, bank or other reporting agency.

You can challenge any time in your file. The agency must accept your explanation or investigate your complaint. Any information that turns out to be wrong, or can't be verified, must be removed from your file.

You can insist that the agency send out a notice of correction to all who received the erroneous report.

An agency must inform you when you are being investigated, and that you are entitled to know the contents of the report. In addition, at your request an agency must tell you who has received a report on you—in the past two years for employment purposes, in the past six months for other purposes.

The agency must omit certain kinds of stale information from your report. A bankruptcy may be reported for no more than 14 years. A suit or judgment, for 7 years (at the expiration of the statute of limitations, whichever is longer). An arrest, indictment or conviction of a crime, for 7 years from the date of disposition, release or parole. A paid tax lien, past-due account or other type of adverse information, for 7 years.

So, it may pay you to make inquiries about your current credit rating if you've been fighting with an insurance company, store or other credit grantor because of mixed-up bills, poor quality appliances or bad service. A store, a salesman or a serviceman may have given you a bad credit report if you've balked at paying until an adjustment was made.

[From Time, May 3, 1971]

NEW DEAL FOR THE HARASSED

For eight years a pharmaceuticals salesman in New York City endured a Kafkaesque nightmare, applying for work to many firms and always being turned down, sometimes after he had been told that he was accepted. Reason: Atlanta's Retail Credit Co., one of the largest firms in the business of gathering and selling financial information about individual consumers, had been reporting erroneously that the salesman was dishonorably discharged from the Army. This was just one of many examples of damaging irresponsibility in the credit-investigation field uncovered in recent hearings before the Senate Subcommittee on Banking and Currency.

The thousands of computerized, credit-checking bureaus across the country constitute an awesome but lightly regulated intelligence network. The information they supply to stores, banks, insurance companies and employers intimately affects the borrowing potential, earning power and reputations of millions of Americans. Yet many are oblivious to the existence, much less the extent or accuracy, of the data that credit bureaus disseminate about them.

To give consumers protection against abuses, Congress passed the Fair Credit Reporting Act, which took effect last week. The measure was adopted after testimony revealed that information on consumers is sometimes hastily collected for the credit-reporting bureaus by recent high school graduates, who get their information by checking newspaper reports of arrests and by secretly interviewing neighbors of the people under investigation. Prodded by supervisors trying to justify the service, some investigators aim for a 10% to 15% rejection rate in their reports.

Under the new law, however, if an applicant is rejected for a loan, a job or an insurance policy because of an unfavorable credit report, he must be told so by the person turning him down. He then has the right to examine the bureau's files; if he can prove that an item is inaccurate, it must be struck out. Bureaus must also be certain that their clients have a bona fide interest in the individual's background. Finance companies are acceptable; lawyers looking for ammunition in a divorce case are not. The FBI, the Internal Revenue Service and other Government agencies, which had easy access to data banks, must now have a court order to peek at an individual's dossier (except for checks on prospective employees). Credit-bureau officials who knowingly supply data to unauthorized clients risk a year in jail and a $5,000 fine. Says Senator William Proxmire, Wisconsin Democrat, who husbanded the bill through Congress: "At some point the individual's right to privacy must take precedence over the creditor's right to obtain information."

[From the Philadelphia (Pa.) Bulletin, Apr. 25, 1971]

NOW YOU CAN CORRECT YOUR CREDIT FILE

(By Miles Cunningham)

As of today, the consumer has a great deal more to say about what emerges as his credit status.

The Fair Credit Reporting Act is now in effect. It is the first time the credit reporting industry is under federal regulations.

This federal law means that if a credit bureau has a file on you—and almost every adult has a file somewhere—you can look at it. It comes under the jurisdiction of the Federal Trade Commission.

It is a day for which the Philadelphia Credit Bureau has been preparing for months. The bureau has 3.5 million individual credit files in its offices at 1211 Chestnut St.

CAN BE CORRECTED

If there are errors in the files, the consumer can have them corrected. If the credit bureau disputes the version of some incident, an explanation of up to 100 words can be inserted.

Sen. William W. Proxmire (D-Wis.), author of the Fair Credit Reporting Act, says the law does five fundamental things for consumers:

Provides that those turned down for credit, insurance or employment on the basis of a credit report must be told the reason and be given the name and address of the credit reporting agency.

Consumers now have the legal right to learn the nature and substance of all the information in their files and to correct inaccuracies.

HELD CONFIDENTIAL

Credit reporting agencies are required to keep the information in their files confidential except for legitimate business purposes.

Adverse information more than seven years old, or in bankruptcies 14 years, must be deleted from the files.

When an investigative report is conducted the person under investigation must be informed and the agency must disclose the scope and nature of the investigation if requested.

Investigative reports consist of information on a consumer's character, personal habits, general reputation or mode of living. Such information usually is obtained through interviews with neighbors, friends and associates of the individual.

Rep. Leonor K. Sullivan (D-Mo.), who was active in the campaign, feels the law could have been stronger.

"I think every citizen on whom an active file exists should be notified of the existence of the file before errors in it can cause him harm," she said.

But Mrs. Sullivan believes the law will solve 90 percent of consumers problems with credit reports.

The consumer who wants to see his file can do so by preserving proper identification and requesting an interview.

The consumer also can obtain an interview by phone. The Philadelphia Credit Bureau and others have devised procedures for identifying callers but these will not be disclosed, said Anthony C. Capaldi, assistant general manager.

If the bureau is overwhelmed with "curiosity seekers," said Capaldi, it may have to impose a "reasonable charge" to show an individual his file, as the law allows. But there is no charge now.

[From the Philadelphia (Pa.) Inquirer, April 26, 1971]

BUYER GIVEN RIGHT TO KNOW HOW CREDIT FIRMS RATE HIM

(By Rob Elder)

WASHINGTON.—Businesses are buying and selling information—and sometimes misinformation—about how you pay your bills, how much money you make, and whether the neighbors say you beat your wife, kick your dog and yell at your children.

A new Federal law gives you the right to know what they're saying about you.

The Fair Credit Reporting Act covers the 2500 credit bureaus and other credit reporting agencies whose files and computers are crammed with data on virtually every adult American family.

Also covered are the business, insurance companies and prospective employers who may refuse to have anything to do with you because of this information.

The idea is to let you know about reports that can help or hurt you in getting a charge account, a loan, an insurance policy or a job. When those reports are inaccurate, the law gives you a right to challenge them and tell your side of the story.

In a society where consumers charge and borrow $126 billion a year, credit reporting is an obvious necessity. How else would a store know whether to sell you a $400 sofa on your promise to pay $10 a month?

But your credit is one of your most valuable possessions. Yet, until now, it could be damaged by false or incomplete information without your ever knowing or having a chance to correct the error.

Here's how the new law protects you:

When a company rejects you because of a bad credit report, it must tell you the name and address of the agency that supplied the report.

You visit or write to the credit bureau and properly identify yourself, the credit reporting agency must tell you "the nature and substance," of its information.

You also have a right to know who received your credit record during the past six months. If the report was for employment purposes, the agency must tell you who got your records during the past two years.

If you feel the information in your file is false or incomplete, the reporting agency must reinvestigate its data unless it has reasonable grounds to regard your request as "frivolous or irrelevant."

When the information is inaccurate, the bureau must delete it and send deletion notices to businesses who have received reports containing the false information.

Even this may leave some room for disagreement. For example, you may deliberately have withheld payment on a charge account which billed you for money you didn't owe. In a case like that, you can insert a statement of up to 100 words in your credit file, explaining your side of the story.

[From the Washington Post, Apr. 26, 1971]

CREDIT FILE LAW TAKES EFFECT

(By Carole Shifrin)

Today is the day consumers can start looking into their credit files.

Under the Fair Credit Reporting Act, which became effective yesterday, a consumer is given free access to examine all the information currently in his file, except for medical information.

In addition, the credit reporting agency is required to tell the consumer the names of all those who have received reports on him during the preceding six months for credit or insurance purposes and the preceding two years for employment purposes.

"Consumers who have had credit, insurance, or employment problems due to inaccurate reporting of their credit history will now have greater opportunity to have these inaccuracies corrected," Special Assistant to the President for Consumer Affairs Virginia Knauer said yesterday.

She noted that if a person detects what he believes is an inaccuracy in his file, the credit bureau is required to reinvestigate the information and delete it if it is found to be false or no longer verifiable. Should reinvestigation fail to resolve the dispute, the agency must allow the consumer to file a short explanatory statement of his position and include it in subsequent reports on him the agency makes.

If the agency deletes the inaccurate information, the consumer can ask that those who have recently received the undeleted information be informed that it has since been taken out. Any adverse information is to be deleted from an individual's file after seven years, or 14 years in the case of bankruptcies.

If credit, insurance, or employment is denied a person because of adverse information in his credit file, the user of the information must tell him the report was a factor and give him the name and address of the reporting agency.

Sen. William Proxmire (D.-Wis.), the chief sponsor of the law, said it would give every user of credit "a chance to prevent the kind of heartaches and inconvenience that have plagued so many consumers in the past.

"From now on, if you are refused credit, even though you have paid your bills on time in the past, you will be able to find out why," he said.

The Federal Trade Commission is responsible for enforcing the provisions of the new law.

[From the Philadelphia (Pa.) Bulletin, Apr. 27, 1971]

IS YOUR BOSS A POOR CREDIT RISK? DON'T ASK

(By Henry R. Darling)

"Hi," I said to the pretty brunette in the blue sweater sitting at the desk in the office of the Philadelphia Credit Bureau, 1211 Chestnut St.

"I'm a newspaper reporter and I'd like to check on the credit rating of my editor."

She blinked a couple of times, asked for my name, which she wrote on a pink card, and turned it over to another brunette in a red pantsuit. After a whispered conversation, the second girl said:

"Will you please be seated for a while?"

BOSS OUT OF TOWN

Five minutes later a third brunette—they seemed to get prettier each time—came out a side door and led me to an inner office. She asked me why I wanted the information about my editor and I told her I had a letter from him giving me his permission to look at his credit records.

The Fair Credit Reporting Act, which went into effect Sunday, gives consumers the right to look at their own credit files and ask for corrections. Stores and other businesses have always been able to buy this information.

"I'm afraid I can't help you," said Brunette No. 3. "The only executive who can is out of town."

The executive (I was hoping she would be brunette No. 4) turned out to be assistant general manager Anthony C. Capaldi, who was in Atlantic City.

Reached by telephone, Capaldi said he wouldn't let me see my boss' credit forms.

"You don't fall under my definition of an investigator," he said.

The law, he said, permits investigators to check the credit ratings as long as it is with the knowledge of the person being investigated. The usual reasons are for extending credit, collecting bills, employment, insurance underwriting and "legitimate business needs."

I asked him whether a newspaper story isn't a legitimate business need.

"Sorry," he said, "not by my definition."

Well, all right. Forget the editor. It would be a dull report anyway. He stopped playing the horses years ago. I asked whether I could look at my own credit file.

NO. 3 BRUNETTE AGAIN

"Of course," said Capaldi. "I'll be there in an hour and a half."

I didn't wait. I walked back out to the

lobby and told the girl in the blue sweater I wanted to see my credit records. She had me fill out forms listing my name, address, how long I'd lived there, place of business, how long I'd worked there. She pushed the forms through a mail slot behind her desk.

"There will be an interviewer out to see you in a few minutes," she said.

The interviewer showed up in less than a minute. It was the No. 3 brunette. She led me to an interview room, opened a file folder and produced a tan four-by-six-inch card with my name on it and a lot of code numbers.

ONE INFORMATION REQUEST

"Your file shows you have accounts at Gimbels and Wanamaker's and all bills were paid within 30 to 60 days," she said.

There was only one request for credit information. That was when I bought an automobile on a bank loan.

I asked whether I could see the card myself.

"We can't do that," she said "An irate customer—you know—might tear it up."

The Philadelphia Credit Bureau, she said, has always encouraged people to come in and talk about their credit records. She said the office averages about 25 interviews a day.

"We can often help people improve their credit ratings," she noted.

"If they've been slow in paying their bills, we try to find out why. If they've been out of work or in a hospital, it helps to make a note of that on the records."

[From the Indianapolis (Ind.) Star, Apr. 25, 1971]

ON CREDIT

Anybody who had been turned down as a bad credit risk, or refused credit by a retail or other establishment without being told why, now has a way to fight back.

The Fair Credit Reporting Act goes into effect today. Under that act if you are refused credit you now have the right to make the firm tell you why you were rejected, what information your credit rating is based on and who was involved in giving you a credit record.

In this day of computers your credit records are collected and stored and sorted by machines being fed information from various firms you may have dealt with. It is entirely possible that if you refused to pay an overcharge on a bill, or argued about what you owed some retailer, it might go as a black mark on your credit record. Thus, when you apply for a credit card or a credit rating, this information could show you as a "bad risk."

Now you can find out why your credit is considered no good, and if the credit rating is wrong do something to correct it. That is good news.

[From AFL–CIO News, Apr. 24, 1971]

NEW FAIR CREDIT LAW MAY CURTAIL RIGHT-WING EXTREMISTS' OPERATIONS

(By David L. Perlman)

A new consumer protection law could force out of business a group of vigilante-type, extreme right-wing organizations that peddle dubious "investigative reports" to employers who want to screen out "radicals" and "troublemakers."

This little-known byproduct of the Fair Credit Reporting Act stems from provisions of the law designed to protect Americans from being denied credit, rejected for insurance or refused a job on the basis of false, misleading or out-dated information furnished by a reporting agency.

Most such reports come from credit bureaus and are used by stores and banks to determine whether an applicant for credit of a loan is a good risk. Some reports—often including results of interviews with neighbors, employers and co-workers—come from private detective agencies and insurance investigative services.

And some—no one knows how many—come from such far-right organizations as the American Security Council and an organization with the innocuous-sounding name of Church League of America.

In response to a query by the AFL–CIO News, the Federal Trade Commission confirmed that the Fair Credit Reporting Act will clearly cover such organizations as well as the more conventional credit and investigative operations. The legislation, passed last October with strong labor support, goes into effect Apr. 25.

While the political blacklisting phase of employment investigations was not highlighted during congressional consideration of the law, congressional committees dealing with the legislation were at least aware of the problem.

At House hearings, Columbia University Prof. Alan F. Westin, who had directed a study on invasions of privacy, stresed that the legislation should be enacted "so that no Americans are secretly blackballed from their occupations, without redress of any kind."

Westin read to the House committee a letter from the Church League of America to leading business firms soliciting clients for its employment screening service.

The letter warned that "our working forces include more than a few radicals, socialists, revolutionaries, communists, and troublemakers of all sorts. The colleges and schools are educating and training thousands more who will soon be seeking employment." It conceded that employers might be able to screen the education and experience of job applicants adequately. But, the letter warned, "little if anything is done to determine their philosophy of life," which could be "of paramount importance."

The league claimed that for more than 30 years "we have been intensely researching the activities of troublesome individuals, groups and publications, about which management would be well advised to be aware."

And, it boasted, "our files are the most reliable, comprehensive and complete, and second only to those of the FBI, which, of course, are not available to you."

No fee was mentioned, but the league "will be glad to send a representative, at your request, to go into this delicate matter at greater length."

There is nothing in the new law that bars the so-called church league and similar organizations from continuing to sell their "investigative" services to employers.

But both they and the employers who buy the services will be legally required to follow the same standards set for all other credit and investigative reports that might have an adverse effect on an individual.

The legislative ground rules are as follows:

Credit bureaus and other third-party compilers of information are limited to providing credit reports for legitimate business users. Persons obtaining reports must certify that the information will be used only for such purposes as extending credit, employment or insurance underwriting. Any person who obtains information from a reporting agency under false pretenses can be fined $5,000 and imprisoned for up to one year.

As a general rule, no adverse information more than seven years old may be included in a report. An exception is made for bankruptcies, where the time limit is 14 years, and in investigations for insurance policies over $50,000 and employment at an annual salary above $20,000.

If the credit report results in an unfavorable determination—such as refusal of credit, a higher insurance rate or denial of employment or promotion—the user of the report must inform the consumer that adverse action has been taken at least in part on the basis of information obtained from a credit reporting agency, and give the name and address of the agency.

The next step is up to the consumer. He may—at no charge within 30 days—obtain from the reporting agency disclosure of the substance of all non-medical information in its files. He may also obtain a list of firms or persons to whom the information was sent, during the past two years in the case of employment reports and during the past six months for other purposes.

If any item is questioned by the consumer, who may be accompanied by one other person of his choosing, the reporting agency is obligated to reinvestigate it. If the unfavorable data is incorrect or cannot be verified, the agency must send a correction to persons who had received the report.

If the information is disputed, the consumer may have his version of the episode included as a brief statement in all future reports containing the challenged information.

Standards are even stricter for what the law terms "investigative" consumer reports, which includes data on an individual's "character, general reputation, personal characteristics, or mode of living" and would cover the ideological investigative groups as well as more conventional agencies.

Not only are they required to follow the same seven-year statute of limitations applied to credit reports, but they are obligated to reverify all adverse information more than three months old.

Furthermore, an employer who requests such a report on a job application or an employe must notify the person to be investigated within three days of the date the report was ordered. The individual may then obtain promptly from the investigating agency a written disclosure of the nature of the investigation.

As in the case of credit reports, the individual must be notified of any adverse action resulting from the report and has the same recourse as in the case of simple credit reports.

If the reporting agency has, through negligence, violated any of the provisions of the law—such as failure to delete obsolete material or inadequate verification—it may be sued for actual damages plus court costs and attorney fees.

If it can be proved that there was willful disregard of the law, punitive damages can be added to the penalty.

Employers, stores, banks and other users of the information failing to comply with the law are subject to the same legal penalties.

An employer who does not sue a third party agency and does his own investigation is not covered by the law. However, a store or lender which denies credit solely on the basis of its own investigation must inform the consumer that he has the right to know the reasons for the denial of credit and that it will be disclosed to him if he so requests.

A court test may be necessary to finally determine whether government investigative agencies—such as the Civil Service Commission, which does the great bulk of federal job applicant clearances, and the Federal Bureau of Investigation—are affected by the law.

The law specifically includes in the definition of "person" covered by the law any "government, governmental subdivision or agency."

However, the Civil Service Commission said that its present legal opinion—subject to confirmation by Justice Dept. and Federal Trade Commission attorneys—is that its investigative operations are not covered. The reasoning here is that the government is a single employer and the commission—while receiving reimbursement into a revolving

fund for the cost of investigation—is not a third party.

Commission attorneys acknowledge, however, that when they use credit reports obtained from credit bureaus as a basis for adverse action, they are governed by the same disclosure requirements as other employers.

And if the commission undertakes hiring investigations for state and local governments, as it may under a new intergovernmental cooperative program, it would very likely be obligated to follow the law.

Considering the importance in job clearance reports of the seven-year statute of limitations on adverse information, a court challenge to the government's interpretation would appear probable at some time.

The full impact of the new law depends, of course, on the degree of voluntary compliance and the ability of the Federal Trade Commission to uncover violations.

The commission's powers are limited to issuing "cease and desist" orders. FTC officials said that spot checks will be made to uncover violations—to the extent possible under the agency's budget and manpower resources.

The commission has not received any additional funds to enforce the program, which means that the resources it devotes to it will have to be taken from other enforcement functions.

[From American Banker, Apr. 26, 1971]

MOST BANKS CHOOSE NON-REPORTING STATUS AS CONSUMER CREDIT ACT TAKES EFFECT

(By C. Frederic Wiegold)

NEW YORK.—The Fair Credit Reporting Act, the complex and controversial law designed to insure the fair and accurate handling of a consumer's credit rating and, in some cases, allow the consumer access to credit information obtained about him, became effective Sunday, with most banks opting not to become consumer reporting agencies. In a statement issued Sunday, the Federal Trade Commission, which is the agency charged with primary responsibility for administrative enforcement, outlined the major provisions of the law.

"The new law attempts to balance the need of those who extend credit, insurance or employment to have quick and inexpensive access to the facts necessary to make a sound business decision, and the consumer's right to know of and correct information being distributed about him," the FTC statement said.

"The basic purpose of the law," the statement continued, "is to protect consumers from inaccurate or obsolete information in a report which is used as a factor in determining the individual's eligibility for credit, insurance or employment. It does not apply to reports utilized for business, commercial or professional purposes."

The new act, which is an amendment to the Consumer Credit Protection Act and not to that measure's major section, truth-in-lending, does not specifically call for any agency to issue implementing regulations. Congress believed that the law would stand on its own.

The Fed, however, is known to be preparing information for its examining staffs and other banking agencies. In a recent speech, Griffith L. Garwood, an attorney in the truth-in-lending division of supervision and regulation at the Fed, said he believed this information would be distributed to banks. This information should give bankers some idea how the act is viewed by the Fed and give some guidelines for operational procedures.

All banks will be affected by the law, either as users of credit information or as consumer reporting agencies. The act defines a consumer reporting agency as anyone who, for monetary fees, dues or on a cooperative nonprofit basis, regularly engages in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

As a user of credit information, a bank must comply with the measure's disclosure requirements whenever employment or insurance or credit for personal, family or household purposes is denied or the interest on credit is increased on the basis of information contained in a credit report.

In the case where the information was obtained from a consumer reporting agency, the bank must notify the consumer that the action has been taken and supply him with the name and address of the consumer reporting agency.

If the bank denies credit, insurance or employment or increases the interest rate based on information obtained from a firm that is not a consumer reporting agency, it need not disclose the source of its information. It must, however, advise the consumer that he may make a written request within 60 days to be informed of the nature of the information used by the bank in making its decision.

If a bank decides to become a consumer reporting agency it must first obtain certification. It must establish procedures to assure that consumer information is supplied only for certain permissible purposes. These include the extension of credit, the review or collection of an account, employment, underwriting insurance or other legitimate business purposes.

It also must establish procedures for furnishing information to consumers when there is a turn-down or the interest rate is increased.

Further, it must maintain records of information obtained from third parties so consumers' requests for the nature of information used can be supplied.

The consumer reporting agency also must make certain that its information is accurate and current. As an example, information on bankruptcies which are more than 14 years old must be deleted from its records. Information regarding suits and judgments, paid tax liens, accounts placed for collection or charged to profit and loss, records of arrest, indictment or conviction of a crime or other adverse information may not be reported if it is more than seven years old.

A consumer reporting agency also must disclose to a consumer upon request the nature and substance of all information in its files on him, the sources of the information and the recipients of any information on the consumer supplied for employment purposes within the past two years and for any other purposes within the past six months.

If the consumer questions the accuracy of the information, the agency must reinvestigate and bring its records up to date. If the consumer is not satisfied then, he must be given the opportunity to file his own statement for inclusion in his credit record.

Compliance by banks will be enforced by the appropriate Federal supervisory agencies: the Comptroller of the Currency for national banks, the Fed for state member banks, and the Federal Deposit Insurance Corp. for insured non-member banks.

According to an unofficial and informal poll conducted by Robert Morris Associates, the Philadelphia-based national association for bank loan and credit officers, most banks are going to give out information based on their own experience with a customer and not become consumer reporting agencies.

Emphasizing the informal nature of the poll, a spokesman for Robert Morris said there were exceptions, primarily in unit banking states and smaller communities in such places as Texas and New England. In the smaller communities, the spokesman said, the bank, usually the only one in town, had always been a credit reporting agency, and would continue as a consumer reporting agency under the new law.

The Robert Morris spokesman said a number of banks had said they were taking a wait-and-see attitude, possibly waiting for guidelines from the FTC or the Fed.

Many banks have prepared strict guidelines for their employees to insure that the bank does not become a consumer reporting agency. One such set of guidelines, received by Robert Morris from an associate, is a good example of the detailed procedures being established.

Under these guidelines, the bank would write to its primary credit correspondents requesting a letter as to whether they were operating as consumer reporting agencies. It would also advise its correspondents of its status under the law. This letter would be kept on permanent file at the bank.

Additionally, the bank would update its information on the status of those from whom it receives credit information each time it does so.

When making a request for credit information, the bank would identify itself, state the purpose for which the information will be used and certify that the information will be used for no other purpose.

To insure that all those dealing with credit information would be in compliance with the act, the bank would use standardized forms and procedures.

Requests for information from nonconsumer reporting agencies would be restricted to transactions and specific factual information regarding the consumer's credit record. Only information regarding the consumer's specific transactions and experience with the bank would be given out. Opinions would not be expressed.

When writing a letter in response to a credit inquiry, the bank would state that it is a user of consumer reports and not a consumer reporting agency.

The bank would not report or process an inquiry for a third party, except a third-party request for a specific extension of credit or if the third party tells the consumer the name and address of the bank to whom the request is made.

All incoming credit information would be recorded and filed by the bank.

[From Computerworld, May 5, 1971]

ARE VISIBLE COMPUTER ERRORS ONLY THE ICEBERG'S TIP?

In the recent ABM arguments some stress has been placed on Prof. Licklider's statement that current computer technology was inadequate to prevent errors occurring in our software systems.

Unfortunately, partly because of the political environment and partly because of the natural unwillingness to face unpleasant truths, the impact of the statement—that current systems are untrustworthy—was ignored by the computer community at large, and was certainly ignored by me.

In recent months, however, I have been studying the occurrence of computer errors, to understand them a little better. My study was brought on particularly by a remark by James Moffat, CDP, assistant registrar for data processing at Arizona State University in Tucson.

He told me he felt the criticism printed in this column about the university giving unknown grade codes was ludicrous, in view of the many other larger errors which had been made, and which they had "got away with"!

DP MANAGERS AGREE

There is no doubt in my mind that many DP managers would agree with Moffat. They believe that there are many, many errors occurring in DP systems today—both in the software prepared by the hardware manufacturers, and prepared by themselves in house.

Very often the actual volume of errors, combined with the fact that many of them only occur under unusual circumstances, make them apparently too expensive to do anything about.

In particular, any systematic attack on them is simply too expensive to be considered worthwhile. This means that errors exist which are, or can be, known about but which may be ignored and left in the DP systems.

IGNORED FOR 5 YEARS

Just how long errors can be ignored was brought out vividly for me in San Francisco at the Spring Conference of the Association for Systems Management last month. After my talk one systems analyst won a big cheer from the other systems types by pointing out that his experience was that the DP group never got around to correcting nonvital errors—and that he had been waiting for some for no less than five years!

That cheer told me clearly that this ignoring of even acknowledged errors was not just an isolated incident, but instead was a usual occurrence.

At the same time some computer errors do get attention. We know this when we see the amount of time given to recompiling and re-recompiling systems that have been "implemented" long ago, and when we look at maintenance budgets.

But the decision as to which error will get handled, which will be discovered but not ignored, and those which simply won't be looked for or acknowledged if found, must have some logic behind it. And I think it has—the old, standard logic of the squeaky wheel. And naturally, the bigger the wheel that squeaks, the more likely it is to get attention!

THREE SAMPLES

Following up these two points—the Moffatt comment and the San Francisco cheers—I looked at three particular cases where you would reasonably expect such conditions not to occur—where indeed you would not expect to find many errors.

These cases have all been commented on in the column before, for different reasons, and so form a random, if small, sample. They are the Master Charge case, the Educator's Consultants case and the Tucson case.

Master Charge has plenty of money to hire the best analysts, Educator's Consultants makes a living selling the use of its software, and the university knows enough about data processing to be able to give postgraduate courses in it. These cases have all been commented on in the column before, and for different reasons. They therefore do form a random, if small, sample. What I did was to look for hidden errors that had not been known about when they were first talked about here, but which have since become visible.

MASTER CHARGE—4 NEW ERRORS

Take the Master Charge case. Originally it was selected as showing arrogance in the placing of the mailing address in a nonstandard position at the top of the envelope where it could be obscured by standard metering. Later, however, this system was found to also:

Issue bills that were arithmetically wrong—by hundreds of dollars.

Issue bills that called for payment before the billing date.

Confuse the reader with unnecessary data and abbreviations.

Be unable to produce confirmatory data when promised—or for months later!

None of these were found in the first go-around—only afterwards. They can therefore be considered as being hidden errors.

5 NEW ERRORS

Nor was the Master Charge alone. The Educator's Consultants case had the original error of using too short field lengths, and then using the field lengths that were available badly. Later it was discovered that in addition to these it was possible for the system to:

Completely omit grades.

Completely omit subjects taken.

Allow attendance reporting to fall two weeks behind.

Confuse all-round mediocrity with good classroom work and lousy homework.

Overprint computer data over important printed data, thereby losing both the computer-generated and the printed data!

TUCSON CASE—6 ERRORS

Even more daring than either of the others, however, was the Tucson case. Here it turned out that the original complaint, not checking inputs, was invalid. Perhaps that is why it was found to have more hidden errors than the others.

In this case it was later found:

That the operator had failed to obey runsheet instructions.

Obsolete forms had been used, omitting vital information.

The university's rules were being broken by faculty members.

Valid complaints resulted in the blame being placed on the innocent.

The college failed to check the validity of the output.

Bad coding of descriptive data (1 for male, etc.) had been used.

Now, I don't know what you make of these facts—the number that were discovered when searching into apparently simple cases, or the complaints of the systems mean that nonpriority cases just don't get attention.

I don't even know what I really get of it—not just yet. But I do think that it indicates that computer errors are a much more important topic of consideration than we have currently realized.

At the very least, I think that the current public distaste for computers is based on a veritable epidemic of computer errors (which is certainly with us), and much worse, it may be that the visible errors are only the tip of the iceberg.

And that's a really chilling idea.

THE DEADLY MENACE OF DRUG ADDICTION

Mr. MONDALE. Mr. President, the deadly menace of drug addiction has rapidly reached crisis proportions in the United States.

The magnitude of this crisis can be illustrated with recent statistics for the Twin Cities. There are now an estimated 1,000 heroin addicts in Minneapolis and St. Paul. Last year in Minneapolis alone, 11 people died from drug-related causes. In just the first 2 months of this year, five people have already died from drugs, most of them from heroin. These numbers convey little of the tragedy for individuals who have lost a son or father. They cannot make us realize the torturous impact of heroin on human life and potential. How can this kind of destruction happen to us and, more importantly, how can we stop it?

Community self-help programs are underway in Minnesota to combat the dangers of drug addiction. Governor Anderson has given drug abuse a top priority, offering comprehensive proposals to strengthen State education and treatment programs. I hope that these measures will be adopted.

But the strengthening of State and local programs cannot succeed without Federal help. Like doctors fighting smallpox, they need vigorous international controls to quarantine the deadly germ—white powdered heroin which is produced and processed in friendly countries.

International control over heroin has diminished, not increased, during recent years. The failure of our efforts in this area is revealed in the quantum increase of heroin importation over the last 12 months. And the reason for failure lies squarely in diplomatic side-stepping of this issue by the administration.

For example, in 1967 Turkey—producer of 80 percent of the heroin consumed in the United States—announced its intention to get out of the opium business altogether by the 1970–71 crop. Despite its intention, Turkey has expanded opium acreage under cultivation in the past 2 years, and reports show that poppy production may have doubled. And the administration continues to claim success in cooperation with Turkey on opium control.

Since 1967 we have given Turkey a billion dollars in foreign aid, without reservation regarding opium production. Last year, when Attorney General Mitchell said that he would welcome sanctions against Turkey, the State Department repudiated him the very next day. With a billion dollars in aid flowing freely through the pipeline, can Turkey possibly think we are serious about opium control?

Legislation I introduced earlier this year would add the firmness our diplomatic efforts lack. My bill would make cooperation with opium producing and processing countries more meaningful by tying aid to crop diversification and law enforcement efforts. And for the first time my bill would make clear that we do not intend to finance countries to supply us with heroin.

The International Opium Control Act has stirred favorable reaction in Minnesota. As further evidence of concern and support for prompt action, I offer two articles published last week in the Minneapolis Tribune.

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

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

THE DRUGS THAT KILL

An American Medical Association spokesman describes a study released this week as the first real evidence, based on good research, that regular marijuana smoking can cause serious psychological damage to young people. If the findings hold up under challenge—some experts are skeptical because of previous research to the contrary—then marijuana will take its place with cigarettes and alcohol as major health hazards.

Even if a health hazard, however, marijuana is not the only serious part of the drug problem. Another serious part—the part that also ought to receive major attention in the community—is the apparent increase in use of drugs that kill. The Tribune's series last week by staff writer Sam Newlund showed that 11 persons died in Minneapolis from drug abuse last year, and five died the first two months of this year. Heroin was the biggest killer. Amphetamines, barbiturates and synthetic narcotics also took a toll. Marijuana did not cause any of these deaths.

The victims ranged in age from 16 to 62. One was a Vietnam combat veteran. The number of others, still living, who are addicted to dangerous drugs is not definitely known. Half the 2,702 drug arrests in Minnesota last year involved drugs other than marijuana. The Twin Cities are believed to have as many as 1,000 heroin addicts. And

countless others, from housewives to medical personnel to "speed freaks," are hooked on amphetamine stimulants considered to be more dangerous in some ways than narcotics.

As was brought out in the articles, the pushers of drugs are not always the professional criminals exploiting a market. Many are drug users themselves, including teenagers, who want to share the experience and finance their own purchases. Further, not all drugs come through illegal channels. The drug industry produces and promotes billions of amphetamine pills for medically questionable purposes. Finally, drug use itself is not the only serious aspect of the problem. The articles described how extensive burglary operations are carried on to underwrite drug acquisitions.

There are no final answers to these problems—just many attempts to find answers. The self-help community programs seem promising and could use more aid. Gov. Anderson's proposals for education and treatment should be approved by the Legislature. Authorities need to direct their efforts more at the large drug wholesalers. And Sen. Mondale's plan to dry up the flow of heroin from Turkey could be effective. In the final analysis, however, the real solution is for Americans to come to the recognition that overuse of drugs—whether amphetamines, marijuana or alcohol—is not the answer to life's problems.

NORTH SIDE "BROTHERHOOD" OFFERS HOPE TO DRUG ADDICTS

(By Sam Newlund)

They call themselves a Brotherhood, and they mean business.

Their enemy is drug addiction and their aim is to save their black brothers and sisters from its evils.

"Hey, man—drugs? They offer you nothing but oblivion," one of them said last week.

The Brotherhood is a tough-minded corps of north Minneapolis black men, most of them former addicts, who have set up a drug-fighting Halfway Inn at People's Church, 1001 Penn Av. N.

To enter the program, addicts must sign a pledge agreeing, among other things, to abstain from hard narcotics, to attend group meetings, to submit to spot chemical tests and to commit no crimes.

Those who break the rules must answer charges before a tribunal of their peers.

About half the 13 who had signed the pledge last week are on a methadone-maintenance program. Methadone is a synthetic narcotic used to break heroin addiction.

The group also plans to spread the word—to youngsters, parents or anyone who will listen—that drug addiction is a monstrous cop-out.

The Brotherhood grew out of alarm in the North Side black community over a recent rash of deaths from drug overdoses and deaths related to illicit drug traffic.

With the help of People's Church's white minister, the Rev. Rolland Robinson, a program was written and an application for a $30,000 subsidy was submitted to the State Crime Commission.

Mr. Robinson estimates there are 900 North Siders using opiates (including heroin) and cocaine, and that one in five of them is addicted.

Halfway Inn rules provide that members using methadone take their daily doses in the presence of two of the Brotherhood's four leaders and a registered nurse.

Methadone is picked up twice daily from nearby Pilot City Health Center and brought to the church for swallowing. Efforts are under way to set up a permanent "kick pad" where addicts trying to break their drug habits can live during the time they are suffering from withdrawal sickness.

A telephone is manned around the clock to help any caller who may have taken an overdose of drugs.

But the program's principal strength probably is the presence of ex-addict counselors who can help the initiates get "clean" because they have suffered through that difficult time themselves.

"Rapping," in the form of regularly scheduled "group therapy" sessions, is a key part of the program.

No holds are barred in the rap sessions. At the first group meeting, last Monday, members argued heatedly about how tough the Brotherhood should be when a member returns to drugs or fails to obey the rules.

Three days earlier a bi-racial group of adults and children crowded into a church meeting room to see a slide presentation and a movie about drugs and addiction. None of the drugs shown on the slides—from coffee to heroin—escaped critical comment from members of the Brotherhood. Some sample comments:

Marijuana—"The bad thing about marijuana is that you get 20 years if you get caught with it in your possession."

LSD—"I know a couple of kids who took a trip and haven't come back yet."

Tobacco—"This is an addictive drug."

Cocaine—"I've seen people spend $400-$500-$600 in a couple of hours. I've seen it. I've done it. You could break Rockefeller with this drug. He'd be dead or he'd be broke."

Tranquilizers—"You'd be surprised how many housewives are strung out (addicted) on these."

Spot remover and gasoline—"A dude who takes this has to be a mad dog . . . It's a cheap high, a stupid high and a death high."

Most of the comments were made by two of the four Brotherhood leaders, Felix James and James Spaulding. Their scorn was extra vindictive when a picture of heroin was flashed on the screen.

"Here's the garage," said James. Added Spaulding: "It'll make you hate your mommy, your daddy, your sister, your brother."

Summed up James: "That's pure death. When you take and shoot that stuff, it's pure death."

Early this month 23-year-old John Foss (the name is fictitious) was discharged from the Army after serving as a combat rifleman in Vietnam. Within two days after returning home, he began methadone treatment at Pilot Center and transferred soon after to Halfway Inn.

Foss first shot heroin into his arms at age 18, was on methadone when he was drafted two years later, and took up heroin again in the Army—both in this country and in the Far East.

Slight of build, Foss explained in an interview at the church that he turned to drugs "partly because I wanted to be recognized, I guess."

"I always wanted to be somebody," he said. "I guess it was a thing I could brag about."

"My mother and father," he said, didn't want me to mess around with no narcotics. They put it to me so bluntly. . . . But if someone tells me don't do something I'm going to do it to find out why."

Foss estimated that 65 percent of the members of his outfit in Vietnam used drugs of some kind. In Vietnam, he said, heroin is cheap and easily available from villagers. "It's just like going into a store and buying cigarettes."

He said he became addicted in Vietnam after the first time he killed an enemy soldier. His outfit, Foss said, was "just sitting around" one morning when "all of a sudden we heard all this noise."

Enemy soldiers came "running, shooting and hollering," he said. "The dude that I killed, he was real young. He just kept running and I shot him nine times."

"What shocked me," he went on, "was that we had to count their dead. Then we took their weapons and buried them . . . I was feeling real bad."

It was after that experience, Foss recalled, that a fellow soldier asked him if he wanted to sniff some heroin.

"I tried it and really got high," he said. "It was a high that I had never experienced in my life. I was trying to forget the incident."

According to Foss, it was common for him and his buddies to go into combat high on heroin.

"Being high was easier," he said. "You really didn't care. You always had the thought in your mind that it might be you—it's him or you. Killing somebody you don't even know. For what?"

At Halfway Inn, Foss said, he does a lot of reading, thinking and talking. He said the methadone is working—"it's a real nice feeling to be clean"—and he is now looking for a job.

The leaders, he said, "are just more or less helping me to decide on what I am and who I am. They're helping me to understand why I used drugs in the first place. We just kind of sit down and rap."

To join the group an addict "really has to want to quit," Foss said and the attitude of the leaders drives home that point.

"We are here to save lives," says a brochure explaining Halfway Inn. "We want to salvage the souls of some of our brothers and sisters before they jump off the deep end. We are 'catchers in the rye' seeking to turn the blind ones back before they fall off the cliff. We are determined to do this because we have seen too many people over the years, some of them close friends, die."

FREEDOM FOR POLAND

Mr. BROOKE. Mr. President, on May 3, many Polish citizens of this country observed the 180th anniversary of one of the great events in the history of the Polish people, the adoption of the Constitution of 1791.

The creation of the free state of Poland represented one of the first efforts to establish a popular, liberal form of government in the era characterized by the flowering of freedom in the Western World. Although it was to come to an end within a mere 4 years, the May Third Polish Constitution still shines as a monument to the principles of national pride and self-determination that have marked the Polish people.

The great contribution which Polish-Americans have made to the development of the United States, beginning with the very significant military leadership of General Kosciusko during our own revolution for independence, form an important part of the history of our Nation.

I hope that the millions of Polish people will once again come to enjoy fully the basic rights and liberties of a free people.

THE ELDERLY: AN INVISIBLE CITY

Mr. EAGLETON. Mr. President, recently the St. Louis Globe-Democrat published a series of five articles entitled appropriately "Invisible City."

These articles describe vividly the plight of many of the 164,000 elderly people of St. Louis and St. Louis County who constitute a kind of invisible community within that urban area.

The problems these people face—inadequate income, lack of proper health care, immobility, crime—are, of course, not peculiar to St. Louis. They are the lot of the elderly in all of our major cities and, in more general terms, of our elderly citizens wherever they live.

Mr. President, I commend this series of articles to the Senate and ask unanimous consent that they be printed in the RECORD.

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

INVISIBLE CITY—AREA ELDERLY FORM A DIFFUSED COMMUNITY OF 164,000

(By Les Pearson and Andrew Wilson)

There's a largely invisible city within the St. Louis area.

It is old. It doesn't ring with the laughter of children. What laughter there is comes gently—sometimes bitterly.

It's a city 164,000 strong in St. Louis and St. Louis County, made up of people over 65. It would be the metropolitan area's biggest suburb if concentrated in one place.

Its psychology is one of fear and depression—fear of not having enough income to live on, depression brought on by the often wrenching psychological adjustment from a lifetime of work to retirement idleness and isolation.

Since the entire gamut of urban ills—from transportation to crime—is likely to bear with special intensity on the aging, simply accepting themselves and their devalued status is a major problem.

A man retiring on Social Security at 65 finds his income slashed to half or a third of what it had been, but his needs do not suddenly evaporate. Medical costs, for instance, can be expected to rise steeply.

The problems of the aging, then, are likely to be the same as the poor of all ages. And in St. Louis they also are closely linked to urban problems generally. On the average, most of the aged live on less than half as much income as those under 65, government statistics show.

The census indicates almost one person in seven in the City of St. Louis is more than 65 years old. Almost half of those over 65 live alone and only about five per cent of all aging live in any kind of institutionalized setting.

The rest—about 95 per cent of the approximately 91,000 in St. Louis and 73,000 in St. Louis County—are "just scratching for themselves," according to Gilbert Murphy, executive director of the Older Age Special Issues Society (OASIS), a federation of senior citizens clubs representing some 6,000 persons in the St. Louis metropolitan area.

And that statistic offers a clue to the visibility of this aging city within a city. A relatively small percentage of those 65 or older maintain any active social life. Most, especially those in poverty circumstances, tend to retreat within themselves.

What are the characteristics of the aging city?

One—As many as 75 per cent of all elderly persons have an income of less than $300 per month and more than 50 per cent get by on less than $200 per month.

Two—difficulty in getting from one place to another, for a variety of reasons, leads to a corroding feeling of isolation and helplessness, along with a growing absence of the kind of nutrition necessary even for an ordinary existence.

Three—While Medicare and Medicaid are the politican's answer to health problems of the aged, they fall far short of meeting the needs of those on squeezed fixed incomes.

Four—Many, if not all, aging people experience a gripping fear of being the victims of a rising crime rate because of their increasing vulnerability.

Five—But the aging city is not without resource, for a leadership is emerging with an insistent demand that things be made better for themselves and their contemporaries.

The Social Security Administration reported last year that of all aged household units, 44 per cent had income below the poverty level and only about one-third had incomes large enough to provide at least a moderate level of living as defined by the Bureau of Labor Statistics for a retired couple.

Politicans are expressing growing alarm about the problem, hence the White House Conference on Aging. A preliminary session of that conference is scheduled for Monday at Kiel Auditorium.

A workbook prepared for this conference says in 1969 it cost elderly couples in cities a minimum of $2,902 to maintain a "low" living standard. This $241 per month budget "would not allow for any extras or even the replacement of some essential supplies."

"To live on a very moderate scale, adequate to maintain health, enough to get by on indefinitely, would have cost such a couple $4,192 in 1969," the document reports.

And "for a comfortable, but by no means luxurious way of life, the couple would have needed $6,617 that year," it concludes.

The same publication shows that in 1970, the median annual income for older couples was $4,803, but 20 per cent of all elderly couples had less than $2,500 per year.

Widows and other elderly persons living alone were even poorer, their median income being $1,855. Only 9 per cent of all elderly people had incomes of more than $5,000 a year.

Just trying to hold onto their own homes is a mounting trial for older people. Government statistics show maintenance costs have gone up about 50 per cent since 1957–59.

Insurance costs have risen by 53 per cent and property taxes are up about 40 per cent in the same period.

Some States—not including Missouri—offer property tax relief for the elderly, but they are few and the relief is limited.

Legislation is pending in Jefferson City to provide tax relief for the elderly through income tax rebates, but the bills are well down the House of Representatives' calendar and must still find their way through a reluctant Senate.

Two approaches—the so-called, "circuit breaker" bill for property tax relief and the "homestead exemption"—are on the calendar and are designed to give persons over 65 relief from the large property tax burden they bear.

The "circuit-breaker" bill offers an advantage to the older renter, as well as the property owner.

One impact of rising taxes on fixed incomes is that older persons increasingly tend to veto tax issues at the polls.

The city of St. Louis feels the impact of the invisible city within. Demands for additional health care facilities, for better transportation, for better law enforcement contribute to fiscal crisis, which is by no means invisible.

LONELY, IDLE, TERRIFIED—FEARFUL OF CARS AND CRIME, MANY OLD PEOPLE ARE PRISONERS IN BATTERED AREAS OF CITY

(By Andrew Wilson)

Many old people live as prisoners in their own homes in battered sections of the city. Sequestered behind heavily bolted doors, they are lonely, idle and terrified.

Fearful of muggings and speeding cars, they cajole relatives and tip neighbors to fetch their groceries, candy and medicine.

Mrs. Agnes K. exemplified the type. Nobody ever saw her on the street, but everyone in the neighborhood knew who she was.

She was the old widow who lived all alone and was always peeking out the corner of a window. Sometimes a group of rowdy children would spot her and rain pebbles on her window. Then she would call the police to chase them away.

Mrs. K. was assaulted in her home on a recent night and apparently suffered a heart attack. She had been dead for several hours when police found her. Her house was ransacked and laboratory tests showed she had been raped.

Was this crime as wildly unpredictable as it was shocking and grotesque? Not according to Arthur C. Myers Jr., chief statistican for the St. Louis Police Department:

"There are certain behavior patterns which lead almost inevitably to a violent death. This woman was like that.

"She stayed in a tough neighborhood long after her family and friends all died or moved away, and she was constantly calling the police.

"Now this can create a lot of resentment. What happens when the older brother of a kid who gets picked up and maybe put on probation on her account decides to do something about it?

"The police can't be there all the time."

It should not be inferred from these remarks that the elderly are the victims of a disproportionately high number of crimes against persons.

They comprise 15 per cent of the city's population, and are the victims of about the same percentage of the street robberies reported to police.

They are murdered about half as frequently as their fellow city dwellers and reported rapes are in a still smaller proportion of incidents.

But these figures are only part of the story. As Meyers pointed out, it is not always wise to call the police. Undoubtedly, the elderly often don't, even after being attacked.

The sad fact is that to be old and infirm and without the protective services of a family or institution is to be a sitting duck for acts of possible retaliation.

Moreover, where the average person might come away from a street robbery with nothing worse than a bump on the head and an empty wallet, an old person might sustain serious injury—both physically and psychically.

Two old widows who were knocked down in the course of purse-snatchings last month never recovered from the experience. Both died after a short period of hospitalization.

The St. Louis Housing Authority tries as far as possible to protect its elderly population by segregating it. The so-called "senior citizens buildings" are packed and have long waiting lists.

But even these sanctuaries—with their locked doors and stringent security precautions—are not entirely free of the grip of fear. The problem is they are not entirely self-sufficient.

"They (youths who victimize the aged) are out there waiting in groups of seven and eight," explains Thomas Hardeman, the alert and energetic president of the senior citizens club at one Blumeyer public housing building for the elderly.

"Four or five will stand look-out and the other two or three will grab the purse. They are all kids about 12 to 17. You can hear them whistling signals to each other."

So when there are church services to go to or groceries to be fetched, the Blumeyer elderly often wait until they can get up a group and then sally forth as a convoy.

"I'd have to say outside security is our biggest problem here," said Hardeman, "Why, in the last year alone, two old widows here have died from attacks."

The elderly find it especially hard to

square their own vulnerability to attack with the apparent immunity from prosecution of their youthful attackers. It seems a cruel paradox.

"What is most disgusting, said Hardemann, "is the lack of punishment which the youngsters who commit these serious crimes receive.

"The police take them down to the station and it seems like before they even get a chance to book them there they are back out on the street again."

Beefed up security patrols at the projects this summer will aid the elderly in Blumeyer. But these are the people with most of the luck anyway.

For the great majority of old people clinging to private homes around the city there is no relief in sight.

THE GROUNDED GENERATION—ELDERLY MUST STAY IN OWN NEIGHBORHOODS BECAUSE THEY CANNOT AFFORD FARE OR GET ON AND OFF AREA BUSES

(By Les Pearson)

Picture Miss B., bent almost double at age 77 because of a congenital spinal deformity which has grown worse with age.

She's able to do much of her own housework and lives close enough to a grocery and self-service laundry that she can manage, pulling a small cart behind her as she hobbles along.

But out of about $125 per month, she has to pay nearly $10—almost 10 per cent—in taxi fare for twice-monthly trips to her clinic, because she just isn't physically able to get on and off a bus.

Living in a deteriorated St. Louis neighborhood where concrete has consumed trees, one of her strongest desires is just to see the country again.

But transportation for this sort of trip is never available.

"I guess I'll never be able to go any more," she told a reporter quietly. "There just isn't any way."

She's one of 91,000-plus persons over 65 in the city alone, of whom only a small number are affluent enough to easily provide their own transportation.

One of the fortunate few who is still physically and financially able to drive his own car, George Reeves Sr. is able to measure the extent of the problem confronting many of his contemporaries.

"This lonesomeness is corroding, it really hurts. It has a definite effect on health because depression just hastens the process of deterioration," Reeves said sadly.

Walking even two blocks to a bus stop can be taxing to an older person, particularly if there is a wait for the bus and the prospect of a transfer before competing the trip.

Mrs. T., who at 81 is in reasonably good health, lives in an inexpensive hotel in another of St. Louis' deteriorating neighborhoods. Her income, about $150 per month, pays her rent and the meals at her hotel.

Her only son is dead and the daughter-in-law is an alcoholic. One grandson is 16 and an older granddaughter is married but separated from her husband, and Mrs. T. worries about her two small great-grandchildren.

Recovering from a fractured kneecap, she walks with a cane. But she would try to go occasionally to see about her grandson and her great-grandchildren, just to make certain they are all right, if she did not have to transfer three times to get there on a bus.

"I just don't go," she said sadly.

"Buses are not made for older people," says Louis Solomon, a peppery former labor lawyer who at 68 is now lobbying for his own generation.

"They could lower the rungs and shorten the steps so it would be easier for older people to get on and off the buses," he said. "And they could reduce the fare to fill up those buses on off-peak hours," he said.

As it is, 45 cents is too much for many older people to afford as fare for a trip anywhere and when the return trip makes the day's cost near a dollar, they just don't go.

"We think many older people just don't go to the doctor or to the store to buy the nutritious foods they need because they can't afford to go," said Miss Jaclyn Meyer, social worker for the Cardinal Ritter Institute, an organization dedicated to assisting the elderly.

The need to reach medical services probably presents the predominant demand for transportation for the elderly.

"We have to eliminate the barriers which are making health care crisis-oriented," said A. J. Henley, administrator of the Yeatman Health Center at 2730 North Grand bl.

The Yeatman center, which serves about 75,000 persons on the near Northside, is one of two centers operating its own transportation service. The other is the St. Louis Comprehensive Health Center, at Easton and Goodfellow.

This service probably accounts for no more than $20,000 a year at Yeatman, out of a $1 million budget. Henley says, and does meet the needs of elderly people for medical services in that geographical area.

Legislation is scheduled to be introduced in Congress this week by Sen. Charles H. Percy of Illinois in an effort to do something about the problem of transportation for the aging.

Vern Goetcheus, special aide on the problems of aging for Percy, said the senator has readied a package of legislation aimed at helping solve these transportation problems.

One bill would require local transit systems to provide a half-fare system for persons over 65 in order to be eligible for federal funds.

"These are people who are not riding the buses now, so it would be no loss to the bus system," Goetcheus said.

Another bill would set up a system of demonstration grants from the federal government to support a variety of experiments such as providing medical services transportation for the elderly.

Legislation already in existence, but not fully implemented, would provide federal money to assist local transit systems in modifying equipment to make it easier for the elderly to enter and leave buses and other public conveyances.

By and large, however, transportation is an unsolved problem for older people.

"What we need is some sort of centralized transportation service for the elderly. We just have to eliminate these problems of getting around," one official said.

"Practically no one is really doing anything about it and as a result, we come into contact with these older people only when they have become so ill from poor nutrition or depression or something else that it's almost too late," he added.

THE AGED SICK—ELDERLY ARE OFTEN UNABLE TO OBTAIN EVEN MINIMAL CARE

(By Andrew Wilson)

An elderly person who is struck by a car in St. Louis will, if he is at all lucky, be rushed to a hospital. The same will be true if he has a stroke or a heart attack.

But unless he is rich he will be left to suffer through the agony of a multitude of lesser afflications.

Some old people have learned to live with their own stench because they cannot find anyone to help change them or give them a bath.

Others put up with aches and pains which could be easily relieved by common drugs.

For most old people, poor health is a persistent fact of life. Four out of five persons over 65 have some sort of chronic illness.

Yet in the opinion of many experts, the present "crisis-oriented" system of health care is disastrously ill-equipped for meeting the needs of these older people.

They claim it is failing badly in the basic test of getting services to the elderly—at prices they can afford.

All the major problems of the urban elderly converge one with the other. Health care is no exception.

Because of the problems of crime and erratic public transportation, many older people feel shut off or at least greatly hindered in even seeking out medical help.

Because they are poor or on fixed incomes, they are especially hard hit by the galloping inflation in medical costs.

Because they are strapped with other costs, they scrimp on their diet and go hungry or undernourished.

Because they live in substandard housing, they are exposed to dangerously unsanitary conditions.

Medicare has undoubtedly been of major benefit to the elderly. But there are large gaps in its coverage which they are quick to point out.

Ordinarily, Medicare doesn't pay for hospital visits over 90 days, for out-of-hospital drugs, eyeglasses, hearing aids and dentures, and visits to doctors which do not lead to "skilled treatment."

In fact, Medicare paid for only 47 per cent of the total health care expenditures for the elderly in 1969, according to a recent report by the U.S. Committee on Aging.

The files of the Visiting Nurses Association here which sends home health aides out to 1,700 needy persons, most of whom are elderly, are bulging with what can best be described as horror stories.

VNA officials report that it is not unusual for home aide nurses to discover almost total invalids living in crumbling apartments without heat, without food or without functioning plumbing.

"Many old people need just maintenance care such as enemas and irrigation—which any skilled person could provide," a VNA official said.

The VNA is primarily interested in helping patients and their families and friends to help themselves cope with long-term illness. But even this modest goal is sometimes helplessly out of reach.

"Many are bed-ridden with no relative or friends left in the neighborhood and there's not much you can do except go in and try to make them more comfortable," one VNA official said.

Medicaid is a further help to many elderly persons, but to qualify for its benefits one must be able to prove indigence.

Medically speaking, the cost of medical care is often as hopelessly prohibitive to a person of modest means as it is to a poor person.

Upon asking how she could qualify for desperately needed Medicaid assistance, an elderly widow here was told to sell her $12,000 house.

A number of elderly homeowners have had to face up to the bitter necessity of putting mortgages back on the homes they sweated and slaved to buy in order to pay off medical bills.

Among the specific chronic diseases most commonly reported by older people are arthritis and rheumatism (26.6 per cent), heart disease (14.9), and high blood pressure (12.9 per cent).

Even if fear of crime and lack of transportation didn't prevent many older people from seeking help for these afflictions, ignorance often would.

Many older people think of dizziness and aches and pains not as symptoms of particular diseases which are subject to treatment but as part of the natural and inexorable process of aging.

Some have proposed that some form of national health insurance be instituted to provide completely free medical service for everybody over 65.

Dr. Rodney M. Coe, executive director of the Medical Care Research Center of Wash-

ington University and the St. Louis University School of Medicine, favors this approach, but sees it only as a partial solution.

According to Coe, what is needed is a great expansion of public health care facilities at the neighborhood level, with paramedical personnel taking over many of the simpler functions which are now handled by doctors.

Coe stresses the neighborhood clinics should be geared toward preventive care, keeping close tabs on such things as fluctuations in blood counts and concentrating on nipping illnesses in the bud.

He admits such a system would be expensive, but he defends it on practical grounds:

"We can no longer afford to operate on the acute health care model because it is wasteful and inefficient as well as traditional . . .

"Typically what happens now is an older person with a set of symptoms which he defines as sickness goes to a doctor who then makes tests and prescribes some pills.

"A few weeks later the symptoms return and the patient goes back to the doctor and the same thing happens all over again. The patient gets some more pills and then a little later he is sick again.

"Now the patient may be suffering from arthritis or hearing loss or some other disease the physician can do precious little about except prescribe some palliative stuff.

"Now a number of things are happening while all this is going on.

"Number one, the patient's not getting well—because that's the nature of a chronic disease.

"Number two, it's getting very expensive for the patient to keep going back to the doctor.

"Three, there is some dissatisfication on the part of the doctor because his patient isn't responding.

"Fourthly, the repeated visits of older patients are working our doctors to death.

"And lastly, the physician doesn't happen to notice all the signs he should. As long as the blood level stays within the normal range, for instance he pays no heed to it. It may be at level X one visit, X plus two the next, and X plus four the time after that, but as long as it is still within the normal range, he takes no action.

"With a preventive-oriented approach, we would notice trends like this and move to head off serious complications in the pre-crisis stage."

AGED ON THE MARCH—POLITICAL ARMY OF SENIOR CITIZENS IS BATTLING FOR BETTER LEGISLATION; ITS VOICE IS BEING HEARD AT POLLS

(By Les Pearson)

Ever see an army on canes?

One is being organized in the St. Louis area and the enemy is the politician who doesn't help solve the problems of aging Americans caught in the squeeze between fixed incomes and rising costs.

Battalions of people 65 and older are marching on City Hall, on the state capitol in Jefferson City, or Washington and, above all, to the polls in increasing numbers.

One in every seven St. Louisians, 91,106 of them, is over 65, while 73,361 out of nearly a million St. Louis county residents are over 65, according to the 1970 census. It's a largely urban army of the aged, comprising 14.6 per cent of the population in the city and less than 8 per cent in the county.

Disgusted with the growing burden of not having enough to live even adequately in their retirement years, the aged have become an important political force.

"We're going to do like the AFL–CIO does . . . fight for our friends and against our enemies," said one leader of an emerging force of older St. Louisians who insists things are going to get better for himself and his contemporaries.

"We'll remember our friends . . . and our enemies . . . at the polls next election," he said firmly.

A prime mover in a more militant organization of older people is George Reeves Sr., an 81-year-old retired social worker whose voice and vigor are of someone 30 years his junior.

About half of all people 65 or older are below the poverty income level of $3,000 a year, Reeves points out. Of these, half are in such desperate financial straits their energies are devoted to just getting by, not to political action.

But there's a determined effort to enlist these people to at least vote through a "friendly visitor" program carried on by senior citizen organizations.

The objective: Helping aldermanic, state and federal legislative candidates who understand the problems of the old.

Nationally, older Americans make their voices heard on Social Security issues and on the cost of living.

"We are really clobbering the administration now," said Louis Solomon, a former labor lawyer who is now lobbying for his generation since he retired three years ago.

"They're not too happy with us, they'd rather give it to the generals and the admirals," he added.

The Older Age Special Issues Society (OASIS), a federation of Senior Citizens Clubs headed by Reeves, and United Senior Action, a lobbying organization, sent several bus-loads of people to Jefferson City to support the so-called "circuit breaker" bill to grant property tax relief to people over 65.

"We have about 80 (of the needed 82) votes in the House, so I guess we'll have to round up a few more," said Solomon.

Traditionally, politicians have expected a generally negative vote on election day from older people, particularly on tax issues.

But Reeves and Solomon and their contemporaries are trying to go beyond this instinctive "no" vote to make their voices heard in legislative halls at all levels.

"We're finding new places to poke at in the soft underbelly of politics," said Reeves.

One St. Louis alderman who says his reputation is "negative" because he espouses the cause of older people is Raymond Percich (Dem.) of the 27th Ward, a northwest St. Louis area with about one in seven residents over 65.

"Everybody pays lip service to tax relief, but all we really can do is prevent the tax in the first instance and that's what I've been trying to do," said Percich.

The appeal of Joseph Badaracco, GOP aldermanic president, that he would serve as a watchdog over Democratic spending at City Hall was probably very attractive to older city voters, Percich pointed out.

And while that could not be classed as the only factor, Bradaracco rolled up his largest margins in the south and southwest St. Louis wards where population over 65 years of age tends to run as high as 25 per cent in some sections.

"They're against taxes and that's the way I vote," said Alderman Lee Weber, 6th Ward Republican from south St. Louis who was reelected April 6.

Alderman John A. Joyce (Dem.) of the 23rd Ward in southwest St. Louis put it another way: "These people, many of them, have been on pensions for 15, perhaps 20 years. Now these people in their 80s are out cutting their own grass."

Alderman C. B. Broussard, 26th Ward Democrat and also a senior citizen, thinks the elderly vote definitely figured in the victory of Badaracco April 6.

"They voted very heavily for Badaracco and I think this followed his hammering away at waste," said Broussard.

Only one special St. Louis tax issue election in recent memory generated a heavily affirmative vote of the elderly. That was the city sales tax proposal approved in March, 1970, but politicians are agreed that the anti-crime campaign touched a tender spot with older people who are fearful of becoming victims.

"They sold it on the idea that crime was going to stop the day after the election and it was specifically planned to touch the fears of these old people," said one politician.

But the convention center and other tax issues either failed or carried only closely in wards heavily populated by the elderly.

"The politicians keep asking why we're getting these no votes, but they always keep coming back with something else," said one alderman.

"I've got people who pay two or three months of their Social Security income for property taxes. What can you do when these people appeal to you?

"You say 'vote no,' that's what you do," he concluded firmly.

THE NUCLEAR ARMS RACE

Mr. MUSKIE. Mr. President, the nuclear arms race has taught us a valuable lesson, and it is time that we took this lesson to heart. It has taught us that buying more arms does not necessarily buy us more security; it may only lead to new and more chilling forms of insecurity.

The nuclear arms race should have taught us by now that in the long run, the control of arms can provide us with a more stable peace and more security than the best weapons money can buy and the minds of men can devise.

We have seen that this is true as we have watched each side develop new strategic weapons systems in response to real or imagined programs by the other side. The net effect has been, at least, a tragic waste of valuable resources. At worst, it could mean catastrophe for all mankind.

Too often, nations have resisted the idea of arms control in the mistaken belief that it would mean unilateral disarmament. And we have sometimes thought of arms control in terms only of reaching agreements and signing treaties. As in the case of the current SALT negotiations, reaching such agreements is an urgent need.

There is, however, a further dimension to arms control. Even in those areas of competitive strategic military spending not covered by treaty or agreement, we should try to establish a pattern of mutual self-restraint with other nations. We should recognize that the other side can and often does react to what we do. A pattern of mutual restraint would enhance our security as well as the security of others. Moreover, the unilateral defense program decisions we make now can alter the prospects for agreement in the future.

It is important, therefore, that we consider the effects of our strategic defense budget on the prospects for agreement at the SALT talks now and in the future and on the military spending decisions of other nations, particularly the Soviet Union.

Actions which we and the Soviets have taken since the SALT talk began have

already adversely affected the prospects for agreement.

While the talks go on, the Soviets may be making changes in their offensive weapon deployments. We do not yet know what these changes will prove to be. Whatever they are, they increase our uncertainty as to Soviet intentions, and they make it more difficult for us to conclude an agreement to halt the arms race. They have also resumed work on their ABM system centered on Moscow.

Since the talks began, the United States has begun to deploy a vastly improved new warhead system, the MIRV—a multiple, independently targetable reentry vehicle—and pressed ahead with the ABM program.

In a talk which I gave in Philadelphia early last month I emphasized the urgency of making progress at the current round of the SALT negotiations. Mr. President, I ask unanimous consent to have that speech and two earlier speeches which I delivered on SALT inserted into the RECORD at the conclusion of these remarks.

I emphasize this urgency again.

Thus far, little progress appears to have been made at this round of SALT. The Foreign Relations Committee Subcommittee on Arms Control will be holding public hearings at an appropriate time to explore what progress has been made and what the obstacles to agreement are. Among other questions, we will want to consider the desirability of separating out ABM systems for limitation as a first step toward a more comprehensive agreement.

While pressing for agreement at SALT, we must not lose sight of the fact that the defense programs authorized and funded by the Congress affect the prospects for agreement. This is an area of clear congressional responsibility.

The Congress of the United States in the last few years has begun to subject the defense budget to the scrutiny formerly given only to the domestic budget. The defense budget has proven no more complex than a health bill or a program to rejuvenate our cities.

In exercising the congressional prerogative on the defense budget, we have looked at:

Technical problems—will the weapon work? Is it needed or superfluous?

Economic problems—how much does it cost?

Foreign policy problems—how does the budget affect our commitments?

What has been missing is the arms control perspective—how our defense budget affects the possibilities for sound arms control. Too often, this perspective has been applied only after the decision to proceed with a new program has been applied only after the decision to proceed with a new program has been made and carried out.

Mr. President, the Foreign Relations Committee Subcommittee on Arms Control will be holding two sets of hearings in the coming months: first, one on the arms control implications of the administration's defense program as submitted to the Congress; and, second, on the advisability and feasibility of extending the present limited test ban treaty to prohibit all testing of nuclear weapons in any environment including underground.

I want today to outline briefly the kinds of questions these hearings will explore.

First, the subcommittee will investigate the arms control implications of the defense budget. The focus of these hearings will not be whether the weapons work or how much they cost. We will want to look at the net effect of the deployment of these weapons on the arms race and thus on United States security. If we deploy new weapons knowing full well that Soviet deployment of similar weapons will follow, will the result be more or less security for our Nation?

We want to apply a new perspective and a new set of criteria to judge the billions we spend on defense. By this new measure—the effects of weapons deployment on arms control—we may find that some weapons actually reduce security precisely because they might work and the Soviets would deploy them as well; and that certain weapons, despite their high costs, actually stabilize the arms race and enhance the prospects for peace.

We have been generally aware that these problems existed, but there has never before been any really systematic examination by the Congress of these weapons systems from the arms control perspective.

The United States, ever since the beginning of the nuclear era, has been committed officially to the search for control of these armaments. Progress, though significant in some areas, has been dangerously slow and limited.

A great part of the difficulty lies with the Soviet and our own failure to see that when either makes certain military decisions, it—quite unwittingly—forecloses future arms control possibilities. They may do that directly or because of the response they induce from other countries. Too often, each side fails to analyze how its weapons decisions will look to the other side.

In this sense, arms control begins not at a bargaining table in Vienna or Helsinki, but at home in Moscow and Washington. It begins in our defense budgets and in our national debates about how we can make our Nation more secure.

There are a number of specific issues the subcommittee hopes to examine in some detail. They are:

First, the multiple-deterrence triad. It has in the past been the policy of the United States to maintain not one but three essentially independent nuclear deterrent forces, in addition to our nuclear forces in Europe. These are our Minuteman land-based missiles, our bombers, and our Poseidon and Polaris missile-carrying submarines. The fiscal year 1972 budget and the President's discussion of strategic policy in his latest annual foreign policy message make it clear that the administration proposes to continue to maintain and modernize all three systems.

Since the Safeguard ABM is admittedly inadequate, the new hard-site ABM system is being proposed to help keep the Minuteman viable for the indefinite future. The new B–1 bomber is to be developed eventually to replace the B–52's and FB–111's we now have. The new ULMS submarine missile system is to be developed as a successor to the Poseidon/Polaris force.

All this will be very expensive, and there may be technical doubts about the feasibility or wisdom of some of the specific programs. Our hearings are not going to concentrate on those economic and technical issues. They will explore the basic policy problem of what it means for the arms race and arms control if we continue to seek to maintain three essentially independent deterrent forces. I hope we can determine the answers to such questions as:

What is the effect of having these three systems on the possibilities for arms control agreements? Does our desire have to have triple redundancy in our deterrent add to the difficulties of agreeing with the Soviets on strategic arms limitation in the immediate future? In the long run?

What response are the Soviets likely to make if we carry through three independently sufficient programs? What counter-responses will we then feel compelled to take?

What, from the arms control point of view, should be the relative priorities of each of these three forces?

Assuming we do want to maintain all three forces, what is the leadtime for the threat to each system? That is, how can we react fast enough to protect our security yet avoid acting prematurely and provoking a response from the Soviets negating any added security from our own efforts?

Second, Mirv's. The deployment of MIRV's on both our land- and our sea-based missiles proceeds apace. This is an area where we are far ahead. We are already deploying operational units; the first Soviet test of a true MIRV may have come late last year or it may not have come yet. The multiple warhead previously tested was only a MRV, that is, a multiple reentry vehicle from which each warhead cannot be aimed at a separate target. We have had such a MRV system deployed on our submarines—not simply in tests—for more than 5 years.

The administration rejected the desire of many in the Senate, in the Nation, and in the world for a suspension of our deployment schedule to improve the chances of an agreement to ban MIRV's. A MIRV ban, if it has not been abandoned entirely, seems to have a very low priority in both Soviet and United States thinking about SALT. Nevertheless, the chances for agreement may not be entirely lost yet.

This is a program where current action is helping to close the door on a possible arms control agreement of potentially great importance. Before that door is finally closed, we must understand what is being done. This points up, once again, the problems of technology and of considering SALT agreements solely in quantative and not in qualitative terms as well.

In examining the MIRV problem, the subcommittee will consider such issues as:

Does our MIRV program seriously threaten the chances of a genuinely comprehensive agreement at SALT?

What is the actual need for these systems at this time? Would there be risks in delay even at this late date in the hope of agreement?

What problems are there about a MIRV ban?

In the long run, would U.S. security be greater if neither we nor the Soviets had MIRV's or if both sides had them?

For the longer run, what are the implications of MIRV's for the stability of the United States-Soviet strategic relationship? How can we adjust our defense program today to minimize those problems in the future?

MIRV's even more than other systems, pose sharply the old question of how much is enough. To put the question in its most dramatic form, a single Poseidon submarine carries about 160 independently targetable warheads, each substantially larger than the bombs which leveled Hiroshima and Nagasaki.

Third, ABM's. ABM systems have a particularly fearsome potential for fueling the arms race. The strategic balance depends on each side believing it can destroy the other after the worst attack the other can mount on it. Thus, the prospect of defenses capable of defending our population centers and, therefore, threatening the Soviet deterrent is likely to stimulate massive increases in Soviet programs.

The subcommittee's examination of the ABM issue will consider such questions as:

What are the pros and cons of following up the opening which seems to exist now to secure an ABM only agreement as a first step toward a broader agreement?

Whether or not we seek an ABM only agreement, ABM's would surely be included in any SALT agreement. Should we suspend U.S. ABM deployment—while continuing research and development, to improve the chances of a SALT agreement?

What types of ABM limitation agreements would be stabilizing and useful in slowing the arms race, and what would not?

What are the implications of various possible U.S. ABM programs on long-run arms control possibilities? For example, if we insist on preserving the Safeguard ABM defense of some of our land-based missiles, what does that mean for the likely shape of an arms control agreement? What is the rationale for the so-called national command authorities defense?

In this connection, too, the subcommittee will want to look at the effects of an ABM avowedly aimed at Chinese attacks.

How would it affect the prospects for agreement with the Soviet Union?

What would be its effect on the chances for improving relations with China?

How would it relate to the possibility of drawing China into the framework of international arms control efforts?

Fourth, there is the question of our strategic doctrines. In a sense, what we say about nuclear weapons and what we believe to be their function in our national security are even more important than any particular weapons system. For our strategic doctrine helps to determine what kind of forces we maintain, and what we say about their purposes may have important effects on how other nations regard our strategic forces.

There have been a number of indications that the administration has made important changes—at least changes in emphasis—in our strategic doctrine. Secretary Laird in his "posture statement" has told the Congress of the criteria of "strategic sufficiency" the administration has developed. The President, in both his foreign policy messages, has appeared to see a need for a broader range of ways to use nuclear weapons than he believes he now has available.

In his Second Annual Review of Foreign Policy, the President stated:

> We have reviewed our concepts for responses to various possible contingencies. We must insure that we have the forces and procedures that provide us with alternatives appropriate to the nature and level of the provocation. This means having the plans and command and control capabilities necessary to enable us to select and carry out the appropriate response without necessarily having to resort to mass destruction.

The subcommittee is not going to try to investigate the secret details of our war plans. Instead, it hopes to look carefully at the arms race implications of the apparent changes in strategic doctrine the administration has itself publicly announced.

The kind of questions we will be concerned with are:

What exactly do these suggested revisions of established doctrine mean? Are we planning on a damage limiting or flexible nuclear response capability?

What are the forces we would need to attain such a capability?

What would be the effect on command and control mechanisms? Would we seek to provide our forces with the ability to destroy Soviet missile sites—for example, by improved accuracy?

What would be the effects of building such forces on Soviet programs and doctrine? Is there a danger of appearing to build a first strike force ourselves?

What are the likely effects on our friends and allies of these announcements and the apparent changes in doctrine? What does it mean for such arms control objectives as non-proliferation?

UNDERGROUND TESTING

Later, in a second set of hearings, the subcommittee will explore the advantages of an extension of the nuclear test ban treaty.

The present test ban treaty, one of the great monuments to the memory of President Kennedy, is a limited one. It bans nuclear explosions in the air, in outer space, and underwater, but it does not ban tests underground. Since the test ban treaty, both the United States and USSR have conducted many tests underground.

In fact, there has been more nuclear weapons testing since the treaty than before. To be sure, this testing does not normally affect the atmosphere because, except in the case of accidents, little radioactive material emerges. This is an important consideration from an environmental point of view.

But from the point of view of arms control, the continued high rate of testing poses serious problems. It facilitates the continued arms building on both sides. It makes it more difficult to get France and China to adhere to the limited treaty. A ban on underground testing would discourage other countries from developing nuclear weapons.

The subcommittee will consider whether the United States ought now to make a high priority arms control objective the extension of the test ban treaty to cover underground tests as well. We will examine.

The risks and benefits of continued underground testing. Previously, we have thought that underground tests at least had no potential danger for the environment. But with huge explosions like the one in Alaska 2 years ago—and particularly with the several-times-larger one planned for Amchitka this fall—that assumption is being questioned by some. The plans for this test, in particular, require the most careful scrutiny which the Congress and the public can give. What are the dangers? What will be the reaction of other nations?

How, if at all, do underground tests contribute to our national security? What would be the net effect on our security if all nations agreed not to conduct underground tests?

What kinds of weapons are we developing in these tests?

What do we learn we could not learn from other methods?

Has technology now developed to the point where an underground test ban could be verified without on-site inspection?

A major reason for the limitation on the current treaty was the consensus at that time that we could not be sure of verifying a ban on relatively small underground tests without on-site inspections, which proved impossible to negotiate. But technology has not stood still since 1963. There have been press reports that a group of scientists, meeting last summer under the auspices of the Advanced Research Project Agency, suggested that it is now scientifically possible to detect with very high confidence even very small nuclear explosions underground and to distinguish them from earthquakes and other disturbances. The hearings will explore these technical issues to see whether there is now a new and real opportunity to negotiate a broader test ban treaty.

Mr. President, I, for one, would feel irresponsible if we were to continue to learn of the arms control agreements we could have reached only after it is too late. We need to get on the record now the arms control implications of what is happening in the United States and the U.S.S.R. in developing new weapons systems. The subcommittee will try to get ideas from all knowledgeable quarters on what can be done.

It is time that we begin to act on what we have known all along: that arms control can yield greater security than the further accumulation of new military hardware.

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

[From the CONGRESSIONAL RECORD, Oct. 28, 1969]

STATEMENT BY SENATOR EDMUND S. MUSKIE

In paying tribute to Meyer Weisgal and the Weizmann Institute, we are honoring the spirit of Israel; courage in the face of danger, tenacity under continuing pressure, and humanitarian concern in spite of the demands of war.

Israel is more than a patch of real estate in the Middle East. It is a dream come true and a challenge to all those who believe in freedom and the rights of man. It deserves our continuing support in the preservation of its freedom and independence.

In one of his last speeches at the first session of Knasset in Jerusalem in February 1949, Dr. Chaim Weizmann said:

"Let us build a new bridge between science and the spirit of man. Where there is no vision the people perish. We have seen what science leads to when it is not inspired by moral vision . . . All my life I have tried to make science and research the basis of our national endeavor, but I have always known full well that there are values higher than science. The only values that offer healing for the ills of humanity are the supreme values of justice and righteousness, peace and love."

The Institute which bears Dr. Weizmann's name is a testament to his wisdom and vision. Amidst a virtually continuous period of war and near war, the Institute has devoted its energies and resources to the betterment of life for all mankind. Yet, while the Institute applies science to improve the human condition, too much of the world seems preoccupied with harnessing technology to develop newer and more destructive weapons.

Since the end of World War II the United States and the Soviet Union have engaged in competition to develop more powerful armaments.

No one questions that—under present circumstances—military power is an essential part of our security system; but there is a point where preoccupation with purely military strength may diminish rather than increase our security. I believe we are at that point.

We are already involved in a new cycle of an ever more costly and perilous competition for nuclear superiority. At the same time, we and the Soviet Union have within our grasp a way to restrain this competition and to reassert a saner ordering of our national priorities.

We rationalized development of a MIRV system as a response to a limited Soviet ABM system and its possible expansion. The Soviets, in turn, started development of a MIRV system to insure parity in intercontinental missile systems for themselves. We moved to develop an ABM system in response to the Soviet moves to develop and deploy MIRVs. And so the arms race continues, unrelated to the real security of either nation.

While the development of MIRV will not alter the strategic stalemate between the Soviet Union and the United States, it can make it less and less possible to reach a nuclear arms control agreement.

At the present time, we and the Soviet Union can, through our own surveillance systems, tell with great accuracy the number of missile launchers the other has in place. But we cannot detect the number of warheads fitted inside a single missile. Thus, if MIRV missiles—with their multiple warheads—are deployed, it will be virtually impossible to achieve genuine arms control arrangement without detailed on-site inspection rights.

If we can achieve a ban on testing and deployment of such multiple reentry missiles, both nations, on their own, could police the testing of such missiles. Halting the final testing of such missiles is, therefore, crucial to reaching a self-enforcing agreement with the Soviets to bar their deployment.

Early last summer Senator Brooke, supported by myself and forty other Senators, proposed that a mutual moratorium on MIRV testing and deployment be negotiated with the Soviets as soon as possible. At the time of the Brooke proposal, it appeared that after a series of delays by both powers, the Soviets and the United States were about ready to commence such talks. The talks have not begun, and no dates have been fixed.

A strategic stalemate exists between the United States and the Soviet Union today. Neither nation can launch an attack on the other without bringing on its own destruction. Neither nation can realistically hope to break this stalemate by developing a new generation of nuclear weapons. Each nation has the capacity to match any weapons developed by the other. Both sides tend to react to the potentialities as well as the actualities of action. It is precisely this cycle of action and reaction which fuels the arms race.

In spite of this fact, the public has been allowed—even encouraged—to believe that somehow there is safety in ever growing weapons strength and that it still means something to be ahead numerically in nuclear weapons.

These are assumptions which must be challenged if we are to slow down the arms race, contribute to a reduction in international tension and apply our resources to the restoration of our society.

We have a unique opportunity to slow the arms competition. The strategic stalemate and the costs of further weapons development make an agreement restraining the arms race attractive and in the self-interest of the United States and the Soviet Union alike.

If we fail to seize this opportunity, we can, in fact, jeopardize our national security. The diversion of resources from human needs to unnecessary weapons development is a tragic waste. At the same time, as weapons grow more complex and numerous, it becomes ever more difficult to establish adequate safeguards against the risk that such weapons may be unleashed by accident or miscalculation. The question is whether we are taking the initiatives we might take to reduce the pressures for new weapons development and avoid these consequences. Unfortunately, forces are now in motion which can undermine our chances for achieving a nuclear arms control agreement with the Soviets. The decision to proceed with the deployment of the ABM was a setback, but ever more serious is the fact that both the United States and the Soviet Union are rapidly developing the capacity to deploy multiple independently targetable re-entry vehicles—so called MIRV—missiles which can carry several warheads and launch them at separate targets. The MIRV-ABM development is a classic example of arms escalation which results in less, rather than more, national security.

There is some evidence that the Russians are not anxious to talk about substantive armaments control agreements with the United States until they have resolved their border dispute with Communist China. We should not let such delays prevent us from acting to keep MIRV missile development from jeopardizing chances of reaching an arms limitation agreement.

Let the United States unilaterally postpone the testing of all our multiple reentry missiles for a period of six months, announcing that we will not begin testing thereafter unless the Soviet Union initiates such tests.

It should be clearly understood that such a suspension in MIRV testing is not proposed as a step toward unilateral disarmament. It is not proposed as a unilateral commitment never to test MIRV. It is proposed as a meaningful step to stimulate mutual efforts by the United States and the Soviet Union to control the escalation of nuclear weapons systems before it is too late.

If the Soviet Union ignores our gesture and goes forward with testing their multiple reentry missiles, or if they expand the scope of their ABM system, we can promptly resume our own MIRV program. Since the time needed to complete our development of the MIRV is far less than it would take the Soviets to construct a massive ABM system, and since a six-month moratorium would not provide significant lead-time for the Soviets, a moratorium on testing our multiple reentry missiles would not involve any appreciable risk to our security.

Ralph Waldo Emerson observed over a hundred years ago: "Every act, every thought, every cause is bipolar, and in the act is contained the counteract. If I strike, I am struck. If I chase, I am pursued. If I push, I am resisted."

As in the case of the Nuclear Test Ban Treaty, the road to peace may require the United States to take the first step on its own. Hopefully, the Soviets would, in response to our action, act with similar restraint. If they did respond, and the two countries moved into the strategic arms limitation talks, the question of the MIRV and ABM systems could be taken up in the context of mutual efforts to reduce the level of terror.

To reverse Emerson's thought: "If we lead, the Soviets may follow," recognizing that the interests of their own people are served if man can be pulled back even one step from the brink of nuclear confrontation.

In this Twentieth Century the United States and the Soviet Union must break through the terrible cycle of distrust which breeds distrust, of action which produces reaction, of new weapons which beget newer weapons.

The overriding reality of our time is the interdependence of the human condition. Man has wrested from nature the power to make this earth an uninhabitable wasteland or to make it a fertile planet.

History demonstrates that conflict and hostility between nations is not immutable. Accommodation and compromise are possible. Our problems are man-made and can be solved by the imagination and wisdom of man.

I am not suggesting that national rivalry and hostility can be ended in our lifetime. At this moment it would be utopian to hope for the end of all conflict with the Soviet Union. However, we can realistically seek to remove some of the danger from the conflict when, to do so, is in the self-interest of each.

As Adlai Stevenson once wisely counselled: "We must never fear to negotiate with the Soviet Union, for to close the door to the conference room is to open a door to war."

The time has come to embrace a broader vision of the route to peace.

Let us look beyond our missiles and military alliances and make the pursuit of arms control and reduction in the size of national military forces the heart of our national security objectives.

Let this nation demonstrate not only prudent concern for its military defense but also leadership in moving the world away from the infamy of war.

REMARKS BY SENATOR EDMUND S. MUSKIE TO THE TOWN MEETING, WORLD AFFAIRS COUNCIL, PHILADELPHIA, PA., APRIL 6, 1971

I have chosen to speak to you tonight about nuclear weapons and the need to control their cost and their dangers.

Today the United States and the Soviet Union have enough nuclear weapons to de-

stroy each other many times over. They are each capable of ending civilization on this planet.

Nevertheless, in their search for military security, they have been building new offensive weapons. And each has developed defensive weapons in an attempt to neutralize the offensive missiles. This has led to new offensive weapons to overcome the defensive weapons.

The result is an arms race in which each side is less secure than before. Each has put precious resources—amounting to billions of dollars each year—into more expensive and more dangerous weapons because neither dares to stop.

For one and a half years the two countries have been engaged in strategic arms limitation talks—usually referred to as SALT talks. The purpose of those talks has been to reduce the pressure to develop new weapons and to end the push for more weapons. That, at least, has been our hope, but what are the prospects?

The fact is that there is no sense of urgency about the negotiations. Both sides seem to ignore the risk that, as the talks continue, still more weapons will be built, as they have, raising new uncertainties and new fears.

I wish I could say that the arms talks will soon lead to a firm agreement, or that the talks are slowing down the arms race. But this is not so. We are not likely to get an agreement during the current round of talks.

The talks are in trouble for several reasons.

First—while the talks go on—the Soviets may be making changes in their offensive weapon deployments. We do not yet know what these changes will prove to be. Whatever they are, they increase our uncertainty as to Soviet intentions, and they make it more difficult for us to conclude an agreement to halt the arms race.

Second—since the talks began—the United States has begun to deploy a vastly improved new warhead system, the MIRV—a multiple, independently-targetable re-entry vehicle. Our Minuteman missiles are each being converted to carry three of these warheads. That means that each Minuteman missile can attack three separate targets instead of one.

We are now putting MIRV warheads on Poseidon missiles aboard 31 submarines. There will be ten warheads on each of the sixteen missiles carried by each submarine. Each submarine will be able to attack as many as 160 different targets. The first submarine fitted with these missiles was launched last Wednesday.

When these programs are completed, our arsenal of nuclear weapons, capable last year of delivering about 2,500 missile warheads, will total more than 7,000 warheads. Each of those warheads is considerably more powerful than the atomic bomb which killed 68,000 people at Hiroshima.

Understandably, the Russians are making every effort to match this weapon.

Third, while the talks go on—the United States is continuing to install the defensive Safeguard anti-ballistic missile system to protect three offensive Minuteman missile sites. The Russians, on the other hand, have one obsolete anti-ballistic missile system around Moscow.

Our ABM systems does not threaten the Russians' ability to retaliate, because it is too small and it does not protect our cities. But it does permit military leaders in the Kremlin to *argue* that our ABM system can be expanded. Therefore, it can make them uncertain about *our* intentions.

In addition, as we build the Safeguard system the pressures to keep it will become stronger. *As a result, the development of our ABM also hurts the chances of agreement.*

Fourth, while each side has made a proposal in the talks, neither proposal has been given any encouragement by the other.

If we are to solve these problems, the Russians will have to give positive evidence that they will restrain their nuclear weapons program. They will have to be more responsive to our ARMS limitation proposals.

But we, too, must be willing to restrain our program and to respond to Soviet proposals. We must be willing to take the initiative in moving toward the other side.

In October, 1969, before the announcement of the opening round SALT, I urged a six-month moratorium on the testing of our MIRV warheads. That moratorium would have permitted the talks to open on a positive and constructive note. The Nixon administration rejected my suggestion.

When the second round of the SALT talks opened a year ago, I recommended that we try to negotiate an interim standstill by both sides on all strategic weapons. That standstill would have placed an immediate freeze on all further deployments of offensive and defensive strategic weapons systems. It would have halted the testing of multiple warheads.

If that standstill had taken place, the arms race would have come to an end, for all practical purposes. All that would have remained would be a formal agreement. But my proposal was ignored by the Nixon administration, as was a similar proposal which passed the Senate by a vote of 72 to 6.

We have seen the consequences, both in the continuing arms race and the slow pace of the talks.

I remain convinced that such an interim agreement would greatly improve the prospects for success at the arms talks. I urge the President to propose such standstill in strategic weapons. It should cover the testing, production and deployment of offensive and defensive missiles.

I regret to say that the Nixon administration does not seem ready to take such an initiative. Instead, it seems to be operating on a double standard. It has called for Soviet restraint in deploying weapons: yet it is not willing to exercise comparable restraint. It fears the development of a *Soviet* MIRV—which the Soviets have not even tested adequately, if they have tested it at all: yet it refuses to admit that the Soviets have caused for concern about *our* MIRV, which is already being deployed.

At the SALT talks, we have proposed to include an ABM agreement in a package that would also place a numerical ceiling on both sides' offensive weapons, and a special subceiling on the largest of the Soviet missiles. The Administration's package puts numerical limits on both offensive and defensive weapons, but it does not limit qualitative changes in the weapons systems.

The Russians have proposed a limitation on ABM defensive systems.

Each of these proposals is a limited—not a comprehensive—proposal. Ours involves a wider range of problems to be solved before agreement can be reached.

The question then, is whether we should try to work out an ABM limitation as a first step toward a broader agreement. The Nixon Administration has apparently rejected this possibility. It has said that such an agreement would reduce the incentive for the Russians to bring the entire arms race to a halt.

I disagree. An agreement on defensive missiles would reduce the pressure for further development of offensive missiles.

Therefore, if we cannot get the Soviets to agree on the United States proposal at this round, I urge the President to try to negotiate an agreement limiting or banning anti-ballistic missiles. Such an agreement should be made with the clear understanding that it is the first step toward broader controls of offensive weapons as well. Both sides would have the right to reconsider the commitment if, after a specified time, they had not achieved further progress toward arms limitations.

Such an agreement would be in the interest of each side and could lead more quickly to the next step.

It is important to take that first step at a time when there is a balance in nuclear weapons, when neither side dares attack the other, and before ongoing developments on each side upset that balance.

Such a first step can slow down the waste of precious resources on a fruitless arms race, which only increases our danger, while reducing our ability to meet pressing human needs.

The costs of the arms race are very high. This year alone, the Nixon Administration is asking about $3 billion to carry on construction of the Safeguard anti-ballistic missiles systems and deployment of MIRV warheads.

This $3 billion could virtually cover the cost of Medicaid this year; or could help us to make major strides in providing good schools and adequate health care for all our citizens; or it could pay for the budget of the Environmental Protection Agency more than six times over.

In coming years, funds committed to nuclear weapons programs could provide untold benefits for our people in a host of critical areas.

We face, therefore, a basic decision. How can we best take advantage of what may be a fragile opportunity to reduce the dangers and the costs of nuclear arms?

If each side holds out for its own proposal in this fourth and crucial round of the arms control talks, the prospects for agreement may be reduced. I urge, therefore, that we improve those prospects by taking the most likely first step which I have described.

It would be a step in the right direction—a reduction in the hazards to survival for all mankind.

REMARKS BY SENATOR EDMUND S. MUSKIE OF MAINE IN SUPPORT OF THE NONPROLIFERATION TREATY IN THE SENATE OF THE UNITED STATES

For more than two decades, the United States has sought to bring a halt to the spread of nuclear weapons. Every American President, from Harry S. Truman to Richard Nixon, has committed his Administration to that goal. The American people have overwhelmingly supported all our efforts to reach realistic understandings with other countries to stop the nuclear spread—to end the threat of a world armed to the teeth with the implements of its own ruin.

Now those efforts have borne tangible fruit, and the Senate is called on to give its advice and consent to the ratification of the treaty on the non-proliferation of nuclear weapons, signed last summer by the U.S., Britain, the Soviet Union and almost ninety other countries.

President Nixon has termed the treaty "an important step in our endeavor to curb the spread of nuclear weapons. . . ." The Foreign Relations Committee has found that the treaty is "the best that can be negotiated at this time" and has, on two occasions, urged that the Senate act favorably upon it.

I share these judgments without reservation, and I call upon the Senate to ratify the treaty while time remains to substitute reason for the slow unravelling of world security.

No one could rightly say that the non-proliferation treaty will itself guarantee that this or future generations will be saved from nuclear war. Even when the treaty comes into force, patient negotiation will be required to extend its provisions to additional important countries and to reach practical agreements on safeguards over peaceful nuclear activities. In and of itself, the treaty does nothing about the vast arsenals the nuclear powers now possess, and that could, at any time, destroy mankind.

But the treaty buys us time, precious time, to gain control over our destiny. With American adherence, coupled with energetic efforts to bring the treaty's mechanisms into force among the widest possible number of states, the non-proliferation treaty can help stop nuclear arms races from multiplying around the world. Without the United States, the effort to stop proliferation can be no more successful today than the League of Nations was fifty years ago. The tragedy for the world would be all the greater.

Since achieving the role of a major power early in this century, our burdens of leadership have grown. We face enormous demands on our patience and strength in meeting global commitments, while our society at home undergoes stresses more dramatic and far-reaching than at any time in history.

For our own security and the security of our friends, this country can never withdraw from its central responsibility for the preservation of peace. In all prudence, we can, and we must, work to keep the dangers of nuclear war from getting worse.

It is for this reason—its elemental prudence—that I support the non-proliferation treaty, as I supported the limited test-ban treaty five years ago. Eighty Senators voted in favor of the test ban then. This treaty, which complements and strengthens the mechanisms of the test-ban treaty, is a further step along the same path of reason.

There are three basic respects in which I find the merits of the non-proliferation treaty compelling.

First, the treaty promises to be effective in creating a global consensus against the growth of nuclear arms races to new and terrifying levels of violence. For the almost ninety non-nuclear nations already pledging to accept a commitment not to acquire nuclear weapons, the treaty represents relief from the prospect of deepening instability and the enormous cost these weapons represent in the diversion of resources.

Although several important non-nuclear nations have yet to agree they will adhere to the treaty, the consensus developed on behalf of the treaty will bring united pressures to bear upon the hold-outs. And even if nations such as West Germany, Israel and India do not unequivocally block out their options to acquire nuclear weapons, broad acceptance of the treaty by others will serve as a useful restraint to hinder and deny legitimacy to unilateral decisions on the acquisition of such weapons.

From the point of view of United States security and diplomacy, the treaty would thus dramatically lessen the risk that the spread of nuclear weapon capabilities would require major expansions of American commitments to protect threatened allies. At the same time, pressures on the United States and other nuclear powers to foster or tolerate selective proliferation would be negated by reciprocal commitments blocking the further spread of nuclear weapons. It should be noted that the treaty would not prohibit the evolution of our NATO allies to a nuclear-armed federated political union including one or more existing weapon states.

Second, the treaty's safeguards provision offers a major breakthrough in the principle of international inspection of arms limitations agreements. This is of utmost importance as a working precedent for the kind of reciprocal verification necessary for effective arms control. When International Atomic Energy Agency safeguards are applied to non-weapon states, major acceptance will have been achieved of the principle that arms reduction requires meaningful verification. The United States has long asserted that principle, but the communists have rejected it, providing the major stumbling block to all efforts toward negotiated arms controls.

International inspection will, in turn, make possible the exploitation of the atom for peaceful purposes at the fastest pace technology will realistically permit, without the fear that peaceful projects will serve as the cover for nuclear weapons. I, for one, am fully satisfied with the assurances forwarded to the Senate that American participation in these peaceful nuclear activities can be conducted on a sound and practical basis.

Finally, the treaty embodies a unique pledge shared by the United States, Great Britain, and the Soviet Union to work to control the arms race between the major powers. In the words of the Foreign Relations Committee, the treaty "formalizes the mutual concern" of these major powers "in containing the spread of nuclear weapons", embodying "a commitment to pursue with good faith and urgency new arms limitation agreements."

As a quid pro quo, between the non-weapons powers on the one hand, who are asked to give up their options for nuclear status, and the nuclear signatories on the other, whose nuclear competition represents a constant threat to world peace, the treaty's pledge to good-faith negotiation comes at a welcome time. The effort to line up non-weapon powers to complete the non-proliferation treaty will benefit from early negotiations by the major powers, and the prospects of meaningful agreement in these negotiations will, in turn, be strengthened by the climate of trust and give-and-take which the success of the non-proliferation treaty can help create.

It is my earnest hope that the shared commitment of the non-proliferation treaty between the U.S. and the Soviet Union can now be broadened into other fields. Getting on with the non-proliferation treaty, after almost five years of effort has thus become a desirable, and even necessary basis on which to strengthen this promise of U.S.-Soviet cooperation—in strategic arms talks, and perhaps too in such other related areas of vital U.S. concern as Vietnam and the Middle East.

Mr. President, it has been a long, long time since John F. Kennedy called on the Senate to ratify the limited nuclear test-ban treaty and "let history record, that we, in this land, at this time, took the first step." The next step, I submit, is the agreement before us today. I urge the Senate to act promptly and favorably upon the non-proliferation treaty, in the interest of moving on to the further efforts and opportunities for peace that lie ahead.

DISASTER IN EAST PAKISTAN

Mr. MONDALE. Mr. President, the people of East Pakistan—already ravaged by cyclone and civil war—are now threatened by a new disaster of incredible magnitude.

Only the most urgent action by the United States and other governments can save millions from dying of starvation.

The evidence of gathering tragedy was summarized in a letter printed by the New York Times, May 2.

Over 35 million Bengalis depend on imported food to maintain a precarious balance between life and death.

Food imports have been interrupted since February. Internal distribution has stopped.

History has given us the clearest warning of tragedy. In 1943, when the food shortage in the area was one-third what it is now, a similar break-down of food shipments meant the death of over a million people.

Famine will not wait on publicity or bureaucratic inertia. A massive relief effort must be mounted now to revive the distribution system and reach the needy before meager food reserves are gone.

By the time we see the pictures of starving children, it will be too late to save them.

Yet, in the face of this horror, the U.S. Government has stood by in unconscionable negligence.

We have made a vague, general offer of help, but failed to press the Government of Pakistan in any way to undertake the necessary relief effort.

We were silent when International Red Cross observers—whose impartial humanitarian mission is recognized by world community—were recently denied entry into East Pakistan.

The Department of State's "Pakistan Working Group," created when the civil war broke out, has been disbanded now that the fighting has subsided. Apparently the danger of millions starving was not deemed an occasion for a "special effort" by this Government.

But something can be done.

The Consortium of Governments giving economic aid to Pakistan are now in the process of meeting. They are being asked for considerable financial aid to bail Pakistan out of an acute foreign exchange crisis.

Joined by a bipartisan group of Senators, I yesterday wired Secretary Rogers to make clear that the United States will not meet that request, and will ask other donors to refuse likewise, unless, first, the Pakistani authorities undertake an emergency relief effort equal to the crisis in East Pakistan, and second, representatives of the International Red Cross are granted prompt entry to East Pakistan to plan a coordinated international food distribution and medical relief effort with Pakistani authorities.

I would hope the Secretary would also make clear the readiness of the U.S. Government to make available a generous share of emergency food aid and vehicles for distribution, including helicopters and transport aircraft to be loaned to Pakistani relief authorities or the International Red Cross.

Unbelievably, we seem on the verge of another Biafra—another combination of rationalized inaction and moral insensitivity which could cost millions of lives.

If America's claim to moral and humane values means anything, if the Government of Pakistan deserves to be recognized as the responsible authority in East Pakistan, the only course for both governments is the strongest humanitarian action now—before we watch the burial of another generation of babies.

I ask unanimously that a telegram to Secretary Rogers and a letter from the New York Times be printed in the RECORD.

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

MAY 4, 1971.

Hon. WILLIAM P. ROGERS,
U.S. Secretary of State, U.S. Interests Section, care of Spanish Embassy, Cairo, United Arab Republic.

DEAR MR. SECRETARY: Tens of millions face starvation in East Pakistan without emergency efforts to restore full supply and distribution of food imports.

We urge you to instruct U.S. Rep. at Pakistan Consortium Talks to refuse further foreign exchange assistance, and ask other donors to refuse likewise, unless Government of Pakistan (1) mounts immediate emergency relief effort in east commensurate with potential need, and (2) grants ICRC observers entry to East to plan coordinated international food distribution and medical relief efforts with Pakistani authorities.

We recognize these are extraordinary actions but feel they are compelled by horrible prospects of millions starving in East Pakistan while governments have means to prevent it.

Sincerely,

Walter F. Mondale, Clifford P. Case, Fred R. Harris, Thomas F. Eagleton, George McGovern, William Proxmire, Harold E. Hughes, Hubert H. Humphrey, Birch Bayh, and Edmund S. Muskie.

[From the Sunday New York Times, May 2, 1971]

BENGAL: A THREAT OF FAMINE

To the Editor:

The exclusion of the foreign press and observers from East Pakistan has meant the loss of vital information on the course of events there and will deprive us of the dramatic facts that rouse individuals and governments to action. But there is enough conclusive evidence from past and recent history to predict the result of the present conflict on the food position of the province.

The food grains that sustain a large part of the Bengali population come from abroad. Their distribution depends on the effective functioning of the port of Chittagong and on internal transportation and administrative services.

East Pakistan, with a population of more than seventy million, expected 2.5 million tons of imported food grains this year. That is about one-sixth of the total food requirements for the province, enough to feed twelve million people. However, a far greater number is actually affected by an interruption in the steady flow of food. For the 50 per cent of the population living barely at subsistence level, these supplies maintain the balance between life and death.

Bengal has always been extremely susceptible to famine. The last such disaster occurred in 1943 when food expected from Burma did not arrive because of the Japanese occupation of that country. At that time military demands on the Indian transportation system prevented the timely distribution of the food that was available. The food deficit that year was 6 per cent; this year it is 16 per cent. Deaths in 1943 numbered 1.5 million, and the famine left social problems from which Bengal has yet to recover fully.

A crisis was imminent in 1965 when the Indo-Pakistani war stopped imports. It was avoided when the great powers used their influence to bring that conflict to a speedy close. Recovery was aided by normal internal supply activities, which had been unaffected by the war.

Today, in contrast, not only has the import of food been cut off, but the internal administrative and transport services have ceased to function normally. In addition, military action at planting time will reduce the coming harvest.

The regular import of food has been interrupted since February. Even if the conflict were to end today, the months required to return the system to normal would probably exceed the time during which the food reserves could sustain the population. The factors that determine mass famine are irreversible after a certain point.

When the first stories and photographs of starving families are published, it will be too late to protect thousands of others. International action, immediate and strong, is perhaps the only defense the people of East Bengal now have.

DANIEL C. DUNHAM.

NEW YORK, *April 20, 1971.*

THE ECONOMICS OF JOY: A CRITICISM

Mr. HARTKE. Mr. President, the joy of the administration knew no rhetorical bounds when first quarter figures revealed there had been a $28.5 billion advance in the gross national product. We were enthusiastically assured then that the upturn furnished "positive proof" that the economy at long last had "turned the corner" and was moving swiftly toward recovery. There were even those administration apologists who proclaimed—without apparent embarrassment—that the President's goal of a $1,065 economy this year was now within reach. Those economists and other interested parties who protested that the advance in GNP did not conclusively show that the economy was on the road to recovery were quickly dismissed as "politically motivated nay-sayers."

A column written by Hobart Rowen, which appeared in last Sunday's Washington Post, cannot and should not be so easily dismissed. Focusing on the much-trumpeted first quarter advance, Rowen shows that the gain was illusory. He points out that $19.2 billion of the increase in GNP was directly attributable to the predictable recovery of the auto industry after the 1970 strike and that only $9.3 billion represented a gain in other sectors of the economy. More importantly, Rowen stresses that there was actually a decline in the "real" GNP after the "real" automotive GNP is subtracted from the $28.5 billion figure.

The pollyannish pronouncements of the administration notwithstanding. Rowen concludes that our economy is still sick. I agree with this conclusion, and would add that positive fiscal stimulus is needed now, and not later, if the economy is to finally recover. Figures for the second quarter are bound to show that the catchup recovery of the auto industry, and the artificial stimulus of the steel industry in anticipation of an industrywide strike, have run their course and the basic weaknesses in our economy remain unattended. The question is whether we must wait for the release of these figures before we accept the inevitable truth that monetary policies working alone will not suffice to make the economy healthy again. It is for this reason that I urge prompt attention for my proposal to reinstate the investment tax credit at a level of 10 percent. I agree with the administration that what is needed now is renewed confidence in the ability of the economy to renew itself. I cannot agree, however, that this confidence can be created absent some dramatic signal that the time for economic growth is now, and not 6 months from now. It is my firm belief that only reinstatement of the investment tax credit carries with it the potential to rekindle the needed confidence. Misleading advances in the GNP and changes in depreciation rules will not have the effect of inducing necessary capital investment. And unlike the proposed changes in the depreciation rules, reinstatement of the credit would not be a boom to industry but rather a positive and equitable stimulus to all segments of the economy.

Mr. President, I recommend Hobart Rowen's excellent column to the attention of Senators 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:

OFFICIALS EXAGGERATE GNP IN ORDER TO SELL "CONFIDENCE"

(By Hobart Rowen)

From the President and his Secretary of Treasury on down, this Administration is orchestrating an effort to drum up "confidence" in the economy. It was one of the main themes of Mr. Nixon's address last week to the Chamber of Commerce.

In part, this sales pitch is based on an extraordinary exaggeration of the improvement in the economy in the first quarter, coupled with self-congratulatory statements about the boom in stock market prices.

A corollary and perhaps more serious element is the suggestion that it's almost unpatriotic to question the Administration's analysis of what's going on.

Critics, said Secretary John B. Connally in his own speech to the Chamber, are "playing games with numbers." The "politically oriented" comments by former Kennedy-Johnson officials, he added, "could well be hurting those workers and consumers whom they profess to want to help."

The implication, of course, is that alert criticism of economic progress to date will shrivel that delicate commodity, "confidence," vitiating what Connally called "the solid economic advance of the first quarter."

Well, this is all a lot of bull, and I'm sure that Secretary Connally, who owes his appointment to a well-earned reputation as a first-rate politician, knows it as well as anybody else.

The "numbers game" reference concerns the Administration's goal for a $1,065 billion economy this year, which would be a nearly unprecedented 9 per cent boost over 1970. Professional economists, without regard to political party, agree almost to a man that without new expansionary moves (such as tax cuts or increased spending), this goal won't be reached.

A high Nixon Administration official, who obviously must remain anonymous here, observed this week. "That number hurt our credibility more than anything else, because everyone in the business community knows we can't reach it without new programs—and we've said there won't be any."

As for that "solid economic advance" of $28.5 billion in the Gross National Product in the first quarter, detailed statistics published this week by the Office of Business Economics of the Commerce Department show that $19.2 billion of the increase was in autos and associated products (recovering from the 1970 strike) and only $9.3 billion was a gain in the rest of the economy.

But what is even more significant is that "real" gross national product, after the "real auto GNP" is subtracted, actually *declined* in the first quarter, compared with the fourth quarter of 1970, and in fact has shown no improvement going back more than a whole year.

Here is a table, constructed from the Commerce Department data on pages 11 and 12 of the Survey of Current Business for April, which shows the total real GNP and Real GNP, less autos for the past six quarters.

	GNP, billions of 1958 dollars	
	Total	Total, less autos
4th quarter 1969	729.2	695.3
1st quarter 1970	723.8	694.6
2d quarter 1970	724.9	691.7
3d quarter 1970	727.4	695.3
4th quarter 1970	720.3	700.4
1st quarter 1971	731.6	695.4

Note: The table thus shows a drop of 2 8 percent in real terms for GNP, less autos, in the first quarter—a picture that Louis Paradiso, former career man at Commerce calls "very weak."

The Morgan Guaranty Bank—which Connally might concede is not "politically oriented"—observes in discussing GNP results that "if ever there was a time for caution in the interpretation of economic data, this is it . . . For the time being, the only supportable generalization seems to be that the underlying trend of the economy has been roughly sidewise."

But one could never get that kind of reading from the hypo-ed exuberances of Administration spokesmen and the inexcusable flackery which Communications Director Herbert Klein is contributing to the cause.

Klein, in broadsides to the media, promotes the skill of the President as a stock market forecaster, because the market is substantially higher today than it was a year ago, when Mr. Nixon said it was a good time to buy. Klein is treading on thin ice: is Mr. Nixon's recommendation today to take profits? Many market forecasters think that the extraordinary rise in the Dow Jones index from 1970 to 1971 won't be matched when 1971 is compared to 1972.

Cutting through the haze of confusion laid down by the Administration, the facts seem to be these:

1. The economy is moving upward sluggishly, and if it continues to do so, as Paul Samuelson said in a speech here to the Woman's National Democratic Club, economic conditions may not be much of a political issue for the Democrats in 1972. (The Republican National Committee plans to give Samuelson's speech to the Lady Democrats the widest possible distribution.)

2. There has been a distinct improvement on the inflation front, with the Consumer Price Index going up only 2.8 per cent in the first quarter, compared to an average of 4.9 per cent in the second half of 1970. If this continues, that will be good news indeed.

3. As yet, there has been no progress on unemployment, which continues to run at 6 per cent. In a session with Washington Post editors, Connally himself said that he didn't see unemployment "trending down" until the 3rd or 4th quarter of this year. Many others think that the rate might still be close to 6 per cent at the end of 1970.

4. The prime rate has been moved up by the banks, and many economists predict a sharp upward movement in rates later this year. This could slow down recovery.

Many analysts suggest that some new stimulus is needed. Speaking for the Administration in Chicago on April 22, George P. Schultz said the Administration, instead, has determined to avoid a new inflation; the right course is "steady as you go."

Schultz may be right; or the Republicans (with no thought of politics, of course) might choose their own time for stimulation a little later, when the "bang" for 1972 might be more noticeable. In any event, the last public official to use the "steady as you go" theme was British Chancellor of the Exchequer James Callaghan, a few short months before the U.K. had to devalue the pound in 1967.

PROTECTING OUR REMAINING WILD HORSES

Mr. MONTOYA. Mr. President, it has come to the attention of many Members of Congress that our few remaining wild horses and burros in the West are rapidly being hunted down. In fact, they face extinction if we do not act swiftly.

I find this possibility repugnant in the extreme. These animals are first and foremost symbols, and living ones at that, of our old West. They are as much a part of our heritage as cattle, mining rushes, wagon trains, and a dozen other factors that easily come to mind.

To discover that such wildlife are being hunted down from trucks in order to process them for pet foods is degrading and disgusting. Animals such as these should and must be federally protected as a part of a living heritage.

A measure has been introduced in the Senate that would effectively accomplish this goal. I support S. 1116, which is before the Committee on Interior and Insular Affairs now.

Under its provisions, these animals are recognized as symbols of western history deserving of national protection and preservation. Also, that they are to be protected from hunting, branding, capture, harassment, and death. Further, that the Department of the Interior would be required to set up a series of 12 appropriate refuges in the West where they would be able to live safely and securely.

Penalties for violation of such a law would be severe, calling for a $2,000 fine or possible 1-year imprisonment, or both.

Mr. President, at present approximately nine States possess bands of such wild horses and burros. My home State of New Mexico contains one such herd. It is a small band, typical of those horses which have managed to survive thus far.

We would do well to bear in mind one simple fact. Our Nation has used and abused its natural resources, living and otherwise, for too long. We are already paying many harsh penalities for this abuse. To allow wild mustangs and burros to vanish would rank alongside the destruction of our redwoods, the last passenger pigeons, and similar national landmarks. I urge swift, favorable action as soon as possible.

SALUTE TO AGRICULTURE DAY

Mr. CHILES. Mr. President, the President of the United States has requested people to join with him in celebrating "Salute to Agriculture Day," which is scheduled for tomorrow. It is with an acknowledgement of great respect to the farmers of our Nation that I do so. Setting aside 1 day to honor the agriculture industry is small homage to America's first great industry, but none could be more deserving.

On reflection, I think back to the multitude of challenges the farmer has faced while he settled this tremendous land of ours. His determination to move west, to homestead, and to cultivate the earth, is now a part of our heritage. Agriculture became the foundation for the United States to grow and to prosper.

The courage of the farmer is an inspiration to all. Most of us here today have ancestrial ties with the soil and in times requiring courage and dedication we should draw from this inspiration to best serve those that we represent.

Today the farmer confronts, in addition to his traditional battles with the weather and the pests that seek to destroy his crops, the new challenges of mechanization and inflation. President Nixon in his speech on May 2 spoke of the many Government programs now in operation, and those soon to be started, to help the farmer in every way possible. Revitalized rural America development programs will play an important part in this area. Here Congress is clearly facing up to the challenges of rural America.

Americans today tend to take the food on their table for granted. When moving with our grocery carts through the maze of multi-isled supermarkets it is all too easy to forget the human element that started the food chain from farm to market. In direct relationship to this, one particular problem we can no longer ignore is the widening gap between what the consumer pays for his food compared with what the farmer receives for his product. We must continue to seek and find ways to insure an economic balance in this area.

I ask that we pause for a moment and recall the freshly tilled soil and the men and women who seek to master it. I ask that each of us, in our own way, do indeed take time out from our busy schedules to salute the agriculture industry.

REPORT ON THE B–1 BOMBER—FIRST REPORT BY MEMBERS OF CONGRESS FOR PEACE THROUGH LAW

Mr. PROXMIRE. Mr. President, yesterday the Members of Congress for Peace Through Law released a study entitled "Report on the B–1 Bomber." The study was prepared by Senator George McGovern and Representative John Seiberling and their staffs after intensive and detailed analysis of the proposal. It is an excellent study, technically superbly well done, and meriting the attention and consideration of the American public.

This report is only the first in a long series of reports which the MCPL will release over the next 2 months. By assigning specific topics to various Members of the House and Senate and their staffs, we believe that we will bring this year, as we have in past years, great expertise and resources to bear on each of these issues. We have found that in many cases the rationale put forward by the military in supporting them and the data proposed to justify the huge expenditures involved do not support their production. The B–1 bomber is an excellent case in point.

I commend the study done by Senator McGovern and Representative Seiberling to both Congress and the public, and I ask unanimous consent that it be printed in the Record.

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

REPORT ON THE B–1 BOMBER

(By Senator GEORGE S. MCGOVERN and Congressman JOHN F. SEIBERLING)

SUMMARY

As the existing and planned ICBM and SLBM arsenals of the United States and the Soviet Union becomes more clearly defined and the enormity of the combined destructive power of the opposing nuclear forces is understood, the continued maintenance of a manned bomber fleet by the U.S. as a tertiary threat suggests redundancy in depth. The wisdom of retaining this optional deterrent is yearly becoming more and more questionable.

Aside from the doubtful penetration capability any future manned bomber would have in a heavily defended SAM environment, the cost of a new generation of manned strategic bombers and supporting fleet of tankers is so staggering as to make the question of continuing any strategic bomber program one of great national concern.

This issue need not be decided, however, in order to deal with the fiscal 1972 B–1 funding request. The B–52 useful life assures ample time to hold the project in abeyance while considering other alternatives, including a system designed exclusively for the standoff role, or further modifications of the B–52 to further extend its life and improve its capabilities.

B–1 costs threaten to reach astronomical levels, well beyond those estimated by the Air Force. Large increases have in fact occurred in the past year, even though the project still exists only on paper. The almost certain need for a new tanker pushes the price tag up beyond $20 billion even if doubtful Air Force cost estimates are used. One more credible estimate sets the total at $47.2 billion. Predictable added costs go a long way to nullify claims that the B–1 would have cost-effectiveness advantages over the B–52/FB–111 combination, and even those claims have no foundation unless the system has an assured expected useful life of more than seventeen years.

The B–70 experience confirms that the supersonic capability has little relation to to the basic nuclear war missions which can be foreseen for the B–1. On the contrary, elaborate design features required for supersonic flight could easily detract from the aircraft's ability to penetrate at low altitudes. Useful only in conventional roles which are, at best, a spinoff purpose for the B–1, the supersonic capability will account for as much as 50 percent of the system's ten-year cost.

RECOMMENDATIONS

(1) The supersonic capability should be dropped regardless of what other decisions are made.

(2) The funding requested for fiscal 1972 should be reduced to the amount required to terminate contracts awarded thus far and to preserve the advanced research and development option for possible renewal at a later time. The aircraft should be redesigned to eliminate the supersonic capability and associated costs. Amounts required for these purposes should not exceed $20 million in fiscal 1972.

(3) Funds should be added for basic research and development on an alternative subsonic strategic aircraft designed exclusively for operation as a standoff platform and on a new air to ground missile with the range and flight characteristics required to penetrate from beyond enemy defenses in a fashion which achieves the greatest possible variation from the nature of SLBM and ICBM penetration.

INTRODUCTION TO THE B–1

The B–1 is a proposed intercontinental strategic bomber. The U.S. Air Force plans to phase it into the existing strategic arsenal as a replacement for the currently operational B–52's and FB–111's, starting in the 1978–1979 time frame.

The B–1 is to be powered by turbofan jetengines. It will be capable of supersonic cruise at high altitude (mach 2.5), but will be restricted to subsonic speeds (approximately mach 0.85), at low altitude. It will have a maximum takeoff gross weight of 350,000 to 400,000 pounds and an estimated payload of 80,00 pounds. It carries a crew of four. Its estimated range with one aerial refueling is 10,000 miles. It will carry standoff missiles (SRAM) and armed decoys (SCAD) in addition to gravity bombs.

The Air Force is planning on a basis of 200-plus units, and 240 is the current target. It has reduced its prototype requirements from five flight-test aircraft to three and the number of static test models from two to one. The original estimated cost per copy was $25–$30 million but in the past year has been revised upward to $30.8 million.

After annual expenditures at an annual rate of some $25 million in prior years, requests jumped to $100 million for each of fiscal 1970 and 1971. Last year contracts were awarded for airframe and engine development. The fiscal 1972 B–1 funding request has moved up to $370 million.

During the past nine years of controversy surrounding the need for an AMSA or the B–1 manned bomber, there has been a recurring line of Congressional inquiry as to which bombardment mission profile would be the most effective in the 1980 to 1990 time frame. The recent and lamentable passing of the XB–70 "Valkyrie" into a questionable Valhalla at the Air Force Museum in Dayton at a cost of $1.4 billion, coupled with the untimely demise of the B–58 fleet after less than ten years of combat readiness and the repeated groundings of the current FB–111 fleet suggests that past DOD and USAF decisions with respect to mission profiles have been in error to a point where more intense Congressional scrutiny is mandatory.

DISCUSSION

B–1 operating environment

The advanced capabilities of ballistics missiles, both land and sea based, raise real doubts about whether a manned bomber force will be either necessary or useful in the 1980's and beyond. Each of the several nuclear mission profiles assigned to the B–1 is open to serious question in light of one simple fact—that while the aircraft is taking four hours to fly 6,000 miles, there could be eight successive nuclear missile salvos, four on each side and each answering the one before.

That question can be best resolved in the context of an overview of strategic forces, such as included in the 1970 Military Spending Report. While it is of obviously decisive importance here, therefore, the primary focus now will be on whether the specific bomber under consideration is an appropriate approach, given what we can predict about the environment in which it must operate.

Such predictions are extremely difficult to make. The Strategic Arms Limitations Talks could and hopefully will produce major alterations in the nuclear strategies of the United States and the Soviet Union. Beyond that, the impossibility of predicting the nature of opposing forces a decade hence is made abundantly clear by simple reference to the rapid growth of arms technology in the past. There was good reason for the assessment made last year by General Glasser, Air Force Deputy Chief of Staff for Development Plans:

"It simply is not possible to specify with clarity what a weapon system such as the B–1 will be actually used for ten or fifteen years from now."

It is possible, however, to foresee the direction of future developments, on the basis of arms capabilities now in being or within reach.

First, as to the role of bombers, it is undisputed that any justification for relying mainly on bombers for deterrence has long since disappeared. Especially with the deployment of MIRV warheads, delivery of nuclear weapons by ballistic missile costs far less than their delivery by manned aircraft. If there is still a need for the bomber, therefore, it must be grounded in the fear that ICBM's and SLBM's may be so severely degraded by the adversary that they can no longer be counted on to deter nuclear attack. The bomber's role is to supply insurance. It is one of a number of methods which might be used to complicate the task of any enemy determined to win" a nuclear battle with the United States.

Effective defenses against airborne bombers differ substantially from those which might be used to counter missiles after launch. There is, moreover, a unique kind of protection afforded by the combination of ICBM's and manned bombers, even though both are conceded to be increasingly vulnerable by themselves. An adversary who seeks to knock out both may, for example, decide to strike simultaneously with low-trajectory SLBM's against the bombers and ICBM's against the missiles. But his ICBM's, because of their longer flight times, would have to be launched first, and as soon as they were detected by our radar the bombers could be launched and placed beyond danger. If, on the other hand, he launched both his SLBM's and ICBM's at the same time, the early arival of the SLBM's at U.S. airfields would give notice of the attack in ample time for our ICBM's to be launched. This "box phenomenon" renders a first strike against both bombers and land based missiles virtually impossible.

The Polaris fleet has enormous destructive force on its own, and it is still considered invulnerable to degradation prior to launch. An adversary bent on simultaneously neutralizing both U.S. ICBM's and SLBM's, plus planned and possible internal improvements in those systems, faces a superhuman task. Hence it is clearly questionable whether such a mix is necessary. But assuming, for present purposes, that it is a desirable goal, we are left to discuss the capabilities which are essential if the bomber is to insure effectively. Basically there are two.

First, the bomber must be able to avoid destruction prior to launch. In this respect the B–1 would be a marginal improvement over the B–52, although not over the FB–111, because it can be launched more quickly and dispersed more widely—if similar attributes can be extended to the tanker fleet. Because of the "box phenomenon" noted above, however, it does not appear that pre-launch survivability will be a major problem in any case, so long as we have bombers which can become airborne with reasonable speed, coupled with a land-based missile force capable of penetrating enemy defenses in significant numbers.

Second, the bomber must have a credible ability to penetrate enemy defenses and deliver enough warheads on target to inflict unacceptable damage. And this is the point where the case for the B–1 becomes most precariously unhinged, as a result of prospects similar to those which ended in abandonment of the B–70 high-altitude supersonic bomber several years ago.

That aircraft was developed because we saw that the Soviet Union could deploy defenses for which the B–52 was considered to be too slow. After we initiated work on the

B–70, however, they deployed large numbers of high altitude SA–2 bomber interceptor missiles with nuclear warheads. Since detection of high flying aircraft is no longer a serious problem, it appeared that the B–70 would be performing in a hostile environment indeed. As it turned out, in fact, our 225 B–52 G's and H's have been superior to the B–70, because they have been built to penetrate at low altitudes, thereby avoiding detection and interception.

But the SA–2 is far from the last word in air defenses. If such work has not already been initiated, the Soviet Union can take their cue from bomber defenses which are already in the advance planning stages in the United States, centered around AWACS, or the airborne warning and control system, designed to detect low-flying aircraft.

The fiscal 1972 military posture statement submitted March 9 by Joint Chiefs of Staff Chairman Admiral Thomas Moorer is instructive on this point. Discussing Soviet strategic defenses, Admiral Moorer stated that—

"It is possible that they may deploy, later in this decade, an airborne warning and control aircraft with a true over-land, look-down capability and equip an advanced interceptor with a look-down, shoot-down radar/missile system. If they do so, they could have a greatly improved area defense system in the late 1970's."

If that assessment of Soviet capabilities is correct, then it is entirely reasonable to expect that when the B–1 enters the force in the late 1970's, a new defense capable of nullifying it will arrive at about the same time.

Look-down and over-the-horizon radars and advanced infra-red detection devices are several methods which threaten to deplete the B–1's ability to penetrate at low altitudes. Others may be in the offing, including means of tracing aircraft through the air turbulence which follows in their wake. And, once detected, any manned aircraft is burdened by inherent disadvantage in hostile airspace populated by surface-to-air and/or air-to-air missiles which it can never hope to outrun.

It must be noted that these are prospects which would face the B–1 bomber at the very beginning of its operational time frame. Still more sophisticated defenses could be developed later on; doubtless Soviet planners, if they elect to defend against bombers at all, will undertake intensive work along such lines as soon as the B–1 design is finalized.

With abandonment of the on-the-deck supersonic capability, the B–1 has little to recommend it over the B–52 for low altitude penetration. Its radar cross-section would be smaller, but, since radar sensitivity varies inversely as the fourth power of distance, the B–1 could get only 16 percent closer than the B–52 before its radar signature became the same, even if its radar cross-section were reduced by a factor of two. What is more, as to both speed and radar cross-section, the B–1 is distinctly inferior to the FB–111.

The Soviet Union may, of course, decide not to pursue the advanced bomber defenses described here. In that case the B–1 would not be required; the B–52 could penetrate. If, on the other hand, they do go ahead with such defenses, we could not place much confidence in any aircraft to carry out a gravity bombing mission. As a consequence, the value of a mixed deterrent would be lost. Moreover, the unique protection of the box phenomenon would also be eliminated, because there would be no need for the Soviet strategists to attempt an attack on the bomber force on the ground—they could simply launch against ICBM's, and depend on their air defenses to counter U.S. bombers.

There is no intention here to suggest that B–1 advocates have neglected the possibility that low-level penetration may prove to be a fruitless strategy. They have not. Unfortunately, they have, instead, alluded to that prospect as a reason for giving the B–1 a high-altitude supersonic capability as well, and the result is still unsatisfactory. Certainly the creation of a deadly environment at low altitudes will not make the high altitude environment—considered too dangerous for the B–70 nearly a decade ago—any more hospitable.

The supersonic flight capability will not make the B–1 a better delivery system for nuclear weapons. If anything it will be a negative factor. It calls for complex design features which may make low altitude penetration more difficult; surely the sharp, supersonic wing must, for example, detract from stability on the deck.

The answer is not to build the B–75 into the B–1. We should instead undertake a search for more promising alternatives.

Conventional warfare utility

One of the most frequently cited rationales for the further development and production of the B–1 is that "strategic bombers, unlike strategic missiles, can be used conventionally." The argument usually references the B–52 "ARC LIGHT" missions flown in support of tactical ground and interdiction operations in Southeast Asia. The contribution of the B–52, judging from military opinion, has been substantial, and quite clearly could not have been duplicated by missiles fired from remote launch sites.

Before such employment of a strategic weapons system in a tactical, "iron bomb" environment can be accepted as part of a valid case for a follow-on bomber, it must be recognized that no B–52, except possibly through navigational error, has ever flown over North Vietnam. In testimony before the Senate Armed Services Committee in 1969, Air Force officials stated that on a bombing run in a SAM-protected environment such as North Vietnam, possibly 50 percent of all the B–52's on any given raid would be lost, and one expert said, "It would probably be more." As early as January, 1966, former Secretary of Defense, Robert S. McNamara, writing in Air Force magazine stated, "The fact of the matter is that no U.S. bomber has had to face the kind of defenses that exist today."

Yet the SAM–2's which the Soviets have given the North Vietnamese are relatively obsolescent and Soviet ground-to-air missilery of the late 1970's and early 1980's will undoubtedly relegate today's SAM–2's to the Model-T class.

In this same context, it is noteworthy that during the Korean Conflict, the high-altitude tactical bombing regime was so hostile due to an abundance of Soviet-manufactured conventional anti-aircraft weapons and the presence of MIG fighter aircraft that neither our then first-line strategic bomber, the B–47, nor its predecessor, the B–36, were employed in a tactical role and our aging B–50's were restricted to night missions when daylight losses become prohibitive.

Tactical situations obviously do vary from war to war and from location to location. To suppose that in any future conventional conflict there will be a justifiable role or even individual target complexes where, as in Southeast Asia, hundreds of conventional bombs have been dropped at minimum interval to saturate a "target box" with near total destruction, is to ignore even the basic tenets and tactics of conventional warfare targeting.

Should such a rare combat circumstance recur wherein a strategic bomber would have any possible utility in a conventional war, a far less expensive aircraft than the B–1 could be substituted to perform the same mission.

In this vein, the Air Force, within its present inventory of tactical aircraft, has an enormous bombing capability and is developing a new generation of follow-on aircraft that promises to further enhance it. Three factors should be considered in weighing the use of the B–1 in a tactical environment and in a force mix with fighter-bombers, tactical bombers and attack aircraft. First, that Vietnam-type target complexes as described above are isolated cases; second, that by proper application of alternative tactical weapons delivery systems, inter-theatre close-support and interdiction targets can be effectively bombed by far less expensive airplanes; and, third, aircraft losses and airframe wear incurred while using the strategic bomber fleet in a tactical role is not only extremely costly on a per sortie basis but permanently subtracts from the nation's overall strategic capability.

Systems cost considerations

A persuasive case can be made for purchase of a given weapons system regardless of cost, *if* it can be shown that that system will have a decisive influence on the ability of the United States to deter nuclear war. As is developed elsewhere in this report, however, the value of the B–1 bomber in this respect is both speculative and marginal, and questions of cost therefore assume much greater importance. Clearly the B–1 must compete on a cost-effectiveness scale with other options, including new land and sea-based missile technology, for preserving the U.S. nuclear deterrent through its contemplated operational time frame. Such competition requires the best possible estimates of the total outlays that will be needed to include the B–1 in the U.S. strategic arsenal.

In light of painful experiences with such aircraft as the F–111 (originally proposed at $2.8 million per copy, escalating to over $8 million) and the C–5 (from $16.5 million to more than $45 million) it is difficult to place much confidence in Air Force estimates of probable B–1 expenditures. Even if the accuracy of those predictions could be assumed it is clear that the B–1 would be among the most expensive military systems ever proposed to the Congress, with a price tag of over $11 billion, exclusive of such major costs as operation and maintenance, armaments, and a follow-on-tanker.

But experience to date suggests that the B–1 will by no means be an exception to the pattern of cost escalation. Enormous cost overruns have, in fact, already occurred, even though the program is still fairly early in the research, development, test and evaluation stage, several years away from production.

In 1969 Defense Secretary Laird advised the Congress that the total cost per copy of the B–1 would be between $25 and $30 million. Early last year the figure was set more precisely at the top of the range, at $29.2 million, and by June 30th it was up to $30.6.

However, this figure followed several design modifications which should have brought substantial cost reductions. They included a 25 percent drop in the number of Short Range Attack Missiles (SRAMs) and Subsonic Cruise Armed Decoys (SCADs) to be carried internally, elimination of the low-altitude supersonic capability, and a significant reduction in the size of the initial avionics change alone should have produced savings of between $5 million and $6 million per copy, placing unit estimates somewhere between $19 and $25 million. They did not materialize.

Based on a middle-range buy of 200 aircraft, therefore, the Air Force's own calculations show the cost of the system planned now mounting by between $1 billion and $1.2 billion in a single year.

More recently we have seen a similar kind of escalation in the RDT & E stage. Last year the estimate for this phase had climbed to $2.33 billion; now up to $2.63 billion in "escalating dollars." But last year's figure included five flight test aircraft, one static test airframe and one fatigue test airframe, to be constructed by North American Rockwell Corporation. Since then two of the fly-

ing prototypes and one static airframe have been dropped. Yet current estimates place the price reduction to be realized by that decision at only about $110 million—a savings of less than 9.2 percent of total RDT&E costs.

Another cost-factor of serious concern is the likelihood that at some point during the B–1's lifespan, and probably early in that period, a new compatible refueling tanker will be required, to replace the KC–135.

The Air Force maintains that the B–1 will be fully compatible with the KC–135, which now refuels the B–52s, and that only minor modifications in the tanker fleet will be needed. But the new tanker issue remains very much unsettled. It is also very much confused as a consequence of contradictory signals coming from the Air Force—exemplified by the fiscal 1971 budget request for $500,000 to initiate studies on a KC–135 replacement, followed by assertions that no new tanker is contemplated, read in the context of SAC Commander General Bruce K. Holloways statement to the Armed Forces Journal last June that—

"We need a new tanker no matter what kind of bombers we have. The problem is not so much the life of the tanker, but we need an aircraft that can offload more fuel."

It is axiomatic that any strategic bomber is of little value if it cannot escape destruction on the ground, prior to takeoff. To avoid attack by low-trajectory submarine launched missiles, the B–1 will have a quicker reaction time than the B–52, and it will be capable of taking off from shorter runways so the force can be widely dispersed.

But the B–1 will be unable to complete its mission without refueling, and under present plans it must depend for refueling upon aircraft which do not have those capabilities. The KC–135 needs in excess of 9,000 feet for takeoff, a distance comparable to that required by B–52, so it cannot be dispersed any more widely than the existing force. Its take-off time is also roughly the same as that of the B–52. By targeting its SLBMs on the tanker fleet, therefore, the adversary could render the B–1/KC–135 combination just as vulnerable as the B–52/KC–135 combination might be.

In response to this reasoning the Air Force will argue that the tankers can be modified to achieve reaction time which more closely approximates that of the B–1. The nature of such modifications has not yet been revealed, but the answer is deficient in any event. A fundamental point in the case for a new bomber has been the premise that the B–52, last produced in 1962, is aging and will soon be too old to be dependable. But the last KC–135 was produced in 1964, just two years later. If the B–52 cannot last physically past the early 1980s, as the Air Force contends, then it is hard to imagine how the KC–135 can last some 15 to 20 years longer.

If costs are of any concern at all, then certainly the tanker issue is a critical factor. One possibility under consideration for the tanker role is a modified C–5. Based on Air Force price estimates submitted to Senator McIntyre's Subcommittee last year, a fleet sufficient to serve 200 B–1's would cost, conservatively, some $8.25 billion, thus pushing the total system cost well over the $20 billion mark even accepting Air Force price estimates.

The foregoing examples of cost growth to date, along with additional expenditures, for armaments and O&M, which will inevitably be associated with the B–1 system although not included in official estimates, indicate how hazardous it is to place any faith in Air Force projections.

The authors of this study admit to less technical expertise than the military in making detailed cost estimates. We therefore embrace no specific alternative calculations of total cost. It is, however, instructive to consider projections from other sources, ranging as high as $75 billion for the complete B–1 system. Several such estimates are set forth in the appendix.

Another question which deserves attention in conection with cost projections grows out of the contention that over its useful life the B–1 will be less costly than the alternative of relying upon the B–52/FB–111 combination, with continuing modifications to extend the life of the B–52.

Writing for the P.I.C. News, the newsletter of the Public Information Center, last August, Representative William Moorhead calculated that the cost of modernizing and extending the B–52 force for ten years beyond 1978 would be $7.36 billion, compared to his "conservative" estimate of $20.27 billion for the B–1 during the same period.

In fact, the Air Force has not denied the existence of such a cost advantage for the existing force during the first ten years. Their calculations were laid down as follows by Secretary of the Air Force Harold Brown in 1968 testimony to the Senate Armed Services Preparedness Investigating Subcommittee

"Over the first ten-year period, the program cost of an AMSA (B–1) bomber force would be considerably higher than that of the B–52 and FB–111 force because with selective modifications to the structure and avionics, the lifetime of many B–52's can be economically extended to the late 1970's. Over a period of about 17 years the costs of a bomber program phasing to (deleted) AMSA's, compared with a program continuing the 255 B–52's and 210 FB–111's would be the same, $22 to $23 billion."

The buy of FB–111's has since been reduced to four squadrons, a figure which should still be sufficient to require the mixing of defenses claimed as a main attribute of the manned bomber. That change should give the B–52/FB–111 combination an even greater cost advantage.

But what is important to note here is that acceptance of the premise that the B–1 might eventually have a cost advantage over the B–52/FB–111 combination requires acceptance of a much more ambitious assumption—that the manned bomber, moreover a specific manned bomber with capabilities which will be locked very soon, will be playing a vital role in the U.S. nuclear arsenal some seventeen years from now, in a vastly changed environment. Those who find that assumption unpalatable will find continued repliance on the B–52 and FB–111 infinitely more attractive from the cost standpoint.

Finally, a cost-conscious evaluation of the B–1 as now planned requires careful attention to the additional expenditures demanded as a consequence of the decision to make the aircraft supersonic at high altitudes, even though the low-altitude supersonic capability has been scrapped. Put bluntly, the high-altitude supersonic capability makes hardly any sense in the nuclear warfare missions contemplated for the B–1 since, as is pointed out elsewhere, the B–70 bomber was dropped precisely because the Soviet Union had the clear capability to destroy high-flying supersonic aircraft.

The supersonic capability of the B–1, which will almost certainly be used only in conventional warfare roles, will, according to Air Force sources, increase its ten-year systems costs between twenty and thirty percent. Senator McIntyre estimated last year that it could be "closer to fifty percent," and there are sound reasons for preferring his figure. If the aircraft were entirely subsonic it could be made fixed wing instead of swing-wing, thereby cutting weight, reducing maintenance problems, and increasing range. The supersonic capability requires much thinner wings to lessen drag, another cost escalating factor. Supersonic flight with the B–1 engines will be accomplished by afterburning, which drastically multiplies fuel consumption.

Startling results are yielded by application of the incremental supersonic costs ratios suggested above to the low and middle-range estimates of ten-year B–1 systems costs. The decision to go supersonic calls for additional outlays of from $2.2 billion (20 percent of $13.4 billion) to $10 billion (50 percent of the $20 billion high estimate for procurement and R&D only), over what would be required by an entirely subsonic plane.

Alternatives to the B–1

One obvious and much less expensive alternative to moving ahead with the B–1 bomber would be to plan for the retirement of the manned bomber from any nuclear war role, and certainly that approach does deserve careful consideration. There is, however, no need to make such a determination in order to reach the conclusion that the B–1 is ill suited to the tasks it has been assigned.

There is ample time to consider other alternatives as well. Contrary to the impression created in recent years, there is little hard evidence to support the conclusion that the latest B–52 models are about to collapse from old age. The Air Force has pitched its case for the B–1 less on this concern than on its assertion that the B–1 will, over a period of years, be a less expensive option than preservation of the B–52. But the B–52 can remain a tremendously formidable delivery system well into the 1980's, and probably beyond, especially with the addition of SRAM and other penetration aids. There is no need to buy the B–1 quickly because of a fear that there may come a time when the United States will be without a strong strategic bomber.

Another option, therefore, would be to simply continue relying upon the existing combination of 255 B–52 B's and H's and 75 FB–111's, for as long as they can be retained in service through appropriate modifications or until such time as they can no longer penetrate Soviet defenses. If that time does come the B–1 could probably not penetrate either, particularly in light of recent decisions to downgrade its performance.

In some respects this course is much more attractive than choosing the B–1. As noted in the section on systems costs, economic considerations will favor the B–52/FB–111 combination for as long as seventeen years and possibly more. And if the objective of the manned bomber is to force the adversary to mix his defenses, to counter both bombers and missiles, there is some reason to believe that the combination of older aircraft could perform more satisfactorily than the B–1. Since the FB–111 does have a supersonic capability at low altitudes, and since it can reach significant numbers of SAC targets within the Soviet Union, these two aircraft could give the adversary a more complicated defensive problem than that posed by the B–1 alone. Since the weaknesses of one could not be exploited against the other, he would have to defend against the best features of both, at least for those targets which the FB–111 could reach at supersonic speeds.

It is possible to foresee viability for still other alternatives. If the B–52/FB–111 combination is not satisfactory, it is nonetheless still shortsighted to consider the B–1 as the single new configuration available.

A more desirable design might, for example, completely forego gravity bombing and concentrate instead on a meaningful long-range standoff capability, including both a new strategic aircraft and a new air to ground missile with longer range and a greater payload than is contemplated for SRAM. Such an aircraft need not be supersonic. It could be designed for rapid takeoff to preserve prelaunch survivability and the benefits of the "box phenomenon." The avionics could be much less elaborate than the B–1 package, because there would be no need to attempt penetration of enemy

defenses. Research and development efforts could focus intensively on an air to ground missile approach aiming for maximum differences between the nature of this airborne attack and the threat posed by U.S. ICBM's and SLBM's, to continue the "mixed defenses" problem confronting the adversary.

Such a system would, of course, be far less glamorous than the B–1. But it could also avoid the weaknesses, exploit the strengths, and add new values to the use of manned aircraft in nuclear war situation.

Appendix

(Selected B–1 System Cost Estimates)

(1) The current Air Force estimate of B–1 costs, calculated now in "escalating dollars" with inflation factored in, is $2.628 billion for development and $8.496 for production, or a total of $11.124 billion exclusive of operation and maintenance and armaments including SRAM and SCAD.

(2) In August of 1970, Representative William Moorhead published two estimates based on an extrapolation from Air Force figures. He described the first, a total of $20.27 billion, by saying that, "if it errs it probably does so on the conservative side." His high estimate, following generally applicable rules on operation and maintenance and trade journal estimates on procurement costs, totalled $33.47 billion. His calculations were as follows:

Estimate:	*Billion*
Sunk research and development	$0.25
Prototype procurement	2.33
Procurement of ca. 250 planes, including AGE, initial spares, training aids, and technical data	9.30
Operation and maintenance for 10 years	3.75
SRAM R.T.D. & E. (short range attack missile)	.42
SRAM procurement (for 2,800)	.80
SRAM aerospace ground equipment	.19
SRAM warheads	.50
SRAM O&M for 10 years	.40
Estimate with USAF figures	17.94
13 percent overrun allowance (average for recent major systems)	2.33
Total estimate	20.27
Addition to O&M to reflect general overhead by raising the figure to $13.95 billion, following a rule of thumb of 150 percent of aircraft procurement cost for ten years of operation	10.20
Addition to procurement-cost figure to match trade journal estimates of $12 to $13 billion	3.00
High total estimate	33.47

(NOTE.—Representative Moorhead's analysis does not include the possibility that a new tanker fleet will be required. Using a three to two tanker-to-bomber ratio for a 255 aircraft B–1 fleet, taking the estimated $27.5 per copy cost for a C–5 tanker supplied to Senator McIntyre by the Air Force last year, and adding the same 13 percent overrun allowance employed above, the new tanker could add another $13.73 billion to the systems cost, bringing the High Total Estimate to *$47.2 billion.*)

(3) In December of 1969 the Defense Market Survey Market Intelligence Report cited then-current USAF estimates for a "200 plus" fleet of $1.7 to $1.9 billion for R&D, $6.8 to $7.2 billion for aircraft with spares and support, and $3.3 to $3.5 billion for ten-year operation, in 1968 dollars. It then noted the failure of DOD to discuss the tanker problem, plus the requirement for additional command and control aircraft for the strategic fleet. From that it deduced that, "The inescapable conclusion is that the price tag for the total system could well soar above the $25 billion mark."

(4) Using an analysis similar to that of Representative Moorhead but with slightly higher figures, Bruce W. MacDonald of Princeton University, cordinator of a detailed study of the B–1 system, foresees a total systems cost of "anywhere from fifty to seventy-five billion dollars." His method:

Estimate:	*Billion*
Sunk into research and development	$0.25
Prototype procurement	5.00
Procurement of ca. 250 planes at $60 million per copy	15.00
Operations and maintenance	4.00
SRAM RDT&E	0.42
SRAM procurement (for 2,800)	0.80
SRAM aerospace ground equipment	0.19
SRAM warheads	0.50
SRAM O&M for 10 years	0.40
	26.56
13 percent overrun allowance of all but prototype procurement plus unit costs, reflecting experience on recent major systems	27.41
Addition to O&M to reflect general overhead by adding 150 percent of aircraft procurement cost for 10 years' operation	22.50
255 new tankers	12.70
Tanker RDT&E	2.00
Tanker maintenance for 10 years	2.00
	66.61
Plus eventual addition of the avionics originally planned but deleted last year with room left for later incorporation	8.39
Total ultimate systems cost	75.00

SUPPORT FOR PRESERVATION OF MIDDLE SNAKE RIVER

Mr. PACKWOOD. Mr. President, on April 14, I spoke in the Senate about conditions along the Snake River, and urged support for preservation of the Middle Snake. I discussed my bill, S. 717, which would establish the Snake National River.

Since that time, I have been very much encouraged by the support I have received not only from Senators, but also from the many conservation and fishery organizations around the country. I would like to share with Senators a quick sampling of some of the support I have received.

Mr. President, I ask unanimous consent that letters I have received from Mr. Leon A. Verhoeven, executive director, Pacific Marine Fisheries Commission, Portland, Oreg.; Mr. Lewis A. Bell, vice president, Federation of Fly Fishermen, Everett, Wash.—dated April 28, 1971, and April 30, 1971, with enclosed news clippings from the Seattle Times of April 23 and 25; Mr. R. P. Van Gytenbeek, executive director, Trout Unlimited, Denver, Colo.; and Mr. J. W. Penfold, conservation director, Izaak Walton League of America, Inc., Washington, D.C.; be printed in the RECORD. In addition, Mr. President, I ask also for the inclusion of a letter from Mr. Charles A. Stevens, guidance director, Gem State Academy, Caldwell, Idaho, dated April 30, 1971.

These letters are but a small sampling of my mail on the Hells Canyon-Middle Snake issue, but I believe accurately portray an across-the-board concern of American conservationists and fishermen—especially when added to those words of encouragement and support I have already shared with you in my speech on the 14th, from the Sierra Club, the Wilderness Society, and others.

Following my remarks on the 14th, the Washington Post of April 20, 1971, editorialized in support of my bill. While they admittedly got their Oregon Senators mixed up, I think their heart is in the right place, Mr. President, and I ask that those editorials from the Post of April 20 and 23 be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD an article from the Asotin County Sentinel of February 25, 1971, entitled "This Is Your World," by Annette Tussing.

Mr. President, one of the reasons so much attention is focusing upon this issue of whether or not another dam should be built on the Snake River, is the already disastrous nitrogen problem now existing on the Snake as a direct result of dams previously built. In my remarks on April 14, I discussed the critical nature of this problem in face of the spring fish runs, and shared with you a resolution adopted by the Governors of Oregon, Idaho, and Washington, calling for funds to construct slotted bulkheads in the skeleton bays at the Little Goose and Lower Monumental Dams. This is discussed in detail in a letter I received from the Office of the Chief of Engineers, U.S. Army, signed by Lt. Col. Thomas W. Nelson, and dated April 2, 1971. Mr. President, I ask unanimous consent that this letter be printed in the RECORD, to accurately show the nature of the Corps' proposal to cope with the nitrogen problem.

Following receipt of the Corps' letter, and several telephone conversations between my office, Governor McCall's office, the Interior Department, the Corps of Engineers, NOAA, and EPA, I requested on two occasions that prompt attention be given this matter by the Office of Management and Budget. On March 31 and April 15, 1971, Caspar W. Weinberger, Deputy Director, Office of Management and Budget, responded. I ask unanimous consent that those two letters be printed in the RECORD.

Just prior to Mr. Weinberger's first response, the Oregonian of March 28, published a story by Anthony Netboy, discussing the nitrogen threat to the salmon run. Also, on April 21, the Salem Capitol Journal ran an article entitled "Salmon Wipe Out Foreseen." Mr. President, these two news stories depict the doomsday threat to our salmon and steelhead, and I ask unanimous consent that they be placed in the CONGRESSIONAL RECORD.

Anthony Netboy, of Portland, Oreg., is a member of the Izaak Walton League of America, and also has an article in the April 1971 edition of Outdoor America, the official Izaak Walton League publication, entitled "The Salmon's Migrations Through Primitive and Civilized Man." Mr. Netboy has so thoroughly gone into the real problems facing us that I ask

unanimous consent that the article be placed in the RECORD also.

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

PACIFIC MARINE
FISHERIES COMMISSION,
Portland, Oreg., April 28, 1971.

To: Commissioners and Advisers.
From: Executive Director.
Subject: Hells Canyon-Snake National River legislation.

PMFC's Executive Committee strongly urges each of you to write to your Congressmen and Senators in support of companion bills H.R. 4249 and S. 717 to establish the Hells Canyon-Snake National River.

Enclosed for each of you are duplicated copies of pages 10307–10311 of the *Congressional Record*, which pages contain the remarks of Senator Packwood to the Senate on April 14, 1971 regarding nitrogen supersaturation and legislation to prevent the construction of additional dams on the Middle Snake River by the establishment of a Hells Canyon-Snake National River.

Also enclosed for each of you is a copy of a letter this office has just written to various members of Congress in support of the subject legislation.

LEON A. VERHOEVEN,
Executive Director.

PACIFIC MARINE
FISHERIES COMMISSION,
Portland, Oreg., April 28, 1971.

Members of Congress from the States of Alaska, California, Idaho, Oregon, and Washington and Members of the House and Senate Committees on Interior and Insular Affairs of the Congress of the United States.

MY DEAR CONGRESSMEN AND SENATORS: Under date of February 19, 1971, this office sent each of you for consideration a copy of Pacific Marine Fisheries Commission Resolution No. 12, "Moratorium on Dam Construction, Middle Snake River." Since then, PMFC has learned that companion bills to establish the Hells Canyon-Snake National River in the States of Idaho, Oregon and Washington had been introduced on February 10 by The Honorable Robert W. Packwood (Senate bill 717) and The Honorable John P. Saylor (House of Representatives bill 4249).

PMFC has studied these bills and strongly urges early passage of such legislation. The words of Senator Packwood, as printed in the Congressional Record of April 14 (pages 10307–10311) under the title "Destruction of One of the Great Natural Treasures of the World" clearly state the values that will be sacrificed unnecessarily if construction of additional dams on the Middle Snake River is permitted. This chronology of the Hells Canyon controversy since 1954 illustrates the jeopardy that fish, wildlife, recreation and aesthetic values have been in and will continue to be in unless Congress acts to prohibit the building of more dams on this section of the river.

Respectfully,

LEON A. VERHOEVEN,
Executive Director.

FEDERATION OF FLY FISHERMEN,
Everett, Wash., April 28, 1971.

Senator ROBERT PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: I have your reprint from the CONGRESSIONAL RECORD on the Middle Snake, and please be advised that Jack Hemingway of Sun Valley, Idaho, with the aid of the Federation of Fly Fishermen and other conservation groups, including the Idaho Preservation Council, and the Sierra Club, represented by Mr. Brock Evans of Seattle, Washington, is commencing to put together a coalition in Oregon, Idaho and Washington, composed of conservationists, commercial interests and Indians to bring public pressure to bear upon the Senate in order that public hearings of your Senate Bill 717 can be promptly had and action taken by the Senate and House in this session of the Congress.

If you have any suggestions as to what can be done or who should be contacted in regards to partaking in this coalition or in its activities, would you please so advise?

I also would appreciate a substantial number of copies of your Bill in order that I might disseminate the same amongst interested groups.

Yours truly,

LEWIS A. BELL.

FEDERATION OF FLY FISHERMEN,
Everett, Wash., April 30, 1971.

Senator ROBERT PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: The enclosed indicates the coalition to save the Snake and cause public support for your Bill 717, is commencing.

Yours truly,

LEWIS A. BELL.

A HEMINGWAY-TYPE STORY ABOUT HEMINGWAY—A SON, THAT IS

[By Don Duncan]

When a young Army parachutist bailed out over German-occupied France during the Second World War, he carried a fly rod and a map case filled with fishing flies instead of maps.

The French-speaking G.I. later captured by the Germans, got in a little stream fishing before embarking on his mission.

That sounds like something out of an Ernest Hemingway novel. But it really is a personal experience related by the late author's eldest son, Jack, 47.

The tall, rather slightly built Hemingway is Northwest editor of Field & Stream and a resident of Sun Valley, Idaho. He was in town the other day to help form and head a coalition of organizations interested in "saving Hells Canyon" and tributaries of the Snake River from further dams.

Hemingway, who called his father "Papa" before the rest of the world began doing it, says he was virtually unaware of his father's fame as a writer when he was a youngster.

"What I admired about him were his boxing and his skill as a hunter and a fisherman," Hemingway said.

Jack Hemingway was born in Toronto, and he went to Paris with his mother, Hadley, and his father when he was a few months old. In Paris his father became a part of the expatriate literary community presided over by Gertrude Stein. Jack learned French while his father began seriously breaking new literary ground.

After the divorce of Hadley and Ernest, Jack lived with his mother. But he spent many summers with his father.

"My kid brothers became hunters and I became a fisherman," Hemingway said. "I got pretty good at bird hunting, and I remember that my father always preferred a Model 12 Winchester to anything else. I also remember once in Africa my father offered me the opportunity to shoot a cape buffalo. It was more of an order than an opportunity, really. I shot it, but big-game hunting wasn't for me."

The continuing interest in his late father surprises Jack Hemingway, who has read all the biographies and finds those with the best flavor lacking in accuracy and those with the best research short on feeling.

When Mary Hemingway, the author's third wife, and Charles Scribner undertook to edit an unfinished Hemingway manuscript, now a best-seller as "Islands in the Stream," Jack Hemingway felt it could not be done.

"I now feel they did a very good job," Hemingway said. "But I think my father would have been furious at having published something he didn't feel was ready for publication."

Jack Hemingway said his father generally followed the formula that "kids should be seen but not heard."

"He'd get up very early in the morning and write, mostly in longhand but occasionally on a typewriter. We didn't disturb him then. But he'd finish about noon and then he'd take us out fishing."

Jack Hemingway thinks his father's celebrated inability to spell is exaggerated.

"The story came first," Hemingway said, "and he might have been careless in his spelling when he was creating. But whenever I asked him how to spell a word, he always came through."

Being the son of a world-famous author was both a drawback and a blessing in school, Hemingway said. The expectations of English teachers were high, "and I became something of a con man."

A college diploma eluded Jack Hemingway for many years. He started at Dartmouth, attended the University of Montana until the Second World War broke out, and finally finished in 1964 ("at the age of 40") in a small college in California. His major: Romance languages.

Jack Hemingway worked as a professional fly-tier and as a not-too-successful bond salesman before going to work for Field & Stream. He wrote his first published piece for the magazine 18 months ago. It was not, he says, classic Hemingway.

"I know my limitations," Hemingway said. "But I do know what I write about. Fishing and conservation. Two things. That's it."

The Jack Hemingways have three daughters, one of whom is a "real good bird shot." But Hemingway says, rather sadly, "I haven't got a fisherman out of the bunch yet."

Someday, perhaps, Jack Hemingway will write a memoir of his father, "after a lot of time has passed and a lot of people can't remember him so well." In particular he will write about the man who took such pride in his craft that he let writing "take precedence over his family, over everything."

Ernest Hemingway's last days were spent in Ketchum, Idaho, just six miles from his son's home. There, the man who knew and loved firearms ended his own life with one. He had been a monumental writer, a devoted outdoorsman, an excessive drinker; and he cast a shadow his son doesn't care to compete with.

"I don't even drink," Jack Hemingway said, downing the last of his coffee. "I had a heart attack about three years ago."

[From the Seattle Times, Apr 23, 1971]

HELLS CANYON PROTECTION SOUGHT

A coalition of organizations in Washington, Oregon and Idaho is being formed to support legislation to protect Hells Canyon on the Snake River.

Jack Hemingway, eldest son of the late author, Ernest Hemingway, has offered to lead the coalition. Hemingway, of Sun Valley, Idaho, was here yesterday to meet with local leaders in the conservation movement.

A meeting is planned in Lewiston, Idaho, June 26 to bring representatives of participating organizations together, solicit funds and volunteer help and chart a program.

Hemingway said the primary goal of the group will be to work for Senate hearings and passage of a bill to establish a Hells Canyon-Snake National River that would be protected from dams and development.

Such a measure, Senate Bill 717, has been introduced by Oregon Senator Robert Pack-

wood. A companion measure has been introduced in the House by Representative John Saylor of Pennsylvania. No hearings have been scheduled on either bill.

A Federal Power Commission examiner has given approval for construction of dams at Mountain Sheep and Pleasant Valley in the canyon. The examiner recommended that the permit not be effective until September 11, 1975, in order to give Congress time to decide whether Hells Canyon should be set aside and protected.

The full Federal Power Commission still must rule on the applications.

Conservationists contend that dams would destroy the scenic value of the canyon, which is more than 8,000 feet deep in some places. They also argue that the dams would destroy salmon and steelhead runs to the Clearwater, Salmon, Imnaha and Grande Ronde Rivers and other tributaries of the Snake.

Hemingway noted that existing dams on the Columbia and Snake Rivers have brought steelhead and salmon runs to the verge of extinction. He said there would be little hope of saving the surviving runs if additional dams are built.

Organizations which have been or will be invited to participate in the coalition include the Sierra Club, Hells Canyon Preservation Council, the Audubon Society and the National Wildlife Federation.

Also included will be the Washington, Oregon and Idaho Environmental Councils; sportsmen's councils from the three states; the Federation of Fly Fishermen; Trout Unlimited; the Columbia River Conservation League, and the Sawtooth Preservation Council.

The Izaak Walton League, Friends of the Earth, Environmental Defense Fund and the Mountaineers also will be asked to participate, along with guides' associations, commercial fishermen, packers and labor unions; federated women's clubs, and Indian tribes living along the Columbia and the Snake.

TROUT UNLIMITED,
Denver, Colo., April 26, 1971.

Senator BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Thank you very much for the continuing flow of information on your efforts to save Hells Canyon. Needless to say, we greatly applaud your efforts.

Our Northwest Steelheaders Council, which numbers some 4,500 people in Oregon, Washington, and Idaho, is working on generating public support for your position and stands ready to assist in any other way which you deem necessary.

Keep up the good work and I look forward to meeting you personally in the near future. Until then, I am,

Sincerely,

R. P. VAN GYTENBEEK,
Executive Director.

THE IZAAK WALTON
LEAGUE OF AMERICA, INC.,
Glenview, Ill., March 26, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BOB: Just a line to assure you that we are in support of your bill, S. 717, to establish the Hells Canyon National River. We are in close touch with the Hell's Canyon Preservation as well as our own membership in the northwest.

Sincerely,

J. W. PENFOLD,
Conservation Director.

GEM STATE ACADEMY,
Caldwell, Idaho, April 30, 1971.

Senator ROBERT PACKWOOD,
U.S. Senator: Oregon,
Washington, D.C.

DEAR SIR: This letter is in the interest of preserving Hells Canyon.

It has been my pleasure to raft the Snake River through Hells Canyon, on three different occasions. Two trips were made with senior classes from an Idaho high school and one trip with the faculty and staff of the same high school.

The grandeur and beauty of the canyon proved to be very inspiring. In my opinion it would be a crime to ruin the canyon with another dam.

The present dams have done enough damage to the beauty of the canyon. The lack of fish ladders didn't do the fish population any good either.

Please sir, preserve what is left of the natural beauty of this beautiful State. Save Hells Canyon from more dams.

Respectfully,

CHARLES A. STEVENS,
Guidance Director.

[From the Washington (D.C.) Post, Apr. 20, 1971]

HELLS CANYON—REMEMBER?—IS BACK AGAIN

If you were around Washington in the days when Oscar Chapman, Douglas McKay or Fred Seaton were public officials to be reckoned with, the name Hells Canyon ought to ring some bells. There was a glorious battle on Capitol Hill some 15 years ago this summer over the kind of dams that should be built in a portion of that rocky gorge through which the Snake River flows. Dams have been built since—three of them on the upper reaches of Hells Canyon in Idaho—but the place is back with us again because the dam builders intend to move on to the middle part of the Snake and Senator Hatfield, among others, is out to stop them.

The saga is really much too long and too complex to try to summarize. But these highlights, drawn from a chronology prepared by the senator on efforts to dam the middle part of the Snake, gave a feel for the struggle that is heading towards finality now:

Nov. 9, 1954—Pacific Northwest Power Company files application with Federal Power Commission to investigate Pleasant Valley-Low Mountain Sheep project.

Jan. 20, 1958—FTC denies license to build that project.

March 31, 1958—PNP files for permit to build at another site . . . High Mountain Sheep.

March 15, 1961—Secretary Udall opposes any dams on the middle Snake because of conservation considerations.

June 28, 1962—Udall asks FPC to recommend that the United States, rather than PNP, build the dam at High Mountain Sheep.

Feb. 5, 1964—FPC licenses PNP to build for PNP a 670-foot high dam at High Mountain Sheep.

June 5, 1967—Supreme Court orders FPC to reconsider its license for failure to explore all relevant considerations such as wild rivers, wilderness areas, recreation and so forth.

Nov. 8, 1968—Secretary Freeman recommends against any more dams on the middle Snake.

Sept. 1970—Secretaries Hickel and Hardin recommend portions of middle Snake be studied for inclusion in National Wild Rivers System.

Feb. 23, 1971—FPC examiner recommends FPC reissue license for PNP to go forward with the project.

The public climate in which dams are built nowadays is quite different from what it was in 1954 when this whole affair started. The protests of conservationists are taken more seriously and the need for destroying scenic places to meet demands for electrical energy are examined more closely than they once were. It may be that the years of start and stop in which plans for damming the middle Snake have been enveloped have given the country a chance to stop something that ought not to have started.

At the moment, the matter is pending again before the Federal Power Commission for decision, although Senator Hatfield has raised a troubling question. He says that the environmental impact statement, now required on every major project of this type and generally expected to be released prior to decision, has yet to be filed. And he notes that only last month the governors of the three states directly concerned petitioned Washington to do something quickly about conditions at the existing dams on the Snake and Columbia rivers which are said to be killing 70 per cent of the young salmon each year. The senator, we think, makes out a good case for prompt action by Congress to save what is left of the Snake River from further change.

[From the Washington (D.C.) Post, Apr. 23, 1971]

THE HATFIELDS AND THE PACKWOODS: A CORRECTION

Somehow or other, we managed to get the two senators from Oregon confused on this page the other day. In an editorial concerning the construction of dams in Hells Canyon, we credited a speech on the Senate floor to Mr. Hatfield when it was actually delivered by Mr. Packwood. We apologize to both men and note that Mr. Packwood is the author of a bill to create the Hells Canyon-Snake National River.

THIS IS YOUR WORLD

(By Annette Tussing)

One of the most valuable dimensions of our world, right here in this valley is our river—can you imagine this arid valley without it!

The 16-year battle to piecemeal it up as a pawn of politics still goes on—oftentimes in hidden ways.

Latest action on the national scene regarding our Middle Snake is news from Washington, D.C., that our friend-of-the-river Oregon's Senator Robert Packwood early last month, re-introduced in the Senate the one bill that spells permanent and sure protection for the Snake and its deepest canyon in the world.

The new Hells Canyon-Snake National River Bill—S. 717, introduced Feb. 10, 1971 by Packwood has only a few changes from last year's good bill of the same name.

That bill was introduced in the Senate by Packwood, and in the House by John Saylor. Trouble was, it had no big vested interests with massive funds behind it—only the "little people" that make up the American citizenry.

Giving our living Snake National River status would neither provide "busy work" and hundreds of millions of dollars in appropriations of our money for a giant "development project" to keep occupied a self-serving bureaucratic federal agency.

Nor would it swell the profits of a private power combine. Nor will it sacrifice OUR river to water the potato fields of another state's greedy industry.

No, creating National River protection for our unique stream would only preserve forever the beauty, the opportunities for the heavy public recreational use, the ranchers livestock grazing lands, the vital winter range for hundreds of big game animals, the uncountable 25 species of fresh water fish and the esthetic qualities of this river.

We here, living in close proximity to it, fail to recognize the Snake's intrinsic value—that will grow immensely as our world population swells to almost seven billion by the year 2000.

Having already disrupted 98 per cent of the surface on our Space Ship Earth—must we allow a few power-string pullers to steal from us what belongs to all Americans forever?

The new Hells-Canyon-Snake National River Bill awaits your support. It provides

that all existing public and private uses of the Middle Snake shall continue. There shall be no acquiring of lands by condemnation—only acquisition of scenic or conservation easements, where necessary.

Hunting and fishing in all lands and waters will be encouraged.

The bill provides for up to $40-million for improvement of the two roads that take car travelers in to see the world's deepest Canyon—fish, hunt, picnic, hike, or take photos.

One road descends from the town of Imnaha, Oregon, through the Imnaha Canyon to Dug Bar on the Snake. The other goes in from White Bird, Idaho to Pittsburgh Landing.

Another road, to the indescribable lookout view at Hat Point, will also be improved.

A sum of $10-million is allotted to development of recreation facilities—principally campgrounds—along the three roads described above and for a visitors center at Hat Point and such additional development as may be necessary.

Another $10-million can be appropriated for acquisition of lands and interests in lands within the national river.

But then . . . this is all peanuts or a window on nature that can be opened no where else in the world.

Have you any idea what it's costing us, the taxpayer, to ruin this irreplaceable river and all of its assets that will increase in value each year as tourism climbs into second place in our state's economy?

Downriver, the Corps had, by December, already invested $58-million in Lower Granite Dam, and only just began on the main structure, last week.

In fact, dam project within seventy miles of Clarkston will cost a cool one-and-one-fourth billion dollars during the next 16 years or so!

You can object to this larceny by damming.

Write to your Congressmen. Ask for a public hearing to evaluate at present priorities, the justification for continuing Lower Granite and to de-authorize Asotin Dam.

Remember a group of sportsmen's organizations, spearheaded by the steelheaders has filed an injunction to halt Lower Granite until public hearings and reconsideration of the project can be held.

Ask your legislator to support the Hells-Canyon-Snake National River Bill to save all upriver waters still open.

It will help expedite the bill, also, to write to the Interior Committee of the Senate, asking them to schedule public hearings on the Hells-Canyon-Snake National River Bill S. 717.

The moratorium bill which has also been reintroduced, while better than no protection at all, is both shaky and partial safeguard for the Snake and its related lands.

Write to Chairman Levy and the Federal Power Commission, Washington, D.C., ask that no license be issued for a dam in the Middle Snake.

No one is going to speak for your river and its priceless ecology but you. It's already late for us humans to stop regarding our natural resources as a commodity—and realize they're a community, of which we are all a part.

DEPARTMENT OF THE ARMY,
Washington, D.C., April 2, 1971.

Hon. BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: This is in reply to your letter of 16 March 1971 regarding the nitrogen supersaturation problem in the Columbia and Snake Rivers.

The Division Engineer, North Pacific, proposes to lessen the quantity and duration of water spills over the spillway by modifying the skeleton bays and installing slotted bulkheads for water passage at the Little Goose and Lower Monumental projects. His proposal consists of a prototype test installation in one bay at Little Goose. This plan has been approved and the work is underway. If the installation in the one bay at Little Goose proves to be successful, we expect to proceed with modifying the other two bays at Little Goose and the three bays at Lower Monumental. The time required to modify one bay at Little Goose, to install the prototype slotted bulkhead and to test it, unfortunately, will preclude accomplishing the same work at the other five skeleton bays prior to the peak runoff period this year.

We have been studying many approaches to the problem in an effort to find the most effective solution and we hope that a combination of various possibilities will eventually result in controlling nitrogen supersaturation to acceptable levels. A brief summary of our studies and considerations to date is as follows:

a. *To reduce spill.* The best way is to have more storage. In 1972 we should have storage space available at Dworshak and Libby and at Mica in Canada in 1973. We have been studying ways to make the best use of storage available today for use this year and some minor operational changes may be possible. Much greater opportunities will exist after 1972. Another way to reduce spill is to pass more water through the power units. This year we will have all three units at Little Goose and we have rescheduled the units at Lower Granite so that all three will be available for the first season's operation in 1975. All six units should be available at Ice Harbor in 1975 also. The full 22 units will be available at The Dalles in 1974. We are studying the acceleration of other units now not scheduled until 1977 and after. In the interim, modifications to the skeleton bays as discussed above looks promising.

b. *Improve hydraulic conditions.* We are studying the performance of both scale models and the prototypes under varying discharge conditions in order to determine what designs and/or discharges over spillways and other water passages will produce the minimum of nitrogen supersaturation. Special sampling programs have been prepared to obtain nitrogen information at Grand Coulee, Chief Joseph, Ice Harbor, Bonneville, Green Peter and Cougar. This data will be used as a guide in estimating nitrogen saturation problems at projects under construction or at new projects where the hydraulic features can still be redesigned.

c. *Research.* We have a contract with the National Marine Fisheries Service to collect a substantial number of fingerlings at Little Goose for release below Bonneville for further research on the feasibility of such a practice to reduce the mortality to smolts passing through a series of projects between Little Goose and Bonneville.

d. *Data collection and analysis.* We will continue to support again this spring the collection of nitrogen data by the National Marine Fisheries Service and the Oregon Fish Commission not only for documentation purposes but also for use as a guide in operational considerations. We will also use this data to verify our new computer model for nitrogen predictions and are including plans for further collection of data by the Corps. With the computer model we hope to do many things both with regard to design and operation. We have just completed assembling all available nitrogen records on punch cards to be readily available to the computer for processing in any desired form.

e. *Task group.* To provide a focal point for coordination of our efforts we have established a Nitrogen Studies Task Group made up of knowledgeable engineers and scientists.

We presently have the legislative authority to modify any of our projects to mitigate this nitrogen supersaturation problem.

Sincerely yours,

THOMAS W. NELSON,
Corps of Engineers, Assistant Director of Civil Works for Pacific Divisions.

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., March 31, 1971.

Hon. ROBERT W. PACKWOOD,
U.S. Senate, Washington, D.C.

DEAR BOB: This is in response to your letter of March 16, 1971, concerning the effects of Federal projects on anadromous fish resources on the Snake River.

I am aware of the proposal by the Corps of Engineers to install emergency mitigative measures at Lower Monumental and Little Goose Dams to reduce the projects' effects on anadromous fisheries.

I understand that the Corps is now studying a prototype of the recommended structures and if tests are satisfactory, these measures will be installed.

Since the testing has not been completed, the Corps has not requested funds to install these measures. I can assure you that when we do receive such a request, it will be given prompt and careful consideration.

I appreciate your concern of this matter and your interest will certainly be kept in mind.

Sincerely,

CASPAR W. WEINBERGER,
Deputy Director.

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., April 15, 1971.

Hon. ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR BOB: This is in response to your letter, and enclosures, of March 26 concerning the effects of Federal projects on anadromous fish resources in the Snake River.

As I indicated in my letter of March 31, 1971, we are aware of the proposal and of the prototype study being done by the Corps of Engineers.

I understand that some problems have arisen concerning the use of slotted bulkheads at the Ice Harbor Lock and Dam. These problems are under study by the Corps of Engineers.

I wish to again assure you that we will give prompt and careful consideration to any request the Corps of Engineers may make regarding this matter.

I appreciate knowing of your continued interest in this matter.

Sincerely,

CASPAR W. WEINBERGER,
Deputy Director.

GAS BUBBLES THREATEN SALMON RUN

(By Anthony Netboy)

Columbia River salmon are unquestionably the world's most harassed fishes.

In the last 40 years they have been asked to cope with one man-made crisis after another. Thanks to their incredible adaptability and vitality, they have survived, although in reduced numbers, the era of hydoelectric development which blockaded some of their immemorial haunts and made migration difficult on the main stem of the rivers, the expansion of irrigation agriculture which resulted in the decimation of untold numbers of fish who were stranded in irrigation canals, extensive logging and burning of forests that impaired the regimen of watersheds and silted up spawning streams, and pollution of the Willamette and parts of the Columbia which asphyxiated many fish.

Now they face one of the gravest crises in their turbulent history: Gas bubble disease caused by the supersaturation of nitrogen in water released over the spillways at the dams. Like the previous crisis, this too is man-made.

If the levels of nitrogen in the water are high enough young fish acquire the disease while going over the spillways. Air gets into the body and causes bubbles to appear in the skin or eyes. It is usually fatal to juveniles, while those who survive have decreased ability to fight off other infections. Adults are

also prone to the ailment if they swim in water with extra-high levels of dissolved nitrogen.

The disease has been recognized for many years but became alarming only in 1968 when biologists found large numbers of popeyed and blistered dead salmon in the Columbia River. Specifically, the problem can be traced to the fact that the supersaturated waters can no longer be dissipated because the Columbia has become a series of lakes and is not a free-flowing river except for the stretch from Richland to Priest Rapids. The difficulty has been accentuated because of the construction of Lower Monumental and Little Goose dams on the lower Snake where the installation of turbines has only begun. Consequently almost the entire flow of the river in 1969 and 1970 passed over the spillways—and killed a lot of fish.

Biologists have ascertained that young salmon can tolerate levels of nitrogen up to 110 per cent, but in 1969 they had to cope with levels of 125–135 per cent from March to July in almost the entire 260 mile stretch of the Columbia system from Lower Monumental dam to above Portland. This is the time of year when the bulk of the wild fingerlings go down to the ocean and the hatchery stock is released into upper and mid-Columbia streams and sent to sea. Also, most of the spring and summer chinook and what is left of the once magnificent sockeye run enter the river and move upstream.

In 1970 it was estimated that 70 per cent of all the juvenile salmon passing through the reservoirs of the lower Snake and 50 per cent of those in the Columbia from its confluence with the Snake to below Bonneville were killed by nitrogen disease. Adults were also killed, but in smaller numbers.

If the scale of these mortalities is permitted to continue, obviously the bulk of the salmon resource in the Columbia would be jeopardized, perhaps reduced, like the Atlantic salmon in New England, to a token resource. For this reason the governors of Washington, Oregon and Idaho and their fisheries departments' chiefs met in Portland on March 23 to proclaim a salmon emergency. With the Corps of Engineers who build the dams, Bonneville Power Administration which sells the power, and other federal agencies, they have worked out a preliminary plan of operations.

The plan involves: (1) Acceleration of the installation of turbines at the Snake River dams so as to reduce the need for spilling water; (2) modification of spillway designs at Lower Granite and Lower Monumental dams (the worst "villains") to enable the fingerlings to avoid waters with supersaturated nitrogen; (3) coordination of the flow at the dams during heavy fish migrations so as to ease their difficulties; (4) transportation of wild fingerlings around areas of high nitrogen levels—in 1971 about a third of the juveniles approaching Little Goose dam will be taken down to the sea by truck, and (5) investigation of the possibility of passing water through the skeleton turbines at several dams to avoid spillway-created turbulence.

Nitrogen disease, being a man-made problem, can only be overcome through the assistance of the engineers who control the water spills at the dams and the power managers who manipulate the energy flow. With the mounting interest in environmental protection, including fishes in the waters, the governors have assured the people that everything possible will be done to overcome the salmon crisis.

[From the Salem (Oreg.) Capitol Journal, Apr. 21, 1971]

SALMON WIPE OUT FORESEEN

STARBUCK, WASH.—The only way the natural downstream runs of salmon and steelhead fish can make it to the Pacific Ocean from the middle Snake River anymore is by truck. And any success by trapping even 10 per cent of the lifesaving ride, appears, at best, marginal.

The reason is nitrogent supersaturation. It occurs where water runs over high spillways.

The wild fish come from the Salmon and Clearwater drainages, the Grand Ronde River and other minor tributaries of the Snake and Columbia rivers and must surpass incredible obstacles—dams and then pollution of all kinds to make it to the ocean.

Last year, nitrogen supersaturation claimed 90 per cent of the total fish run—which can only be estimated as in the millions. This year the prediction is closer to 100 per cent.

The only check for this obvious imbalance is a trucking project whereby steelhead and Chinook fingerlings and smolts are trapped as they pass through bay two at Little Goose Dam near Starbuck in southeastern Washington. They are then trucked around two other dams and released into the Columbia.

As of Tuesday, the trapping process, known as a traveling screen, was not yet in operation. And the Chinook run is well underway.

But even if this process is rectified, say, by Friday, a liberal figure of fish which can be saved by the trucking process would be 10 per cent.

An estimated 6 million fish, mostly Chinook salmon this time of the year, are making a run for the ocean. That means, if the trap and trucking operation is 100 per cent successful, 600,000 fish can be saved.

The steelhead runs begin about mid-May and run through mid-June.

"Another season like this one and all anadromous fish runs in the Salmon and Middle Snake Rivers will be wiped out.

It takes three years for a downstream migrant to complete his cycle and return to his birthplace to spawn. Those coming downstream, now will be returning in 1974, for example.

The problem is that last year 90 per cent were lost, and this year the figure is disastrous, though not complete. That leaves one more year to wipe out and reverse the process or the entire cycle is wiped out.

At Solomon, chapter president of the Northwest steelheaders of the Council of Trout, Unlimited, says the entire situation can be blamed mostly on the U.S. Army Corps of Engineers. He termed the fish plight "another Army Corps boondoggle."

THE SALMON'S MIGRATIONS THROUGH PRIMITIVE AND CIVILIZED MAN

(By Anthony Netboy)

(Mr. Netboy, a Portland, Ore., writer, is a member of the Izaak Walton League of America.)

There is a great deal of discussion nowadays about the role of man in nature and especially his relation to the animal world. As civilization increasingly impinges on the habitat of wildlife and threatens more species with extinction, the question whether there is something deeprooted in our culture that is inimical to the survival of wild animals is coming to the fore. Many articles have recently appeared which discuss this issue. I would like to examine it in relation to the salmon, and from an historical point of view. Man's attitude toward the salmon throws much light on his relations with wildlife in general, and illuminates fishery management problems with which we are struggling.

This study is divided into two parts: first, primitive man's use of the salmon, and second, civilized man and the salmon. By primitive man we refer to preliterate or nonliterature peoples who left no written records and had only a simple and crude technology or none at all.

A FRIEND OF MAN

We have considerable knowledge of primitive man's use of the fishery in North America and know a bit about it in Europe. Salmon has been a friend of man since the days of cave dwellers in Europe and as far back as human habitation on the North Pacific coast of North America can be traced.

Excavations by Professor L. S. Cressman of the University of Oregon of sites occupied about 11,000 years ago along the Columbia River indicates that salmon was a common food item among these people. In Europe salmon vertebra have been found in caves inhabited during the Magdalenian period about 15,000 years ago. The high esteem in which the cave dwellers of France and Spain held the food animals they pursued and captured is shown in their remarkable paintings on the limestone walls and in sculptures on cavern floors as well as in smaller carvings on antler. Salmon, trout and other fishes are carved with exquisite fidelity, indicating that some of these primitive people were naturalists of a respectable order. They already knew the secrets of the salmon—that they are born in fresh water, wander off to the ocean and return punctiliously to their native streams.

Some anthropologists believe the cave paintings and sculptures represent a kind of sympathetic magic, a way of propitiating the animals who provided man with food. Certainly primitive man did not take fish and game for granted, as we do. They had to be wooed by religious rites, and were held in awe and esteem.

A SALMON CULTURE

The North Coast Indians supply us with considerable information about their attitude toward the animal world, and especially the salmon which was the mainstay of their food supply. While they left no written records, accounts taken down by anthropologists from living tribesmen give a comprehensive idea of their customs and religious attitudes. From Northern Alaska to Northern California the Indian tribes were bound together by a common culture, "one of the most specialized in North America and perhaps the most advanced found among non-agricultural people," says the ethnologist, C. Daryll Forde. To an amazing extent this culture revolved around the salmon.

The fish thronged the streams and returned with astonishing regularity to the bay or cove at the mouth of the river each year, and after a brief rest moved upstream and headed toward their spawning grounds. After spawning they died and their discolored bodies lined the river banks, disintegrated and drifted back to sea. The next year similar fishes reappeared.

The Indians had a rather vague idea of the cosmos and of a supreme being, but they believed in the immortality of the animals such as bear, fox, coyote, salmon and others. In the Indians' imagination the animals were supernatural beings who lived exactly like themselves. They dwelt in lodges, fished and hunted, dug roots, had headmen or chiefs, even slaves.

"What was more logical," asks the anthropologist Philip Drucker, "than the concept that the salmon ascended the streams to benefit mankind, died, and then returned to life? The general belief was that the salmon were a race of supernatural beings who dwelt in a great house under the sea. There they went about in human form, feasting and dancing like people. When the time came for the 'run', the Salmon-people dressed in garments of salmon flesh, that is, assumed the form of fish to sacrifice themselves. Once dead, the spirit of each fish returned to the house beneath the sea. If the bones returned to the water, the being resumed his (humanlike) form with no discomfort and could repeat the trip the next season."

This poetical concept may seem strange, and perhaps childish to us, but it was a powerful influence on human minds and worked for conservation of the resource. The Indian believed that the Salmon-people's migration up the rivers was purely a voluntary

act; therefore, it behooved human beings to be extremely careful not to offend them. They could refuse to return and that would be a calamity. To return all the salmon bones to the river was considered essential, for if any of the bones were otherwise disposed of the salmon being when resurrected might be minus an arm, leg or other organ and refuse to come again to the stream where he had been so cruelly treated.

TABOOS

In line with these beliefs the Indians developed regulations and taboos about handling the fishes in order to maintain good relations with them. Unlike Western man who, according to the Bible, "has dominion over the fish of the sea and over the fowl of the air, and over every living thing that moveth upon the earth" (Genesis, I, 28), the Indians regarded many of the animals as coequals if not superior to themselves in the order of nature.

Among the Columbia River tribes Coyote was the greatest of the animal people, wielding supernatural powers of great benefit to mankind. According to the legend, he showed them how to spear the fish and cook them, and told them they must have a big feast to celebrate their return to the river. They must give thanks to the salmon spirits for guiding the fish up the streams; the salmon chief will pray to these spirits to fill the fish traps. There were strict taboos about handling the first fish caught in the spring, for the salmon spirit must be treated kindly and with veneration.

Coyote admonished that the fish must always be kept clean, for if they were not clean they would be affronted and would not return the next year. He urged the people to be restrained in the use of the resource, never to cook any more than they could eat. If men are gluttonous, he said the salmon "will be ashamed and will refuse to enter your river."

The coming of the spring run was greeted with prayers expressing the people's gratitude, joy and relief. The very first salmon was often treated as though it were a visiting chief of high renown and was accorded due honors. Among some tribes the First Salmon Ceremony became so complicated that a shaman or ritualist was appointed to direct the event, and this office might become an hereditary honor.

RELIGIOUS RITUALS

Among some of the tribes living along the Klamath River in California the erection of the fishing weir every spring was likewise entwined with religious rituals and management was entrusted to a shaman who had contact with the supernatural and could ensure its success.

It is impossible, of course, to deduce from the available records explicit information about how effectively the aborigines used the fishery. Erhard Rostlund, who made an exhaustive study of fish and fishing in native North America, concludes that on the Atlantic coast, even where the population was densest, "only a part of the annually available fish has gathered in, and in relation to the total local fish resource it was surely a significantly smaller part than was taken on the west coast."

It is logical to assume that on the West Coast, where the salmon resource was much greater than in the East and the Indian population also larger, the stocks were but lightly exploited. The red man did not regard the fish as an economic resource, as the white man does. Some Columbia River Indians made pemmican for barter but they did not "sell" their catches until the white man came.

Under the impetus of the whites many Indians seemed to lose their innate sense of conservation; their religious scruples disappeared; and they began to pillage the streams from Alaska to Oregon, selling whatever they caught that was surplus to subsistence. This reversal of attitude towards the fish may be basically accounted for by the need to compete in a society dominated by what Thomas Carlyle called the "cash nexus." In some areas, like Southeast Alaska, the Indians at times blockaded the streams and permitted very few fish to escape.

Civilized man's handling of the fishery has generally differed markedly from that of the red man. One finds little hint of the awe and reverence for food animals which imbued the so-called primitive peoples. Western man adopted the notion that, as lord of creation, an idea reinforced by Darwin's theory of evolution, all nature is at his mercy and the animals are sometimes treated as if they were his pawns, to be dealt with as he sees fit. This idea, of course, is also evident among the backward and undeveloped African nations who are rapidly decimating their wildlife, as Philip K. Crowe shows in his remarkable book, The Empty Ark.

VANDAL IDEOLOGY

The greatest contrast between primitive and civilized man's attitude toward the fishery is that before white settlement the former had no notion of converting their catches into commodities for sale, while the latter placed a pecuniary value on them. This concept is termed by Scott Paradise, writing in the Nation of Dec. 29, 1919, the "vandal ideology." It arises, he says, from the premise that "man is the source of all value," and "the universe exists only for man's use."

"In practice," he adds, "this belief . . . narrows the meaning of value to that which has calculable economic value. Thus if the world's whaling fleets find profit in exterminating the last of the great whales, the whales must go. No argument about either the rights of whales or their ecological value will be admitted. The only argument that might possibly have effect contends that more profit might be made if whaling were limited so as to guarantee a perpetual harvest of blubber and meat."

This example fits the present plight of the Atlantic salmon, which are being mercilessly fished on their feeding grounds in the North Atlantic. Only as it began to appear that the stocks taken in Greenland-Davis Strait area, known to breed in the rivers of Canada, the British isles, and to some extent in the United States, might be severely curtailed if present high levels of exploitation were not curbed, did the chief "predators," the Danes, appear willing to have a mild restraint placed upon their fishing. Actually the curb recently agreed upon by the International Commission on North Atlantic Fisheries freezes the allowable catches in the Greenland-Davis Strait area at the record 1969 levels.

TOKEN RESOURCE

The sad fate of the Atlantic salmon, reduced to a token resource in the United States, exterminated in other countries, severely depleted in Spain, France and elsewhere within its range, may be attributed to overfishing and destruction of the environment.

Overfishing combined with permanent adverse changes in the environment have also seriously reduced some stocks of Pacific salmon. Dr. Jack Van Hyning, in an unpublished study, attributes the decline of the fall chinook runs in the Columbia River partly to excessive fishing in the ocean. As the environment deteriorates the surplus shrinks, and as the ocean fishery increases the river fishery must decrease.

Civilized man has decimated the anadromous fisheries by polluting the rivers, upsetting the regimen of watersheds so as to impair the flow of water needed for fish life, and blockading the waterways with dams which cannot pass migratory fishes.

In the 19th century many New England rivers were usurped for cotton and other manufactures, and dams were built to impound water to turn factory wheels and thereby locked out the anadromous fishes. Thoreau, in his book, A Week on the Concord and Merrimack Rivers, drew this picture of the Merrimack River:

Salmon and shad and alewives were formerly abundant here, and taken in weirs by the Indians, who taught this method to the whites, by whom they were used as food and manure, until the dam and afterward the canal at Billerica, and the factories at Lowell, put an end to their migration hitherward; though it is thought that a few more enterprising shad may still be seen."

Like the Eastern textile manufacturers, the timber barons floated their logs down the waterways and polluted them with bark and debris, or blockaded them with logjams, giving no thought to the fishes. What laws there were requiring that the rivers be kept open for fish passage were apparently not enforced. Also, clear cutting invited soil erosion, logging scalped the vegetative cover and as a consequence siltation occurred and spawning gravels were smothered. All this made reproductive efforts of the fishes futile.

DESTRUCTIVE FORCES

Towards the end of the 19th century, when the Maine woods had recovered enough to provide second or third growths, came the pulp mills which added their poisonous and oxygenated-depleting wastes to the sewage dumped into the salmon rivers. Finally came the age of hydroelectricity when New England streams were harnessed without any consideration for the migratory fishes; ladders were not required by law, and where they were often proved to be inefficient; and thus the salmon and other fishes like shad were prevented from reaching their spawning grounds. Salmon disappeared from one river after another in the United States until it became a token resource. Efforts are now being made to restore the Penobscot and a few other Maine rivers at a great expense.

Similar forces helped to destroy the environment of salmon populations in eastern Canadian rivers. In the West, the Willamette River offers an example of the serious diminution of a large salmon stock by pollution and defective fish ladders. This stock too is being restored at great expense.

Until the 20th century there was a deplorable lack of conservation of fish, wildlife, forests and other renewable natural resources in the United States. The belief that these resources were illimitable, and property rights, including the right to catch and sell fish and game, were supreme, worked against the development of a conservation conscience. The conservation movement began around the 1890's, hit high gear under the guidance of Gifford Pinchot during Theodore Roosevelt's tenure of the White House, and was revived with dramatic success during the New Deal of the 1930's. While historians usually ascribe primarily economic motives to the awakening of interest in wildlife and forest conservation, to the passage of protective laws, establishment of refuges, and the like, one may assume there was also a kind of moral twinge, a national feeling of guilt for the destruction of the previous century.

CONSERVATION CONSCIENCE

This awakening came too late to save much of the Atlantic salmon, but it offered hope for saving what was left of Pacific salmon in the rivers of the Pacific Northwest and California where civilization was beginning to impinge heavily on their habitat. The rise of a conservation conscience has been responsible for the most ambitious and expensive fishery conservation program ever undertaken—that on the Columbia-Snake system.

When the Corps of Engineers first revealed its 308 Report for the Columbia in 1932 there

were no provisions for passing migratory fish over the high dam at Bonneville, even though the builders of Rock Island dam upstream in the late 1920's had been required to include fishways in their design. The colonel in charge of the district when taxed with this flagrant omission is alleged to have said, "We do not intend to play nurse maid to the salmon." Had the Corps been allowed to go ahead with the project as originally envisioned the huge fish runs that spawned above Bonneville would surely have been eliminated, as the salmon were locked out of the Connecticut River after a canal was built, followed by a series of dams without fishways on the upper watershed, between 1798 and 1810.

The colonel's attitude, then common to other developers of the Columbia, both private and public, fortunately was short lived. Fish passage facilities were installed at Bonneville Dam, although none was built at Grand Coulee, where the salmon were trapped and transplanted to hatcheries on the upper tributaries. Every subsequent project on the Columbia built by the Corps, Bureau of Reclamation, and nonfederal organizations, with the exception of Chief Joseph, was equipped with ladders and other appurtenances for passing fish.

The Columbia River Fishery program was launched in 1949 to compensate for fish losses inflicted by the dams. So strong was the feeling in Congress that the salmon and steelhead must not be sacrificed to kilowatts that appropriations for the lower Snake River projects were held up for years because the House Appropriations Committee was not convinced that they could be safely passed over the dams.

WORDS OF WISDOM

Thus in denying funds for Ice Harbor in 1952 Representative Clarence Cannon, chairman of the appropriation committee, said: "The construction of this dam means eventually the complete extinction of a species of salmon which thereafter can never be resuscitated or re-created. Only God in His infinite power and wisdom can create a new species of animal life, and when that is once destroyed there is no power on earth that will reproduce it. We can accomplish miracles in our laboratories but we have never yet been able to create in our test tubes the celestial spark of life. The total extinction of life for all time to come is something we cannot even contemplate, regardless of the need for power for the few years that will be required to develop some method of avoiding this permanent restriction of an important food supply." Such words were rarely heard on the floor of Congress.

Up to now it is estimated that upwards of $200-million have been invested by the federal government in fish passage facilities, hatcheries, laboratories and research programs in the effort to sustain the anadromous fish runs in the Columbia-Snake watershed. Probably well over $75-million have been invested by the states and nonfederal utilities. This range of expenditures is not excessive when compared with the $254-million cost of relocating railroad tracks around three reservoirs—Libby, John Day and Lower Monumental Dams—as of January, 1970. Moreover, it represents about a three per cent annual return if we accept the figure of about $8-million as the value of the harvest of salmon and steelhead taken out of the Columbia system.

As important perhaps as the economic justification for this enormous conservation effort is the fact that the American people are committed to saving the fishery and protecting the sport and recreation and millions of persons as well as livelihood of fishermen and others who depend on the salmon and steelhead runs.

EVILS OF THE PAST

If there is a moral in the comparison of how primitive and civilized man dealt with the salmon, it is that the labels "primitive" and "civilized" have no real meaning. Primitive man had a reverential attitude towards creation, including the fishes of the sea and birds of the air. Until quite recently western man evinced little of this attitude, beguiled by the theory of evolution and the Biblical concept that he was lord of creation.

We are now witnessing a questioning of this attitude that bodes well for wildlife conservation. The omnipresent concern for the environment in a crowded world and exploding population is a testimony to the new orientation, although western man has far to go to undo the evils of the past.

MINNESOTA PANEL ON HIGHER EDUCATION

Mr. MONDALE. Mr. President, on Friday, April 23, a distinguished panel of Minnesotan higher education leaders testified before the Senate Education Subcommittee. This panel was composed of Richard C. Hawk, executive director of the Minnesota Higher Education Coordinating Commission; Robert P. Van Tries, assistant commissioner of education for vocational-technical education; Donald K. Smith, vice president for administration, University of Minnesota; Phillip C. Hellend, chancellor of the State junior college board; G. Theodore Mitau, chancellor of the State college board, and Edgar M. Carlson, executive director of the Minnesota Private College Council.

This hearing, and the testimony we received was extremely useful and perhaps unique. The panel, like many panels, provided the subcommittee with thoughtful suggestions and recommendations concerning the higher education legislation before us. It also gave us an opportunity, in one hearing, to see how the different segments of our postsecondary education structure fit together. That is, it gave us a chance to see the extent to which the needs of junior colleges, vocational education programs, State colleges, private colleges, and a major State university are similar, and the areas in which they differ.

Finally—by providing a case study of higher education in the State of Minnesota—this hearing gave the subcommittee an opportunity to see how these different segments of the higher education structure work together and relate in a single State.

I am delighted that these representatives of Minnesota's postsecondary education system accepted my suggestion that they testify at this hearing, and I am grateful to the Senator from Rhode Island (Mr. PELL), chairman of the Education Subcommittee, for making this hearing possible.

This hearing was extremely helpful to our committee during our consideration of the various higher education legislative proposals before us, and I am deeply grateful to the participants for their eloquent contributions.

I ask unanimous consent that copies of the panelists' prepared statements and summaries of the organizations they represent be printed in the RECORD.

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

STATEMENT BY RICHARD C. HAWK, EXECUTIVE DIRECTOR, MINNESOTA HIGHER EDUCATION COORDINATING COMMISSION

That Minnesota post-secondary education must become more efficient in meeting the state's needs is evident. Even with improved efficiency, it is becoming painfully apparent that the state will have great difficulty increasing its investment in post-secondary education at a rate sufficient to keep pace with expanding needs and rising costs.

Accordingly, I am especially pleased to appear before you at this time. As I understand the purpose of this session, my colleagues and I are to (1) provide you with a kind of "case study" of one state (Minnesota) including an assessment of the status, problems, and current and projected needs of post-secondary education in our state and (2) offer our views on Federal legislation as it may affect post-secondary education in our state.

Since anticipating the future requires understanding of the past and present, I shall begin with a brief description of Minnesota's progress in meeting post-secondary education needs. This will be followed by an enumeration of some of the problems to be faced in the future. Finally, I propose to relate the present status and future needs to issues concerning the role of the Federal government, particularly Federal legislation.

PAST PROGRESS

Minnesota has participated fully in the nation's rapid expansion of post-secondary education. During the past decade, student enrollment in Minnesota post-secondary education institutions has more than doubled. While 18 states exceed Minnesota in total population, only 15 states report larger post-secondary enrollments than Minnesota.

The marked expansion of post-secondary education enrollments in Minnesota reflects the rising aspirations of Minnesota residents for advanced education. It also reflects a strong commitment by the state to provide it's residents with adequate post-secondary opportunities.

Minnesota's commitment to post-secondary education has been continuous. The University of Minnesota, which has achieved prominence as one of the nation's outstanding universities, and the first of Minnesota's private colleges were founded before Minnesota become a state. State normal schools, which now have become comprehensive state colleges, were established early in the history of the state. Local junior colleges, which subsequently were integrated into a state junior college system, came next beginning in 1914, and the most recent arrival on the scene, the area vocational-technical school has rounded out the total pattern of post-secondary institutions designed to serve a variety of students and to meet a variey of state needs.

At present, responsibility for post-secondary education is shared by four public systems, private colleges and universities, and private vocational and technical schools. The Twin Cities' campus of the University of Minnesota, which combines great strength in graduate education and research with the service traditions of a land-grant university, has grown to an enrollment of 43,545, and the University system now includes two additional four-year institutions and two two-year technical colleges, which accommodate an additional 7,702 students. The state college system now includes six comprehensive four-year teaching institutions, which also offer graduate programs leading to masters' and specialists' degrees, with a combined enrollment of 39,746. The state junior college system now includes

18 institutions providing convenient initial entry of both terminal and transfer programs for commuting students with a combined enrollment of 19,949. Minnesota's private colleges and universities, which include some of the nation's most distinguished private institutions accommodate 30,089 students. Fall (1970) enrollment in the 28 area vocational-technical schools was 15,969, an increase over the previous year of almost 16 per cent. Thus, a total of 87 post-secondary institutions, of which 54 are public, and 33 are private, accommodate a combined enrollment of 157,000. An additional 4,629 students attend private vocational and trade schools in Minnesota bringing the total of post-secondary enrollments to 161,629.

Of equal significance to the total number of institutions is the rapid rate at which Minnesota has established new institutions in order to meet growing needs. During the last decade, 25 new public post-secondary institutions and one private college opened their doors. Nine additional public post-secondary institutions which already have been authorized will open during the next two years.

The rapid expansion of Minnesota post-secondary education has not been easily accomplished. State appropriations for post-secondary education have more than tripled in ten years.

While part of the necessary growth in state appropriations for post-secondary education is the result of rising costs, much of the increase is directly attributable to the need for increasing the quantity and variety of post-secondary education opportunities. At one time, the bulk of the states' appropriation for higher education went to the University of Minnesota. As the need for a larger number and greater variety of institutions became apparent, an increasingly higher percentage of the higher education appropriation has gone to the other three public systems.

The problem of providing funds necessary to develop strong systems of state colleges, state junior colleges, and area vocational-technical schools, while attempting to provide an increasing investment necessary to maintain a strong state university, has been difficult. In addition, an increasingly larger proportion of total post-secondary enrollments has had to be accommodated in public institutions. While private colleges and universities have experienced some increase in enrollment, the proportion of total post-secondary enrollments accommodated by private colleges and universities has declined steadily to less than 20 per cent in the fall of 1970.

Increasing the state's investment in post-secondary education has placed a heavy burden on the taxpayer. Moreover, the capacities of some institutions have been severely strained and improvement in quality often has been curtailed in order to provide increased quantity of services.

Rapid expansion in numbers of students accommodated during the past decade has coincided with increased effort to meet the needs of the state and nation for expansion of the research and public service functions of higher education. It is little wonder that higher education has been susceptible to the charge of not devoting enough effort to changing curriculum and improving methods of instruction.

In summary, Minnesota entered the decade of the 1970's with a long history of commitment to and support for a strong system of post-secondary education and with a rich variety of both public and private institutions. Although continuous improvement has been apparent, the strains of rapid expansion to meet growing needs are visible. That two of Minnesota's most prestigious institutions (University of Minnesota and Carleton College) were cited in the recent Carnegie Commission report titled "The New Depression in Higher Education" as being headed for financial difficulties reflect the increasing difficulties of providing the investment necessary for quality post-secondary education in Minnesota.

FUTURE PROBLEMS AND NEEDS

Among the many complex problems and needs to which larger efforts should be devoted during the remainder of the 1970's are the following:

1. *Making post-secondary education financially more accessible to Minnesota residents.* Although we take some pride in the fact that 70 per cent of Minnesota high school graduates enter some form of post-secondary education, we are concerned about the 30 per cent who do not receive education beyond the high school. In order to achieve continuing progress toward universal post-secondary education, we have established a goal of increasing the number of students being educated at a rate sufficient that post-secondary enrollments will equal 85 per cent of high school graduates in the 18–21 age group. This is not to suggest that we view post-secondary education as serving only students under 22 years of age. Quite the contrary, we see an increasing need for continuing post-secondary education for adults. Relating post-secondary enrollments to high school graduates in the 18–21 age group simply provides a convenient reference for assessing progress in extending the benefits of post-secondary education to a larger proportion of Minnesota's population.

Many factors will contribute to our success or failure in achieving the above goal, but making post-secondary education financially more accessible to Minnesota residents is essential to achieving the goal. To this end, the Higher Education Coordinating Commission has requested an appropriation for state scholarships and state grants-in-aid of $11.3 million for next biennium, an increase of more than 400 per cent over the appropriation for the present biennium. I am happy to report that Governor Anderson included the full $11.3 million in the budget recommendations which he presented to the 1971 Legislature and that legislators have been receptive to the proposal in spite of great pressure to hold the line on taxes.

Even with the substantial increase in appropriation for state scholarships and grants-in-aid, we will fall far short of the needs of Minnesota residents for financial assistance to pursue post-secondary education. We conservatively calculate the need of each new high school graduating class to be $24 million per year of attendance in an institution of post-secondary education. The fact that student costs of attending post-secondary institutions continue to rise, having increased 20 per cent during the past two years, probably makes $24 million a definite underestimation.

2. Extending the Benefits of Post-Secondary Education to Minnesota's Disadvantaged Population. Extending post-secondary education to a larger proportion of Minnesota's population represents a significant challenge, since doing so requires that the disadvantaged segments of Minnesota's population be reached and served effectively. While the urban disadvantaged are most easily identified because of their concentration, we are equally concerned about the rural disadvanaged. While disadvantaged students of minority races are most easily identified, we are fully aware that Minnesota's disadvantaged populations includes families from all racial and ethnic origins.

Adequate student financial aid is a prime requisite for meeting the needs of disadvantaged students. Of equal importance, however, is the need for (1) sufficient programs of recruitment and counseling which can stimulate and direct disadvantaged students to the right kinds of institutions and programs, and (2) compensatory and supporting efforts in post-secondary institutions adequate to assure that opportunities for disadvantaged students are opportunities to succeed rather than opportunities to fail. Effectively meeting the needs of Minnesota's disadvantaged population will be a difficult and costly undertaking.

3. *Expanding the Capacity of Post-Secondary Education.* The above discussion of the numbers of new institutions which have been established during the past decade could lead to the erroneous impression that the job of expanding post-secondary education capacity has been completed. If the need for expansion had been fully met, all efforts could now be focused on improving effectiveness. Such is not the case. Reaching Minnesota's goal of extending the benefits of post-secondary education to an increasingly larger proportion of the population will require the accommodation of 70,000 more students than the 161,629 being educated this year by 1985; an increase of more than 43 per cent. The nine new institutions which already have been authorized to open their doors during the next two years represents partial, but not complete, response to the need for expanding the capacity of post-secondary education in Minnesota. The Higher Education Coordinating Commission has recommendations before the 1971 Legislature in favor of legislative authorization for four additional state junior colleges and two senior institutions. In addition, we are faced with the need for continuing improvement in the physical plants of existing institutions. While we can anticipate relief from the pressure of increasing enrollments during the 1980's, no such relief will occur during the 1970's.

4. *Achieving Greater Utilization of Private Colleges.* As indicated above, the proportion of total enrollments which are accommodated in private colleges and universities has declined steadily in recent years and now represents less than 20 per cent of total post-secondary education enrollments in Minnesota. Through a comprehensive study of private higher education in Minnesota conducted during the past year, we have determined that private institutions of higher education have both the capacity and the willingness to accommodate larger numbers of Minnesota residents. We also have determined that financial difficulties comprise the greatest barrier to increased service from private colleges and universities. Accordingly, the Higher Education Coordinating Commission has placed several recommendations for changes in state policy on private colleges before the 1971 Legislature. Perhaps the most significant of these proposals is the one which would authorize the Commission to make payments of $500 per student for each additional Minnesota resident educated by a private college over the number being educated by the college in the autumn of 1970. I am pleased to be able to report that the Minnesota State House of Representatives Higher Education Committee has passed the bill implementing this recommendation without a dissenting vote and that the State Senate Higher Education Committee will consider the Commission's bill in the near future.

5. *Increasing Production of Professional and Para-Professional Personnel in Critical Areas of Short Supply.* While the needs of Minnesota residents for improved health care at reasonable cost will require progress on several fronts, increasing the supply of physicians and other health workers is essential. As you may know, the availability of Federal funds facilitated a beginning class of 227 at the University of Minnesota medical school—an increase of about 40 per cent over last year. While this expansion represents a major step toward increasing the production of physicians, it will not be sufficient to meet

the needs of Minnesota, the surrounding region and the nation. The projected need for health care services provided the basis for the Higher Education Coordinating Commission's recommendation to the 1971 Legislature for developing sufficient capacity for 315 beginning medical students in the state by 1976. Preliminary steps already have been taken for establishing a new two-year medical school at the Duluth campus of the University of Minnesota with the hope that this school ultimately may be extended to provide a complete program leading to the M.D. degree. In addition, the Commission has recommended that the legislature provide partial support for a new private undergraduate medical school to be operated by the Mayo Clinic and Foundation in Rochester. Proposed legislation, which would provide $8,000 for each Minnesota resident enrolled in the Mayo medical school, is pending in the 1971 Legislature. Increasing the capacity for medical students will require a corresponding increase in capacity for clinical experience in affiliated hospitals. Increases in the rate of production of physicians will require corresponding increases in production of other health personnel.

6. *Improving the Quality of Post-Secondary Education.* Although the quality of post-secondary education in Minnesota generally has improved, improvement of quality lags well behind the need. As indicated above, quantitative increases in post-secondary education often has demanded priority over improvement in the quality of post-secondary education services. Continuing deference of qualitative improvement can lead to serious shortcomings and a general weakening of Minnesota post-secondary education.

7. *Re-Tooling to Provide Better Approaches to the Instructional Processes.* That Minnesota post-secondary education needs to re-tool or gear-up for changes in educational practices, is not to be disputed. However, testing and implementing innovative practices is a costly endeavor for any institution including higher education. There is general acceptance of the proposition that large expenditures by industry for re-tooling to obtain a more favorable cost-benefit ratio through either reduction of production costs or improvement of the product represents a sound investment. Post-secondary education seriously needs a similar kind of massive investment for implementing improved educational practices.

THE FEDERAL ROLE

In keeping with its continuing commitment to meeting post-secondary education needs, the State of Minnesota can be expected to make a concerted effort to provide the resources necessary for effectively addressing attention to the problems enumerated above and to a variety of additional problems. Several significant new steps which the state is taking have been indicated.

Unfortunately, practical considerations severely limit the effort which the state can devote to post-secondary education. Rising costs in other areas of state government services, together with growing resistance to additional state tax increases, are combining to constrict the state's ability to increase its investment in post-secondary education rapidly enough to meet needs. The magnitude of post-secondary needs to be met, the complexity of the problems to be resolved and the limitations to be overcome in generating additional tax revenue at the state level indicate critical difficulties for post-secondary education during the remainder of the 1970's.

All relevant projections suggest that federal assistance for post-secondary education has never been more important to continuing progress than it is now. Positive legislation in this committee extending and increasing authorization for federal assistance for post-secondary education is a source of encouragement for us at the state level, and we urge you to continue your efforts to achieve the best possible legislation in this area.

From my perspective federal assistance can be most effective and will have the greatest impact when the following conditions prevail:

While continuous modification to improve federal programs is necessary, losses in both efficiency and effectiveness occur with frequent abrupt changes in federal policies. Serious dislocations result from shifting federal emphasis among support areas.

Late funding and fluctuating funding of federal programs create uncertainities at the state and institutional levels of operation and reduce the impact of federal assistance.

Federal programs should recognize variations in the patterns of post-secondary education among the states. Program structure designed to fit the organizational pattern of post-secondary education in one state may not be compatible with the pattern of organization in another state. Similarly, the strengths and weaknesses of post-secondary education will vary from one state to another.

4. *Coordination With State Planning.* Attempting to engage in systematic planning of post-secondary education at the state level without knowing the nature, magnitude, and conditions of federal funds which will be available or to which institutions they will be awarded is something like attempting to put together a jig-saw puzzle in which the shape of a few key pieces is unknown. Lack of coordinated planning at the state and federal levels inhibits the accomplishment of goals of both, and reauces economy of effort. You may wish to seek advice on coordinating federal and state planning for post-secondary education from the Education Commission of the States. Since the states assume the major share of responsibility and funding for post-secondary education, the simplest means of coordinating federal and state planning may be found in constructing federal programs in such a manner as to delegate considerable responsibility for implementation to the states with broad federal guidelines.

5. *Balance.* Although there are sound reasons for giving special emphasis to student assistance in order to equalize opportunities and to provide access to post-secondary education for the total population, a reasonable share of federal assistance should be allocated to strengthening post-secondary institutions and programs. Physical plants need to be improved and expanded; the supply of library resources and instructional equipment must be continuously increased and improved. Support for testing and implementing new educational practices on a broad scale is desperately needed. The potential benefits of continuing adult education and community service activities are far from being achieved. The critical function of extending knowledge through research is expensive, but essential to continuing progress in al areas of human endeavor.

6. *Responsibility for National Needs.* Generally, the states must assume primary responsibility for planning, conducting, and financing post-secondary education with assistance from the federal government. However, some areas of need are so pervasive and so costly to meet as to require that the federal government assume a larger than usual share of the responsibility. Medical education is a good example. About half of the physicians produced by the University of Minnesota medical school have entered practice in states other than Minnesota during recent years. Minnesota's plans for a second state medical school and state assistance for a new private medical school at the Mayo Clinic and Foundation are discussed above. These efforts will represent a substantial and costly contribution to necessary increases in the supply of physicians regionally and nationally. Hopefully, an increasingly larger share of the responsibility for this contribution can be assumed by the federal government in keeping with the critical national interest in improving health care.

BACKGROUND INFORMATION ON THE MINNESOTA HIGHER EDUCATION COORDINATION COMMISSION

(By Richard C. Hawk, executive director)

Purpose and Primary Responsibility.—The Minnesota Higher Education Coordinating Commission, which was established by the 1965 Minnesota State Legislature, has general responsibility for planning and coordination of post-secondary education, both public and private, in Minnesota. The Commission reports to both the Governor and the Legislature and is concerned primarily with advising the Governor and the Legislature on matters of public policy on higher education and state action necessary for meeting the needs of Minnesota residents for post-secondary education with reasonable economy of effort. Accordingly, the Commission is conducting a systematic program of long-range comprehensive planning. As part of its coordinating function, the Commission reviews proposals for new instructional programs to be established in Minnesota post-secondary institutions and makes a recommendation as to whether or not each proposed program is consistent with the Commission's guidelines for establishing new programs. The Commission also exercises statutory authority for entering into higher education reciprocity agreements with neighboring states.

Secondary Responsibility.—In addition to the primary responsibility for planning and coordination, the Commission has been assigned responsibility for administration of some statewide higher education programs, including (1) a state scholarship program, (2) a state program of grants-in-aid, (3) a state interinstitutional television program, (4) the Federal facilities program under Title 1 of P.L. 88–204, (5) the Federal Community Services and Continuing Education Program under Title 1 of P.L. 89–329, and (6) the Federal Instructional Equipment Program under Title VI, Part A, of P.L. 89–329.

Commission Membership.—The Commission consists of 18 members appointed by the Governor: one from each Congressional District, two from each of the four boards which govern public post-secondary institutions, and two private college presidents.

Commission Staff.—The Commission has a professional staff of 14 and an equal number of secretarial and clerical personnel.

Commission Budget.—The Commission's budget for the current fiscal year is $571,744, of which $333,000 was appropriated by the State Legislature, $111,000 was provided by the U. S. Office of Education for administration of Federal programs, and $12,744 came from grants from private foundations and other sources for support of special projects.

REMARKS BY DONALD K. SMITH, VICE PRESIDENT, ADMINISTRATION, UNIVERSITY OF MINNESOTA

Mr. Chairman and Members of the Committee, thank you for this opportunity to appear before you this morning. I particularly value the opportunity to discuss briefly some urgent national goals in higher education which could be realized through the various bills before your committee, I shall try to avoid dwelling on the simple but obvious fact that institutions of higher learning are in serious financial straits and that we badly need a massive renewal and extension of federal participation in our problems if we are to keep faith with our students and with this nation's commitment to educational opportunity. Our situation is bleak;

the situation of our students is bleak; and the general situation is likely to remain bleak without significant new legislation from Congress.

But I think this general fact is well known, and I want to confine my testimony today to a series of propositions about some national goals which I think should be sought through new legislation. In doing this I shall limit myself primarily to the following topics: student financial assistance, institutional aid related to such assistance; the special problem faced by private institutions with high student costs; and the special concerns of graduate education. I would also like to make a few comments on the importance of the proposals for a National Foundation for Higher Education.

These limitations in my comments do not imply lack of interest in or importance to other provisions of the several bills before you. For example, I think the proposals in Senator Pell's bill, S. 659, for facility construction assistance is of urgent importance, and his Graduate Facility Grant proposal is a serious effort to reaffirm by the Congress the long term national interest in maintaining centers of graduate education and research. Expanded aid for library development as recommended in his bill also responds to a need to which every college or university administrator or faculty member could testify. But limitations of time suggest that I should focus my comments today on certain urgent new directions charted in the legislation you are considering.

Let me organize my remarks by asserting some six principles which I think should underlie new legislation, and then commenting on the relationship of these principles to our situation in Minnesota, and to certain features of the legislation you are considering.

The first principle is that this nation ought to make good on its long standing commitment to see to it that no student is blocked from access to post high school education, appropriate to his capacities and interests, by reason of economic or educational disadvantage. It should be unthinkable for this nation to continue to impose an economic barrier to higher education for the poor—or increasingly for students of modest means. It should be equally unthinkable to deny acecss to those who have accumulated an educational disadvantage by reason of the circumstances to which they were born, and in which they grew up and received their early education.

Removing the economic barrier should be an urgent national goal, but achieving that goal requires a strong infusion of educational opportunity grants-in-aid by the Federal government, joined to improved work-study, and loan programs.

Let me describe very briefly the massive nature of the problem we face at the University of Minnesota. We have more than 50,000 students attending the University. For the most part they do not have available family support sufficient to pay for the costs of their education. Last year, approximately 75% of our students were employed, either on or off campus, in any given quarter.

We provided for these students approximately 5½ million dollars in financial assistance through loans, work-study, and scholarships and grant-in-aid. Of the aid we have provided in the last three years, some 80% has taken the form of self-help by the student—that is, loans, work, and work-study. Only 20% has been available in the form of grants or scholarships. The average indebtedness of our students has been increasing steadily. We are looking at students carrying heavy and increasing debt loads, seeking self-help through work in the face of inadequate resources for such programs, facing increasing costs for tuition, books, and board and room. And we see no real way of keeping opportunity open for these students without quick and generous participation by the federal government.

We have initiated in recent years a broad spectrum of outreach programs designed to identify and bring into a successful experience in higher education many talented and motivated students facing economic and educational barriers. Our early identification programs, our work with area schools and agencies, and the special guidance and tutorial programs which have been developed have succeeded. Students for whom a university education was once wholly beyond possibility are moving successfully in our programs. But at this moment we face the desperate problem of knowing that simply to maintain our programs for the disadvantaged at their present levels will require an additional 3½ million dollars in the next biennium, the sources of which are not apparent. Maintenance is the lowest goal to which we should aspire, but even this is hazarded unless there is strong federal expansion of educational opportunity grant programs, and work-study programs.

The most important piece of unfinished business before higher education and this nation seems to me that of opening fully the door of equal educational opportunity to our people, and this I take to be a central emphasis in Senator Mondale's Bill, S. 1161, and a section of Senator Pell's bill, S. 659.

The second principle I would propose is that expanded programs of student assistance should be accompanied by a forthright recognition of the institutional costs associated with efforts to expand educational opportunity. Student tuition and fees do not pay fully the costs of providing education, and if students are to be given assistance in meeting their costs, institutions also need assistance in meeting fully their obligations to their students. The problem of institutional costs becomes particularly acute as more students facing economic and educational disadvantage are brought to our campuses. At the University of Minnesota our work with such students has involved developing additional guidance and tutorial programs, some new curricula, and a new appreciation of the fact that by properly marshalling our resources we could open the door of educational opportunity to students for whom such opportunity was previously unavailable.

Both Senator Pell's bill, and Senator Mondale's bill address the question of institutional aid as a reciprocal of student assistance, and this approach seems to me an enormously important recognition of the expanding costs faced by institutions with a commitment to opening the doors of opportunity. I was also impressed by the principle in Senator Mondale's bill that the proportion of institutional aid should increase in terms of the level of the student's education. This is a significant recognition of the fact that educational costs rise as students progress to more advanced levels of study. The recognition would give healthy impetus to the efforts of colleges and universities to secure better information on the full costs of education at various levels, and in various programs.

A third principle which seems important to me is that of providing aid to students in a form which will broaden the student's capacity to choose among several institutions which might be available to him. Across the board limitations on the aid packages which can be provided for students tend to force students into public institutions where tuition levels are comparatively low. This, in turn, simply increases pressure on these institutions to seek expanded tax support at the State level to meet costs resulting from increasing numbers. Senator Mondale's bill has an interesting and useful approach to this problem by providing a sliding scale of grants related to student costs at a given institution. The formula balances nicely the goal of providing greater support to students who choose higher cost institutions, but providing a decreasing percentage of total cost as the cost of the institution rises. This balance would have the effect, I believe, of increasing the opportunity of students to choose higher cost institutions, while at the same time discouraging a sharp or sudden tendency on the part of students uniformly to prefer high cost institutions.

A fourth principle which should be recognized is that of maintaining a proper balance among grant-in-aid programs, work-study programs, and loan programs in the total approach to student aid.

We do not believe at the University of Minnesota that students should receive the full cost of their education through grants-in-aid. As I indicated earlier, some 80% of the aid now being received by our students is in the form of self-help—work, work-study, or loans. Under optimal conditions of funding we would want that percentage to decline, but we would continue to expect and insist that economically disadvantaged students carry the major share of the costs of their education through self-help.

The best approach to the problem of aid is that of preparing aid packages for individual students based on a candid appraisal of the package most likely to help the student succeed in his educational objectives, and most likely to motivate him to assume personally as much of the burden of aid as is possible. In general we follow the practice of seeking full aid assistance without loan indebtedness for disadvantaged students starting their educational careers. The student's risk of failure is highest at this point; the psychological commitment he must make is highest; his need to give full and undivided attention to his studies is highest. As the student experiences success, and as the probability that he will fulfill his educational objectives increases, it is appropriate that he carry increasing levels of self-help, through loans, and employment, while grant-in-aid resources are husbanded to help new students enter the educational stream successfully.

At the moment our major problem in maintaining an aid program which is psychologically and educationally wise is hazarded by the absolute shortage of adequate funds for grant-in-aid, and for work-study. Infusions are needed here. But we do not expect these infusions to be so massive as to eliminate the importance of expanding loan programs.

I am intrigued by the possibility that federal legislation dealing fully with the problem of student assistance could recognize the interaction of grant-in-aid, work study, and loan funds, perhaps possibly by specifying the maximum percentage of total support that could be provided through grants-in-aid by the end of the student's second year, or fourth year of undergraduate instruction. Most institutions are managing their aid packages in this way, but recognition of the principle would assure general use of the principle. I should also like to call your attention to a specific section in S. 1123, introduced by Senator Prouty. Section 414 of his bill lifts the 80% limit on federal contribution to work-study programs in the presence of a finding that the limit will block a desirable program. This change is important.

If we are to use the work-study system imaginatively (and our students seek work-study opportunities well beyond our available resources), the 80% will have to be more flexible. The off campus public service jobs which students are seeking, will only be in plentiful enough supply if the 80% ceiling limit is lifted. The University of Minnesota was involved in the early development of the Urban Corps program in Minneapolis and had there been no 80% limit, the city of Minneapolis could have

absorbed three times the number of the Urban Corps students who in fact worked for the city. There are exciting possibilities for community service work using the work-study mechanism, and I urge you favorable consideration for this change.

A fifth principle I should like to address is that of making adequate provisions for maintaining and expanding the strength of our great national centers of graduate education research, and post baccalaureate professional study. The current fiscal woes of higher education, and the nation, should not be permitted to become the occasion for dismantling the capability of our graduate universities to maintain and expand the supply of highly educated men and women available to this nation. The costs of graduate and post baccalaureate professional education are high. The cost to the nation of depressing the capability and productivity of these institutions would be enormously higher. No one giving serious thought to the matter could assume that this nation will need fewer, rather than more graduate scholars, scientists, and professionals in the next few decades. Yet we shall have fewer, rather than more unless the programs which support students and support the teaching and research capability of our universities are enacted and funded.

Much has been made in the last year of the alleged oversupply of doctoral students in certain academic disciplines, and the plight of highly educated professionals who have found themselves unemployed through dislocations or changes in priorities in the nation's economy. The larger truth is that unemployment among Ph.D.s in this nation is largely a myth if it is implied that such unemployment is of major proportions, or is general to all fields. For example, the unemployment rate for 1969 doctorates in the natural and social sciences, engineering and mathematics, was 1.1% as compared with 3.5% for the nation's work force generally. The range was from 0.6% in biochemistry, to 1.8% in engineering. The rate undoubtedly increased in 1970 as general unemployment levels went to 6.2% in December, and remained at 6.0% in January of 1971. The point is not that unemployment is non-existent, but that all studies show that today, as in the past, unemployment is lowest for the most highly educated, and least likely to persist for this same group. Moreover, gloomy forecasts concerning the employability of the highly educated typically take no accounting of the rapid expansion of demand for qualified people in the health sciences, and in the multitude of professionals needed for national efforts concerning environmental defense and improvement.

I do not wish to minimize the reality of marketplace changes for many of the traditional areas of doctoral study. Allan Cartter's studies indicate the probability that oversupply for some fields may be more than a transient phenomenon. What I am saying is that this phenomenon does not argue for curtailment rather than expansion of post baccalaureate professional and graduate education. The phenomenon does argue the constraint in certain fields, expansion in others, and development of new areas of specialization and competence tuned to the requirements of our society.

Support for graduate education and research obviously involves a wide spectrum of federal legislation, agencies, and programs. But in relation to the legislation before this Committee, I was pleased to see the extension of the availability of student opportunity grants, in Senator Mondale's bill, to post-baccalaureate students, and the provisions both for graduate fellowships and for institutional costs of instruction grants related to those fellowships. I also noted the far reaching attention given to graduate programs in Senator Pell's bill. This included, support for research libraries, for graduate academic facilities, for continuation of the education professions development authorization, for institutional support in developing stronger and better graduate programs, for graduate fellowships, and for extension of Titles IV and VI of the National Defense Education Act of 1958 and of the International Education Act. This broad spectrum of programs would help ensure continued health for an enterprise which is so clearly national in its purposes and its contributions as to require a focused and judicious concern in federal legislation.

The sixth, and final principle I should like to present is that as we seek to meet the costs of expanding opportunity for students, and maintaining health for our institutions, we should also be adventuresome in our search for new and better ways of providing higher education. Innovations are needed, in curricula, in instructional practice, and in the governance and management of the higher education enterprise. A significant fraction of our effort, therefore, should be in the area of educational research and development for post secondary school education.

The proposals by Senator Pell and Senator Javits for establishing a National Foundation for Higher Education should be confirmed. We face awesome tasks as we seek to reconstruct our educational systems, to bring the fruits of knowledge about learning systems to bear, to extend appropriate opportunity to men and women of all ages and occupations, and to improve our understanding of the costs and consequences of our learning systems with resultant improvements in the efficiency of our work. These tasks will not be performed well or quickly by faculties wholly caught up in the task of maintaining present programs, nor by institutions caught up in a desperate struggle for survival. They will not be performed simply through reliance on the private sector of our economy, despite its important and substantial contributions. We need to build a commitment to educational research and development into the fabric of the federal support system, and this I take to be the objective of the proposed National Foundation.

In this connection you may be interested in the fact that the faculty of the University of Minnesota last year committed itself to investing up to 3% of its instructional budget to educational development projects managed at the departmental and collegiate level. Initiation of this massive program of self help cannot be quickly achieved with current budgets scarcely adequate to meet current teaching obligations. However, a National Foundation could well provide our institution, and others, with the seed money to build our capability for creative innovation. I mention the action of our faculty only to emphasize that there is a willingness to change, indeed an eagerness to change, now observable in our institutions. We need a national commitment to support the tasks we want to undertake.

University of Minnesota

The University of Minnesota is located on five campuses offering a full range of post secondary educational offerings for undergraduate to PhD study.

Its principal campus—the Twin City Campus—is home for 41,000 students and is the largest single campus site in the nation. The University also has a campus in Duluth which is moving towards a full graduate program in addition to its undergraduate offerings. At Morris, the University has a small undergraduate campus which we are building as a model of public undergraduate liberal arts institution.

At Crookston and Waseca we house two year Agricultural Technical Schools preparing people for careers in various agriculturally related professions.

Testimony of Edgar M. Carlson Before the Education Subcommittee of Labor and Public Welfare

Mr. Chairman and Members of the Subcommittee, I am Edgar M. Carlson, Executive Director of the Minnesota Private College Council. This organization specifically represents the sixteen private four-year fully-accredited liberal arts colleges in the State of Minnesota and more generally represents the needs and interests of the private sector. The Council seeks to foster and implement cooperation among member institutions for the improvement of higher education services and opportunities, to provide a unified voice for independent higher education in the state, and to cooperate with institutions of higher education, governmental agencies and other interested groups in developing policies and programs for the advancement of higher education.

Having been president of one of the member institutions from 1944–1968, it has been my privilege to be closely identified with the problems and the achievements of higher education—particularly as reflected in the experience of the private sector but also in the broader dimensions—since those days when the federal presence on our campuses took the form of V–12 and other military units during World War II. Even though those days now seem far removed, I would like to pay tribute to the national leadership which initiated and has since carried through such far-reaching programs of assistance as the GI Bill, the war-surplus programs, the housing loans, the massive program of student loans in various forms, the academic facilities grants and loans, grants for needy students and the many other programs which have done so much to open the doors of higher education to vastly larger numbers of students and to train the persons and to erect the plants to care for them. Higher education would be much less than it is today if the federal government had not participated at the scale and in the manner which it has—most especially private higher education would be much less than it is today without this federal involvement. Unlike the state appropriations, federal grants have generally been equally available to public and private institutions.

As I review the historical development of higher education in Minnesota I am impressed by the fact that the periods of greatest growth in the private sector have coincided with specific federal programs of assistance. In the period between 1931 and 1939 the proportion of Minnesota students in the private sector increased from 23.2% of the total enrollment to 25.4%. These were the years of the NYA program of financial assistance to students. In the years immediately after WW II the enrollment pattern shifted further toward the private sector. Between 1939 and 1947 the shift nationally was from 47% private to 51% private and private enrollment predominated until 1952; in Minnesota it was from 25.4% private to 30.3%, and it continued to increase as a proportion of the total until 1954 when it reached 34.1%. There is no question that the major factor in opening up the option of attending private institutions was the original GI Bill. The shift in the other direction coincides almost exactly with the change in the GI Bill in 1952 to a blanket grant for all purposes instead of providing a separate amount for tuition and fees plus a subsistance allowance. The effect of this change was dramatized for me recently by comparing the veteran enrollment at the College of St. Thomas in St. Paul now and in 1948. Then 1800 out of about 2000 students were vet-

erans, now 80 out of 2400 students are veterans. There is probably no other member college at present with as many veterans as St. Thomas.

In many respects the 60's were a time of great growth in Minnesota's private colleges, even though the public sector grew at a much faster rate. The Higher Education Coordinating Commission conducted a comprehensive study of these institutions in 1970. It found that between 1960 and 1970 enrollment grew by 60%, representing a total of more than 11,000 additional students, equal to the combined enrollment of three existing state colleges, two and a half University branches, or the total enrollment in metropolitan area junior colleges at the end of the decade. Their total assets increased by more than $200 million, their endowments by $86 million. They expended $120 million for plant during the decade and paid approximately 60% of it in cash. Of the nearly $50 million borrowed, $30 million came from the federal government. It is significant that at the end of the decade these colleges were raising money from private sources for capital purposes at three times the rate (approximately $12 million a year) at which they were raising money at the beginning of the decade. They nearly doubled their library holdings from 1,200,000 to 2,137,954.

Since the Higher Education Facilities Act became operational in 1964 through 1970, 25 projects have been funded at Minnesota's four year private colleges for a total of $10,502,867 and these colleges have received $661,440 in matching grants under Title VI A of the Higher Education Act of 1965. It is clear that the growth of these institutions in the sixties is in considerable part the consequence of favorable federal policy.

In view of this impressive record in the 60's what are we concerned about?

First, we are concerned that the disparity between public and private costs to the student has now become so great as to effectively remove the option of freely choosing a private college for the vast majority of students and making it a dubious if not imprudent choice even for those who could afford to do so. Tuition charges at Minnesota's private colleges are relatively modest (ranging from $1210 to $2289) but when the average total cost of attendance at these institutions is compared with the average total cost of attendance at twenty large public universities (ACE *A Fact Book on Higher Education*, 1970) the difference is $1223 a year or nearly $5000 for four years. In 1967–68 the difference was $799; in 1959–60 it was $263; in 1947–48 it was $166. Clearly the student does not now face the same kind of alternative with respect to choices which he did in any one of the earlier years.

Although private college enrollment increased by about 60% during the decade, it is significant that the rate of growth has now dropped to less than 1% a year. In 1968 it was 3%, in 1969 it was 2%, in 1970 it was .6%. Nine of twenty-two four year institutions declined in total enrollment in 1970 and ten declined in freshman enrollment. Since 1954 the colleges of the state have projected their enrollments in five year intervals. The private college projection for 1960 was exceeded by 1500, the projection for 1965 was barely reached, the 1970 projection was missed by about 1000. The colleges have indicated their intention of growing by an other 11,000 students by 1980 but under existing state and federal programs it is doubtful that they can expect to do more than hold their own and may need to anticipate actual reductions in number as well as in the proportion of the total enrollment.

In attempting to maintain their enrollments and to provide access to their institutions on the part of persons who could not absorb the increasing differential in costs, the colleges have assumed heavier and heavier responsibility for financial aid to students. Ten years ago the total of loans, grants and scholarships from all sources was $2,321,572; in 1964–65 it was $4,959,740; in 1969–70 it was $10,964,111. During that time direct appropriations from institutional budgets to financial aid increased from $1,188,822 in 1960–61 to $4,588,021. In the latter years the colleges were investing 10% of their Educational and General Budget in financial aid. The amount was one-fourth the cost of instruction and departmental research, twice as much as library expenditures, and more than plant operation and maintenance. Federal grants in 1969–70 supplemented the institutional efforts by nearly two million dollars and federal loans an work study programs have been a very great factor in enabling the colleges to put together a package of grants, work, and loans which would be realistic for the student. Approximately 50% of the students attending private colleges are receiving some form of financial assistance and for entering classes the ratio is higher than that. For minority students it is very much higher (between 85% and 95%).

The colleges are caught in a dilemma: they want their institutions to be available to all economic and social levels of our population but under existing funding policies they must ask the student to carry the additional cost of attending their kind of institution. If he cannot, someone must provide the means. If no one else does the institution must do so. This means still higher costs for those who can afford to pay and still higher aid grants for those who cannot. The financial aid contribution from college budgets has doubled every four years during the past decade. For these colleges it is now $4.5 million. Will it be $9 million four years from now and $18 million eight years from now? Already financial aid from institutional budgets equals nearly $200 per student enrolled. In other words, without the burden of financial aid, tuitions could now be nearly $200 less than they are.

Second, we are concerned about our financial resources. The figures on financial aid to students may be related to the deficit problems of private institutions. Again, I shall cite findings of the Minnesota private college study.

In 1960–61, five Minnesota colleges ran deficits totalling $101,687 but total revenues in all the private colleges exceeded expenditures by $1,219,163.

In 1964–65, seven Minnesota colleges ran deficits totalling $375,150 but total revenues in all the private colleges exceeded expenditures by $685,265.

In 1968–69, eight Minnesota colleges ran deficits totalling $583,865 but total revenues in all the private colleges exceeded expenditures by $444,610.

In 1969–70, fourteen of sixteen colleges ran deficits totalling $2,641,158 and total expenditures exceeded revenues by $2,608,993. (If one excludes one institution which was atypical both figures are reduced by $1 million.)

An examination of these figures reveals clearly that the present crisis has been in the making for some time and can hardly be construed as a temporary miscalculation on the part of erring administrators. However, if one relates it to the financial aid burden which has fallen to the private colleges, not by their own choice but by force of circumstances which they could not control, the college performance appears quite creditable. Even if one takes the larger deficit figure for the last year it is hardly more than half of the financial aid provided out of institutional budgets during that year. Without that burden they would actually have shown a surplus of about $2 million.

Minnesota has now enacted a state scholarship and grant program with modest funding. It is hoped that it will increase to a point where it can become a significant factor in meeting the financial aid needs of Minnesota students. The federal government has been our major ally in meeting this need. We believe that it must continue, in partnership with state and private sources, to meet this growing need.

The private sector in higher education in Minnesota differs from that in many other states in that it has no large private university. To the extent that federal programs have been oriented toward the university and graduate level the private sector in Minnesota has not shared in federal support to the extent that has been the case in many states. However, its colleges could well claim to be better than average in the quality of their programs, facilities, staff, and graduates. Indeed, they include some of the very distinguished liberal arts colleges by any standard of measurement. Four of the sixteen member colleges received the highly coveted Ford Foundation incentive grants, a proporton far above that in the nation as a whole. None of them, at least those who are members of the Council, are likely to close their doors this year or next year or even the year after that. But they know that the present odds against them will become insuperable at some point in the future, for some sooner than for others, unless ways are found to adapt public policies and programs to the new conditions under which they live and work.

Those new conditions are epitomized in the escalation of college costs, though this is by no means the only change. A public service such as education can be subsidized voluntarily when it is inexpensive—a few dedicated teachers in simple facilities, and a group of people who believe in what they are doing enough to provide modest gifts. When medical and hospital services were inexpensive it was enough to have doctors willing to forget to bill their poor patients and to have "charity beds" in hospitals. Those days are long gone. A whole range of consumer subsidies (medicare, welfare payments, etc.) along with insurance coverages have enabled both public and private dispensers to exist side by side, and subsidies for buildings and equipment have been available from public sources on approximately equal terms. If public hospitals were charging one-fourth to one-third the cost of their services, while private hospitals charged the full cost less whatever they could raise in gifts, I think it is doubtful whether there would be any private hospitals anywhere.

There are at least three things that must be done if private colleges and universities are to continue as a viable part of this country's program of higher education.

1. The student's financial problem must be solved through public programs. This is as true for the student who wishes to attend a private college as for the student who wishes to attend a public institution. It is no more logical to expect the private college to shoulder the financial problems of its students than it is for the private hospital or any other dispenser of a public service. We are greatly heartened by the apparent agreement among the various proposals before this Committee on the high priority that must be given to financial aid for students. Our colleges have been helped by EOGs and by work-study programs because a significant number of their students do come from low-income homes. They have, however, had to add very substantial grants from their own resources in order to enable them to attend. We take some pride in the fact that we have proportionately more minority students in these institutions than our share of the total enrollment. In part, it is our desire to make our facilities available to minority and other low-income students which has accelerated our own investment in student aid so rapidly. The provision in $659 for supplementary grants of up to one-half the total aid awarded up to $1000 in addition to the basic grant offers commendable flexibility for those stu-

dents who qualify, as does the variable but diminishing proportion of costs carried under S1161. To some extent this is true in S1123 but it is regrettable that the student who wishes to attend an institution which does not already have a public subsidy, and where consequently the student must carry a larger share of the cost, must depend on loans only for this additional cost.

In this connection it would be well if both national and state law makers in their concern for the most economical use of the taxpayers money would bear in mind that they are talking about the same taxpayers. Thus, if in order to make federal tax payments go as far as possible they pursue policies which inevitably add to the state's tax burden they are acting with less wisdom and concern than one might reasonably expect of them. If we allow just enough financial aid at the federal level to enable one to attend an institution where three-fourths of the cost must be carried by the state we will certainly not be surprised if that is where he goes, thus assuring that the state will have to pay an additional amount equal to 70–75% of the cost of his education plus buildings and equipment. It does not improve the choice greatly if we tell him that if he will obligate the state in that amount he will get a grant without strings attached, but if he wishes to relieve the state of that obligation he will have to return the difference at a future date. Is it not a better stewardship of tax funds to invest a little more at the federal level if thereby one saves a good deal more at the state level?

Two. The second thing that must be done to keep the private sector viable in the years ahead is to halt and indeed reduce the growing disparity in costs to the student between public and private institutions. Even if student aid programs based on need should be adequate and adequately funded, escalating costs will at some point effectively discourage students who cannot establish need from choosing a private college. Theoretically, we could create a situation where a disproportionate number of affluent students were concentrated in the public sector because students with need could choose private colleges with little or no penalty whereas those without need could not. While there may be some upward movement in public costs, it would be unrealistic to expect the problem to be resolved in this way. Moreover, private college resources would not necessarily increase because public charges were raised. What is needed is another source of income which will make the private college less dependent on student income and hence reduce the pressure toward higher and higher tuition rates.

Two of the bills before this committee have specific provisions for payments to institutions in the form of "cost of instruction allowances" or "cost of education supplements." Since the lowest tuition charged this year among the colleges which are members of the Minnesota Private College Council is $1210, the provision in S659 for $1200 less any tuition charged would regrettably be of no help in its present form. At this point we must be pardoned if we have a distinct preference for the provisions in S1161. We welcome also proposals that would reimburse the colleges to a degree for the public service which they perform, assuming in effect a contractual relation between these institutions and government which corresponds to relationships between many other agencies performing public services and the government. This might be either on the basis of enrollment or on the basis of graduates. While we believe that institutional stipends tied to needy students would have an important benefit in the added inducement it gives to seek out such students, we are also aware of the importance of establishing the principle of reimbursement for the public service which we perform independent of such special cases as are represented by a specific group of needy students.

3. The third thing which must be done if private colleges are to continue to make the contribution of which they are capable is to provide a portion of the means needed for facilities and equipment. Facilities grants and loans had an effect on the expansion of facilities during the sixties far beyond the amount which they represented. It would be too much to claim that the just over $10 million in facilities grants produced the rest of the $71 million raised for capital expansion, but with the $30 million in federal loans it certainly had a very great impact on that growth.

The private college study found that 18.5% of the buildings on our campuses were rated "poor" by the presidents and will need to be replaced in the next few years. It is both an indication of tightening budgets and a warning of future deterioration to learn that estimated deferred maintenance would cost $26 million. Even to provide adequately for their current enrollment the institutions estimated needs of 2 million square feet of new space and to grow as intended more than 3 million.

We therefore commend Senator Pell for including both grants and loans for this purpose. We wish also to acknowledge the importance of the college library program and urge strongly that it be continued along the lines proposed in S659.

We find the proposal of Senator Javits in S1704 for allocations to the states for student aid on the basis of the state's effort to provide student assistance very attractive. It is quite a different matter these days to be operating a college in a state where students bring their own financial aid with them, sometimes in amounts of a half million dollars or more, by virtue of a strong and well-funded state program of financial assistance to students, than it is to be operating a comparable college in a state with little or no financial assistance provided where the college must raise a like amount for its students. It seems to be an entirely appropriate use of federal funds to encourage such state programs through matching arrangements in this field as it has done in many others. It would, moreover, help to equalize educational opportunities throughout the country. There would seem to be no good reason why the same principle could not be followed with regard to any form of general institutional grants whether these are tied to low-income students, total enrollment or number of graduates.

Our colleges concur in the purposes of the National Foundation for Higher Education and the National Institute for Higher Education. We are pleased to note the national concern for new directions and programs and wish to make ourselves available for these purposes in whatever ways are appropriate. We believe firmly in the continuing growth and the increasing importance of the educational enterprise because we believe in the importance of learning for the present and the future. We must continue to explore and search out and teach in all places and in all ways, but most especially, in the future as in the past, through committed academic communities where men are given the time, the means, and the motives for serious intellectual inquiry and for highly competent training.

Although the above comments focus on the private sector, they are generally applicable to public institutions as well. Financial aid for students, aid to institutions, and the means for growth represent critical needs for both public and private institutions. The public interest is best served when ways of support are devised which enable both public and private institutions as common partners in a joint enterprise to serve students effectively and thus contribute to the well-being of all.

MINNESOTA PRIVATE COLLEGE COUNCIL

BACKGROUND INFORMATION

The Minnesota Private College Council is comprised of the sixteen fully-accredited private four-year liberal arts colleges in the state. The oldest among them was founded in 1854 and the youngest in 1912. Seven are located in the metropolitan area, of which six are in St. Paul. Two are in Winona, two in St. Cloud, two in Northfield, one in Moorhead, one in St. Peter, and one in Duluth. In addition to those institutions which are members of the Council there are sixteen other private institutions of higher education, of which four are theological seminaries, five are junior colleges, three are Bible colleges, two are four year colleges, one is a college of law and one is a college of art and design.

The enrollment in all private institutions in 1970–71 is 30,089; in all four year institutions 27,288, in junior colleges 1,205 and in professional schools 1,596. The smallest of the four-year colleges enrolls 736 students and the largest has an enrollment of 2,674.

The private colleges of Minnesota awarded 5310 degrees in 1970, of which 5036 were Bachelors degrees, 34 were Associate degrees and 240 were Masters degrees. Their physical plant has a book value of $229,752,035 and an estimated replacement value of $325 million; their endowment funds total $86,128,096; their library holdings are in excess of 2 million volumes.

The member colleges have received federal facilities grants of about $10 million and facilities loans of about $30 million. Their students are beneficiaries of approximately $2 million annually in federal grants and work-study stipends and the colleges receive another $1.5 million annually from federal agencies for other operating programs.

Only two of the colleges offer graduate degrees, and these are offered only in limited fields.

The Council has been in existence for more than forty years and is the organization through which the member colleges coordinate their activities. It seeks to foster and implement cooperation among member institutions for the improvement of higher education services and opportunities, to provide a unified voice for independent higher education in the state, and to cooperate with institutions of higher education, governmental agencies and other interested groups in developing policies and programs for the advancement of higher education. In 1968 the Council engaged a full-time Executive Director in the person of Dr. Edgar M. Carlson, President of Gustavus Adolphus College from 1944–1968. He serves as a member of the Board of the National Council of Independent Colleges and Universities.

STATEMENT BY G. THEODORE MITAU, CHANCELLOR, MINNESOTA STATE COLLEGE SYSTEM

As Chancellor of the Minnesota State College System, I welcome the opportunity to share some comments about our system, a few of its programs, and some of its needs.

The Minnesota State College System is composed of six regional colleges ranging in size from 3,100 to 12,488 and located at Bemidji, Mankato, Moorhead, St. Cloud, Winona, and Marshall; total on-campus enrollment in the fall, 1970, was 39,405. The first five colleges (Winona, 1860; Mankato, 1868; St. Cloud, 1869; Moorhead, 1888; and Bemidji, 1919) were created as two-year Normal Schools to prepare elementary school teachers. By 1921 the institutions had become state teachers colleges, authorized to grant the baccalaureate degree in Education, and in 1953 received legislative authorization to offer a fifth year of teacher education leading to a Master of Science degree. The student demand in Minnesota for programs

in addition to teacher preparation led, in 1957, to the state colleges becoming multi-purpose institutions. Since that time strong liberal arts programs and additional professional programs—including graduate studies leading to the M.A., M.S., and, in one college, the Specialist degrees—have been developed. In 1967, the newest of the colleges, Southwest State College at Marshall, accepted its first class.

Each college operates, with considerable autonomy, under the supervision of a nine-member Board. The Chancellor serves as the chief executive officer of the System and has the responsibility of leadership and coordination in such areas as curriculum development, campus planning and development, and budget allocations and management systems.

A unique characteristic of the Minnesota State College System is the Common Market Program that seeks to offer students the full resources of all the colleges and to facilitate various educational experiences which can be handled more effectively through cooperative arrangements.

Coordinated in the Office of the Chancellor, the Common Market Program is currently divided into four areas. A Student Exchange Program enables a student to move easily from his home campus to one that might offer a program otherwise unavailable to him or unjustifiably expensive to duplicate at his college. The Internship Program is designed to supplement the classroom by permitting the students to be involved in a work experience related to their academic interests and for which they earn credit. The Urban Clinical Experiences Program supplements the teacher education experience by permitting fifty students per quarter to spend a term in a metropolitan school, thus affording students from rural areas an opportunity to receive training in an urban setting. The Community Resources for Higher Education Program, developed in cooperation with the St. Paul Council of Arts and Sciences, makes the personnel and resources of theatre companies, art museums, and musical ensembles available to state college students through performances, displays, and short-term workshops. A faculty member, an administrator, and a student from each of the six colleges and two members of the Chancellor's staff comprise an Advisory Council with responsibilty for making policy recommendations on the various programs and for maintaining a communications network among the various program directors on each campus, faculty and student senates, the college administrations, the Chancellor's Office, and the Board.

This model for cooperative programs among the colleges and between the colleges and organizations and agencies within government, business, the arts, and the social services is, we feel, the way of the future in higher education. The time is quickly passing—if not already passed—when single institutions can provide, effectively and economically, the variety of learning expriences necessary for the kind of education required by our society.

My remarks will be limited to the two areas which seem most in need of federal assistance—student financial assistance and resources to stimulate and to implement significant innovations in teaching and learning.

STUDENT FINANCIAL ASSISTANCE

There is a pressing need for financial assistance for students. Within the Minnesota State College System, 44% of the freshmen in the fall of 1969 came from families with an annual income of less than $7,500; 67% were from families with an annual income of less than $10,000. Rising costs, coupled with the difficulty students have in finding jobs, have combined to create a situation where families formerly considered financially comfortable are now having a difficult time providing educational funds for their children. While there must be more aid provided for minorities and the economically disadvantaged, assistance must also be increased for those considered middle-class.

Loan programs are good, but in these times of inflation questions might be raised about requiring students—particularly those from lower economic backgrounds—to borrow large amounts of money with which they are burdened for years after graduation. Grant programs must be available to students in sufficient amounts so they can attend college with a small loan plus that which can be earned during the summer and from part-time jobs during the academic year.

In making funds available, two major revisions in existing programs would be helpful. First, the work-study program, while sound, has limitations that make it less effective than it might be. Income level requirements are so low that many students in need of assistance in these times of inflation cannot qualify. Furthermore, restrictions placed on the type of jobs for which a work-study student is eligible limits the opportunities available and creates a shortage of positions.

Secondly, a forgiveness clause, similar to that for NSDL recipients who go into teaching, might be considered for other occupations. The result would perhaps be to encourage students to enter those areas where there is currently a shortage.

Funds continue to be needed for the purpose of identifying and then preparing talented but disadvantaged students for meaningful education. Furthermore, funds must be available to provide on-going programs. A great injustice is done when students are granted enough assistance to enter college but are then left alone to adjust to a new and alien culture.

Forward funding would immeasurably assist the equitable distribution of aid. For the last few years the financial aid officers in the colleges have not had any idea how much money would be available to them until after the school year had started. If this information could be known six months earlier, colleges would be able to inform students at the time of application whether or not money would be available. Undoubtedly students with great financial need do not even apply when financial aid officers cannot give them any indication about the likely availability of funds.

RESOURCES FOR INNOVATIONS IN TEACHING AND LEARNING

The second major need of perhaps most educational institutions, and certainly those of the Minnesota State College System, is for money for innovative improvements in teaching and learning. These terms are used in the broadest sense; I am speaking not simply about new ways of teaching traditional material but of a new kind of learning process. For too long all of education has been overly provincial and has tended to ignore both the needs of the larger community as well as its resources. There are unlimited opportunities for partnerships between institutions of higher education and other agencies of society such as business, industry, government, and the arts which could result in more meaningful education and in new services to society.

On the other hand, while education has frequently been attacked for not being more innovative and relevant, the financial resources required are not available.

In the appropriation of funds for education, money for innovation and for new programs has the lowest priority. Budgets are based on that which exists rather than upon what is new. This is particularly true in times of fiscal austerity; state legislatures fund the known and those programs viewed as the "essentials" while cutting requests for the innovative, the different, and the untried.

It is in this area that federal government, through financial assistance and agencies such as the proposed National Foundation for Higher Education, could act to stimulate change and to encourage innovation. It is virtually impossible for a college to make major innovative changes without funds. Often the amount of money required is not substantial, but is beyond that which has been appropriated by the state for operating expenditures. The federal government, through grants for certain kinds of programs, can expand the resources necessary for change.

Care must be taken, however, that federal money is appropriated in a manner that accomplishes this desired end. In the past, federal programs have been created with the best of intentions, but effectiveness has occasionally been lessened because of particular features or because of the manner in which money was allocated. For purposes of illustration, I will comment upon two areas of concern.

Money has most often been appropriated to a particular project in response to a specific application. The problems inherent in this approach are multiple. The new academic activity known as "grantsmanship" has resulted in a variety of difficulties: proposals of questionable value have appeared in voluminous number as a result of the prestige value of obtaining a grant; inordinate amounts of staff time are devoted to preparing proposals for a variety of unrelated projects; proposal writers are sometimes unduly influenced by projects popular at the time, often to the detriment of institutional and even departmental goals and objectives. All too often programs have been oriented to research institutions and funds have been given for important but narrow faculty research specialties and have neither benefited the teaching-learning process nor stimulated change. Indeed, the effect has been to re-enforce the traditional, research-oriented academic values of the university at the expense of student-centered teaching. Moreover, the project approach to federal funding militates against comprehensive institutional planning; a college is not really free to adapt and change as an institution because resources are obtained in a fragmented manner without regard to a coordinated plan. The problem is magnified on a system basis such as in Minnesota. In an effort to avoid duplication and to encourage cooperative programs a system plan might envision the development of a particular program on only two campuses, but a project is funded on a third. Thus, for the purpose of stimulating change and innovation, grants might more appropriately be made to an institution or to a system, not for a highly specialized project but in response to ideas for more general, far-reaching programmatic innovations. An institution should then be periodically evaluated to determine if resources are being used effectively and in a manner designed to accomplish the stated objectives.

A related concern is that some grants are given only to certain types of institutions without enough consideration to the fact that programs for which the appropriation is intended are not limited to that particular type of school or college. For example, in Minnesota vocational programs are not exclusively found in the area vocational-technical schools. In some geographic areas a state college serves the role of a junior college or a vocational school. Even in some regions where there are vocational schools a state college, through agreement between the two institutions, develops a vocational-technical program. Therefore, I would urge that grants for vocational education be given not by type of institution but according to specific programmatic needs. Thus, funds might be made available for a program located in a vocational-technical school in one area of the state, a junior college in another area, and a state college in a third region. In this man-

ner students in vocational-technical programs are not penalized for attending a particular kind of institution. State plans or agencies—for example, the Minnesota Higher Education Coordinating Commission—can assure that federal funds not be granted for identical vocational programs in the same immediate area, thus avoiding the subsidization of unnecessary duplication.

Assuming that grants for the improvement of teaching and learning could be made to institutions or systems rather than for specific projects, I offer, for purpose of illustration, some examples of programs that could benefit students, institutions of higher education, and, in many cases, the region in which the college is located.

In the fall, 1970, the institutions of higher education in Minnesota and Wisconsin were invited, through the Minnesota State College Common Market Program, to participate in an interstate ecology conference concerning needs and problems related to areas along the boundary waters. Out of this conference there emerged a steering committee charged with the responsibility for identifying needs and proposing studies that could be used by public agencies in making policy decisions. Funding, however, will be needed to undertake these studies.

This is but one example of the kind of program that has broad and significant implications for education and society. Each of the Minnesota state colleges serves a particular region of the state. While needs and problems vary, all regions face in common the need to respond to the challenges of technological and social change. There exists a great opportunity for cooperative efforts involving institutions of higher education and various other segments of society. The academic resources of the college, including faculty expertise, can be focused upon problems of real relevance for the community. The community benefits as a result of having objective studies upon which to make decisions and practical solutions to critical problems.

A major handicap for colleges in attempting to apply its resources to problems of the community is that of faculty time. There is a recognized need for faculty members to relate their academic disciplines to the problems of society, but there exists, also, the very real restraints caused by limited time and staff. Ideally, faculty members should take leaves from teaching to work in areas complementary to their specialties: a chemist might work on a pollution problem in industry, a political scientist might serve on the staff of a senator or representative, or a management professor might spend a term in a business. In these cases both the professor and the organization in which he takes an intership profits.

The Minnesota State College System is formulating a pilot program called Community Fellowships for Faculty. Developed cooperatively under the Common Market, this program would place faculty members from the six colleges in field experiences related to their teaching areas. The purpose is twofold: to enrich the faculty member's experience and, hence, make him a more effective teacher, and to make the faculty member's theoretical knowledge available to the practitioners in the field. Because no funds are available, participation is limited to the summer and to those who can afford to be involved in this kind of experience without financial remuneration. Thus, there is a need for funds to use as grants to faculty members so this kind of program can be extended.

Equally important is the involvement of students in off-campus internship programs.

Educators are coming to realize that in this society at this time, learning cannot realistically be confined to the classroom and to the campus. The recent Carnegie Commission report, Less Time, More Options, recommends that more service and employment opportunities be created for "stop-out" periods between high school and college and during the college years so that students may be involved in short-term jobs and apprentice programs. Under the Minnesota State College Common Market, students are placed with various governmental, cultural, business, and social service agencies. Currently various students are spending their spring quarter working in the offices of Senators Mondale and Humphrey, the Defense Contract Administration, the Soil Conservation Service, the St. Paul Arts and Science Center, the Minnesota Historical Society, and mental hospitals, to mention the experiences of only a few. The student's work is coordinated with his academic program so that he receives credit but, more important, acquires insights, sees new relationships, and brings the theoretical and the practical together in a way impossible to achieve on a campus. Presently the student must bear all expenses of relocating and of living in an area that is frequently more expensive than his college community. The absence of a subsidy to defray expenses and to provide a stipend definitely limits this opportunity to those students who come from families with considerable financial resources. At the same time, the office or agency that accepts an intern is required to devote staff time to the supervision of the student, but is not compensated. Many agencies and offices contribute this time gladly, but there is a limit to the number of interns that can be placed with volunteer supervisors. Thus, without funds, a program that contributes immeasureably to the learning process—and one that could not be duplicated at any cost on a campus—is severely restricted. With funds colleges can enter into cooperative arrangements with other institutions of society to provide new and better learning experiences.

Just as it is necessary to bring the resources of education and those of the community together for the mutual benefit of each, it is also imperative that educators improve their own profession and adapt it to the new needs of society. Increasing urbanization has created a demand for a new type of teacher, one who understands the culture of the residents of the inner-city. In an effort to provide better training, the Minnesota State College Common Market Urban Clinical Experiences Program operates in the Minneapolis-St. Paul area for the benefit of students from the outstate colleges. In this program students acquire experience working and studying in various kinds of urban schools. Again, the scope of the program is limited by the amount of funds which each college can contribute to the program.

Related also to teacher education is the need for new programs to train para-professionals for positions as teacher aids in elementary and secondary schools and for various positions in child day care centers.

Of critical importance is the need to provide funds for the re-training of teachers who find themselves in fields where there is a surplus. The most desirable solution would be to use this period in which teachers are available to redress large student-faculty ratios that have come to be considered "normal." Actually, the term "surplus" is a misnomer. In the absence of funds for this purpose, however, teachers need the opportunity to acquire the additional training necessary to enter some of the areas of education where there is still a serious shortage. These are educated people who need only a little additional specialized training. To do nothing for them is to experience a great waste of talent.

The opportunity for the creation of new career-ladder programs through cooperative efforts between area vocational-technical schools and multipurpose state colleges needs to be developed. Increasing numbers of students are attending the vocational-technical schools, yet many will not desire to terminate their education after two years of technical training. To advance into supervisory and managerial positions, additional education—special and general—will be required. Institutional grants could be used, in part, to develop and to support these cooperative programs.

Another major area into which educational institutions must also invest considerable resources is that of continuing education. Not only are more adults seeking education for self-improvement, but many whose current skills are no longer in demand require re-training in preparation for a career change. To achieve meaningful continuing education will require the development of experiences and curricula for new careers—vocations for which there is no established course of study. This development must occur while present programs are being maintained by existing budgets which leave no monies for such innovation and research.

In the area of graduate education there is a need for the development of new patterns and new programs that respond, at the advanced level, to the realities of modern society. Rather than to traditional research-oriented programs, which have produced an oversupply of graduates, grants should be made available for the development of advanced studies in public service areas. In making money available for this purpose it should not be assumed that the current producers of Ph. D.'s will necessarily be best suited to develop new programs. By tradition and character many of these institutions are oriented to theoretical research rather than to practical application. Care will need to be exercised to make certain that state master plans do not perpetuate current practice by simply assuming that new patterns of advanced study should be developed by current Ph. D. granting universities. In Minnesota, the six state colleges have not only a long heritage of career-oriented education but, employing the Common Market concept, abundant human resources for offering advanced study for the practitioner. Through the cooperative use of six state college faculties, graduate study in the areas of public service could be economically and effectively developed. However, funds not now available through state appropriations will be required.

In view of the over supply in many areas, the development of new careers and the retraining of adults will be essential. However, students cannot be advised realistically until more sophisticated means of manpower projections are available. There is at this time no really good manpower study; current projections still indicate demand in areas known to be crowded. A real service to students and to colleges would be the development by some national agency, such as the proposed National Institute of Education, of a reliable system of manpower projections.

Higher education is at a critical place in its history; much is required if we are to move from the educational needs of an earlier age to meet the challenge of the present and the future. Money alone will not accomplish the objectives we must set; vision, creativity, and imaginative leadership are necessary prerequisites. The bills before the Senate Committee on Labor and Public Welfare, however, could contribute greatly in assisting students to attend college and in making new, innovative patterns of education possible.

FACT SHEET—MINNESOTA STATE COLLEGE SYSTEM

THE BOARD

The six Minnesota State Colleges—located at Bemidji, Mankato, Marshall, Moorhead, St. Cloud and Winona are under the management of the nine member Minnesota State College Board. Eight of the members are appointed by the Governor, subject to con-

firmation by the Senate, for six year terms. The ninth member of the Board is the Commissioner of Education who also serves as the secretary of the Board. Regular Board meetings are held quarterly, although it is commonly found necessary to hold meetings more frequently.

According to Chapter 136 of the 1967 Minnesota Statutes, the State College Board "shall have the educational management, supervision, and control of the State Colleges and of all property appertaining thereto. It shall appoint all presidents, teachers, and other necessary employees therein and fix their salaries. It shall prescribe courses of study, conditions of admission, prepare and confer diplomas, report graduates of the state college department, and adopt suitable rules and regulations for the colleges."

Members of the Board include: President Robert Dunlap, attorney from Rochester; Vice President, Frank Chesley, President of Central Research Laboratories, Inc. in Red Wing; Secretary, Howard Casmey, Commissioner, Department of Education, St. Paul; Treasurer, Arnold Anderson, Anderson Funeral Home, Montevideo; Harry H. MacLaughlin, attorney from Minneapolis, Kennon V. Rothchild, Mahtomedi; Mrs. Kenneth O. Johnson, St. Paul; Reverend A. L. Stenberg, Pastor of Our Savior's Lutheran Church, East Grand Forks; and Sidney Gislason, attorney from New Ulm.

CHANCELLOR'S OFFICE

The State College Board maintains an administrative office at 407 Capitol Square Building, 550 Cedar Street in St. Paul, Minnesota, headed by Chancellor G. Theodore Mitau, who serves as chief executive officer of the State College System. Dr. Mitau is assisted by four vice chancellors—Dr. David E. Sweet, Vice Chancellor for Academic Affairs; Norman E. Dybdahl, Vice Chancellor for Administration; C. Raymond Calhoun, Vice Chancellor for Plans and Development; Thomas W. Kelly, Vice Chancellor for Educational Relations.

It is the responsibility of the Chancellor and his staff to provide leadership and coordination in such areas as curriculum development, campus planning and development, budget allocations and management systems; to provide the State College Board with operational data, enrollment information and fiscal reports, represent the college system to other elements of state government, and to carry out the policies and directions of the State College Board.

THE COLLEGES

The six Minnesota State Colleges were created by an act of the legislature and are financed by the tuition and fees paid by the students and by direct appropriation of the legislature. Winona opened in 1860, Mankato in 1868, St. Cloud in 1869, Moorhead in 1888, Bemidji in 1919, and Southwest State College at Marshall in 1967.

The first five colleges were originally created as two-year Normal Schools for preparation of elementary school teachers, with much of the work subcollegiate in nature. By 1921, this lower level work was discontinued and the institutions became State Teachers Colleges, authorized to prepare elementary and high school teachers and to offer the baccalaureate degree in Education. The first class to receive the four year degree was in 1926.

In 1953, the State Teachers Colleges received legislative authorization to offer a fifth year of teacher education leading to a Master of Science Degree in education. The student demand for more programs than teacher preparation led in 1957 to the creation by the legislature of the State Colleges as multipurpose institutions. Since that time strong liberal arts programs and additional professional programs, including those leading to M.A. and M.S. degrees, have been developed as part of the mission of the State Colleges to offer educational opportunity to all the citizens of the state.

Following the shift in the colleges' missions, two-year teacher preparation programs were eliminated in 1960, and in 1963 the legislature extended the authorization to include fifth year preparation in fields other than education.

COMMON MARKET

The State College Common Market Program seeks to offer students the full resources of all the colleges. It facilitates a broadened educational experience by enabling students to sample the different intellectual and social settings at each State College and seeks to avoid wasteful duplication of educational resources.

Coordinated in the Chancellor's Office, the program is divided into four pilot areas: The Student Exchange Program, which enables a student to move within the system at no loss of credit to do course work which might otherwise be unavailable to him, or unjustifiably expensive to duplicate on his home campus; the Internship Program, designed to supplement classroom learning and campus living by placing students in relevant positions with federal, state and local government agencies, private business and public service organizations where they can earn academic credit for up to one quarter: the Urban Student Teaching Program, under which approximately 50 prospective teachers per quarter receive a metropolitan classroom experience in selected Minneapolis and St. Paul schools; and the Community Resources for Higher Education Program, which was developed in cooperation with the St. Paul Council of Arts and Sciences and which allows community groups and agencies—theatre companies, art museums, musical ensembles—an opportunity to bring their personnel and material resources to the state colleges, and allows the colleges an opportunity to send displays, performing groups, personnel and material resources outside the college community.

DEGREES

Degrees granted by the Minnesota State Colleges consist of the Bachelor of Science upon completion of a four year program in a professional area (including teacher education), and the Bachelor of Arts degree upon completion of a four year program in the liberal arts. Graduate degrees of Master of Science in Education and Master of Arts in certain liberal arts fields are also granted. An Associate of Arts is granted upon completion of a two-year program.

ENROLLMENT

The State Colleges are one of the fastest growing segments in Minnesota higher education. From 1960 to 1970, enrollment in the State Colleges has more than tripled. In the fall quarter of 1960, the total on-campus enrollment was 12,778—by the fall quarter of 1970, the total on-campus enrollment was 39,405.

The Presidents and the 1970 fall quarter on-campus enrollment at each college are:

Bemidji State College—Dr. Robert D. Decker	4,823
Mankato State College—Dr. James F. Nickerson	12,488
Moorhead State College—Dr. Roland Dille	5,351
St. Cloud State College—Dr. Robert Wick	9,580
Southwest Minnesota State College (Marshall)—Dr. Howard Bellows	3,168
Winona State College—Dr. Robert DuFresne	4,027

April, 1971.

TESTIMONY BY PHILIP C. HELLAND, CHANCELLOR, MINNESOTA STATE JUNIOR COLLEGE SYSTEM

Mister Chairman, members of the committee: My name is Philip C. Helland, and I serve as Chancellor the Minnesota State Junior College system.

Minnesota was one of the first states to eliminate the need for local support for its junior colleges and to make them state institutions. We now have a system of eighteen state junior colleges—six in the Minneapolis-St. Paul metropolitan area and twelve at outstate locations. Two more out-state locations have been authorized and we are planning to open colleges at these locations in the fall of 1973. This year we have about seventeen thousand full-time-equivalent students enrolled with about half of them in the metropolitan area and half of them at outstate locations. Our colleges are operated by a five member State Junior College Board, appointed by the Governor. The mission which we have been assigned by the Minnesota Higher Education Coordinating Commission is as follows:

"The state junior colleges should continue to provide comprehensive commuting opportunities and to offer two years of work applicable to the baccalaureate degree, technical programs leading to the associate degree, general studies programs leading to the associate degree, vocational programs leading to the vocational certificate, continuing education for adults, and community service programs. Efforts of the state junior colleges should be aimed at providing, within the commuting area of each college, approximately equal distribution between terminal occupational programs (including both those leading to an associate degree and those leading to a certificate) and programs which provide the first two years of study which may be applied to meeting requirements for baccalaureate degree in a four-year institution.

"As commuter institutions, junior colleges should develop general admissions policies which give priority to high school graduates whose place of residence is within 35 miles of the junior college."

About one-fourth of our students are enrolled in occupational or career programs. Three-fourths are enrolled in programs which will apply toward baccalaureate degrees after transfer.

I have mentioned that the need for local funding has been removed in our system. The state now provides about seventy percent of our operating funds and we raise the remaining thirty percent through tuition charges to students. We do not charge tuition for vocational certificate programs, but we do charge for all associate degree programs, whether occupational or transfer. The charge to a Minnesota resident who is a full-time student for this academic year is $292.50. The charge to a student from outside of Minnesota is twice that amount. The student is also charged an "activity fee" of fifteen dollars per quarter, so the total charge to a Minnesota resident, exclusive of books and incidental expenses, is $337.50 for an academic year.

Our facilities are provided by a combination of state funds and federal funds. We have used all of the federal dollars available to Minnesota since the federal program began in 1965—about ten million dollars, and have received about sixty-five million dollars from the State of Minnesota during the same period. This means that federal funds have supplied about thirteen percent of the seventy-five million dollars we have spent on facilities, and state funds have supplied about eighty-seven percent. The number of federal dollars has been decreasing each year, and the number of state dollars has been increasing.

So much for background about our system. If you would like additional information I will be happy to answer questions later. I would like to turn now to problems which I see ahead and suggest areas in which we need federal help.

Our State legislature has treated us very well. Our budget requests have been met in most instances. I feel that we are doing

a good job of providing quality education at relatively low cost for the middle class in Minnesota. I am disappointed in our performance in reaching disadvantaged students and in providing an adequate program of community services.

Our tuition charge, though relatively low, is an obstacle to economically disadvantaged students. We have very little available in the way of student aids. We are using the National Defense Student Loan program, the Guaranteed Loan program, and the Work-Study Program, and we receive money from the state which can be used to employ students to help with clerical and custodial work on our campuses, but we have almost no funds available for direct grants to help disadvantaged students. I concur with the others who are appearing here today in the hope that a high priority in federal legislation will be given to the matter of grants to disadvantaged students.

The appropriation which we receive from the Minnesota legislature is based largely upon the number of college credits that will be generated by courses taught. We need help in the provision of non-credit community services and hope for federal seed money which could be used to stimulate our own legislature in this regard.

We hope that federal money for facilities and equipment, including libraries, will continue to be available. The stimulation of federal funds has helped us in securing state funds for these areas.

Since our institutions are small, we have a hard time finding staff to prepare proposals that will qualify under categorical grants. We would be best served by a combination of direct grants to institutions and additional grants for service to the disadvantaged.

Minnesota's system of state junior colleges is a relatively young system and we are trying to be innovative in our approach to instruction. I am encouraged by the proposals for a national foundation for educational research and hope that they will be supported.

In most states, junior or community colleges now have visibility in state government through a separate board or department and a state director. The state directors as a group have taken the position that desirable federal legislation from the point of view of junior colleges should provide for the establishment of an agency within the Office of Education at the bureau level so that junior colleges could have the same visibility at the federal level.

State directors have taken the position that desirable federal legislation should also require that a comprehensive state plan should be developed by one group representing all concerned agencies in the state. I support this position.

In summary, I would like to state that Minnesota's state junior colleges have already been helped a great deal by federal support and that we appreciate the stimulation federal funds have given to additional state support. We have a tremendous task before us as we endeavor to equalize educational opportunity in Minnesota. We look forward to working with the federal government as partners in this endeavor.

BACKGROUND INFORMATION ON PUBLIC JUNIOR COLLEGES IN MINNESOTA

Number of institutions in 1970–71—18.

Number of full-time-equivalent students in 1970–71—17,153.

GENERAL MISSION OF THE INSTITUTIONS

"The state junior colleges should continue to provide comprehensive commuting opportunities and to offer two years of work applicable to the baccalaureate degree, technical programs leading to the associate degree, general studies programs leading to the associate degree, vocational programs leading to the vocational certificate, continuing education for adults, and community service programs. Efforts of the state junior colleges should be aimed at providing, within the commuting area of each college, approximately equal distribution between terminal occupational programs (including both those leading to an associate degree and those leading to a certificate) and programs which provide the first two years of study which may be applied to meeting requirements for a baccalaureate degree in a four-year institution. As commuter institutions, junior colleges should develop general admissions policies which give priority to high school graduates whose place of residence is within 35 miles of the junior college."*

HISTORY OF THE STATE JUNIOR COLLEGES

The first public junior college in Minnesota was opened in 1914 at Cloquet. Two others, Rochester and Fairbault, opened the following year and Rochester is still in operation. It is interesting to note that in 1915–16 Minnesota had three of the nineteen existing public junior colleges in the United States. A later table will list the opening dates of existing colleges. A number of them opened and closed in the past. They were: Cloquet, 1914–18; Faribault, 1915–18; Jackson, 1916–18; Pipestone, 1919–23; Duluth, 1927–50; Tracy, 1936–48; Crosby-Ironton, 1937–48; and Albert Lea, 1938–43.

The establishment of these institutions was originally encouraged by President Vincent of the University of Minnesota, who was instrumental in getting the University Senate to pass regulations in 1914 for accrediting these new colleges and to establish in 1915 a standing committee on "Relations of the University with Other Institutions of Learning" which performed such functions. Permissive legislation allowing the establishment of public junior colleges was not passed by the legislature until 1925, by which time ten junior colleges had already been opened (four of which had already closed).

The junior colleges were operated by the public school districts until 1964. Until 1957, the colleges were supported entirely from local resources and student tuition. The 1957 Legislature provided the first state aid in the amount of $200 per full-time equivalent student. The aid was increased to $250 in 1959, $300 in 1961, and $350 in 1963. The 1963 Legislature also passed the law establishing the Minnesota Junior College Board and giving it authority to set up a system of State Junior Colleges with complete state support.

As mentioned above, the Minnesota Junior College Board was established in 1963. It is a five member board appointed by the governor for seven year terms of office with the advice and consent of the Senate. The school boards operating the eleven existing junior colleges were given the option under the new law to transfer operation of the colleges to the new State Board by mutual agreement. All junior colleges were so transferred in the summer of 1964. In the case of Eveleth and Virginia, it was understood that the two colleges would eventually be combined in a new facility. The law provided for a total of fifteen colleges, with three to be in the metropolitan area and consideration to be given to the needs of northwestern Minnesota.

The 1965 Legislature approved changes in the law to permit five junior colleges in the metropolitan area and the designation of International Falls as a new site. The first phase of a building program was also approved by the 1965 Legislature.

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*Excerpt from Minnesota Higher Education Coordinating Commission, *Proposal for Progress*, January, 1969.

The 1967 Legislature approved a sixth metropolitan location, in Minneapolis, and allowed for a step-up in the building program.

The 1969 Legislature provided for continued expansion of facilities for existing colleges as well as planning money for two new campuses to be located at Cambridge and Fairmont.

The following summary indicates the activity which has taken place since establishment of the State Junior College System in 1964:

1964–65

4,581 Full-Time Equivalent Students enrolled.

State System Established.

Eleven Colleges Taken Over From Local School Districts.

Austin State Junior College—Austin.

Brainerd State Junior College—Brainerd.

Eveleth State Junior College—Eveleth.

Fergus Falls State Junior College—Fergus Falls.

Hibbing State Junior College—Hibbing.

Itasca State Junior College—Coleraine.

Rochester State Junior College—Rochester.

Vermilion State Junior College—Ely.

Virginia State Junior College—Virginia.

Willmar State Junior College—Willmar.

Worthington State Junior College—Worthington.

One New Campus Occupied.

Brainerd State Junior College—Brainerd.

1965–66

6,992 Full-Time Equivalent Students Enrolled.

Three New Colleges Opened: Anoka-Ramsey State Junior College, Circle Pines; Metropolitan State Junior College, Minneapolis; Northland State Junior College, Thief River Falls.

1966–67

8,466 Full-Time Equivalent Students Enrolled.

One New College Opened: North Hennepin State Junior College, Osseo.

Three New Campuses Occupied: Austin State Junior College, Austin; Itasca State Junior College, Grand Rapids; Worthington State Junior College, Worthington.

Two Colleges Merged: Virginia State Junior College and Eveleth State Junior College became Mesabi State Junior College, Virginia.

1967–68

10,529 Full-Time Equivalent Students Enrolled.

Two New Colleges Opened: Lakewood State Junior College, White Bear Lake; Rainy River State Junior College, International Falls.

Two New Campuses Occupied: Anoka-Ramsey State Junior College, Coon Rapids; Metropolitan State Junior College, Minneapolis.

1968–69

13,169 Full-Time Equivalent Students Enrolled.

One New College Opened: Normandale State Junior College, Bloomington.

Five New Campuses Occupied: Fergus Falls State Junior College, Fergus Falls; Hibbing State Junior College, Hibbing; Mesabi State Junior College, Virginia; Normandale State Junior College, Bloomington; Rochester State Junior College, Rochester.

1969–70

15,016 Full-Time Equivalent Students Enrolled.

Three New Campuses Occupied: North Hennepin State Junior College, Brooklyn Park; Northland State Junior College, Thief River Falls; Willmar State Junior College, Willmar.

1970–71

17,153 Full-Time Equivalent Students Enrolled.

One New College Opened: Inver Hills State Junior College, Inver Grove Heights.

Three New Campuses Occupied: Inver Hills State Junior College, Inver Grove Heights; Rainy River State Junior Colleges, International Falls; Vermilion State Junior College, Ely.

System Consists of Eighteen Operating Colleges All On New Campuses.

1971–72

19,490 Full-Time Equivalent Students Expected.

Programs and Campuses Being Planned for Cambridge and Fairmont.

CURRICULUM

Minnesota junior colleges have had a long history of providing transfer education for those students seeking the baccalaureate degree. In recent years there has been increasing emphasis on the development of general and technical-vocational education programs.

Distribution of students in 1970–71 is approximately as follows:

	Percent
Foundation Courses	2
Vocational Certificate Programs	6
Semi-Professional and A.D. Technical Programs	19
General Studies and Transfer Programs	73

MINNESOTA STATE JUNIOR COLLEGES, OPENING DATES, ENROLLMENT FIGURES, AND FUTURE ESTIMATES

State junior college	Opening year	1963–64	1964–65	1965–65	1966–67	1967–68	1968–69	1969–70	1974–75 Estimate
Rochester	1915	881	1,044	1,316	1,532	1,558	1,695	1,874	3,000
Hibbing	1916	547	594	745	698	638	728	746	970
Eveleth [1]	1918	118	150	178					
Virginia [1]	1921	435	486	512					
Vermilion (Ely)	1922	158	182	273	263	239	251	232	400
Itasca (Grand Rapids)	1922	268	309	412	402	541	535	543	750
Worthington	1936	385	481	584	590	605	623	660	750
Brainerd	1938	233	266	359	390	440	461	500	650
Austin	1940	490	532	697	820	903	896	829	1,150
Fergus Falls	1960	234	266	372	424	492	495	541	750
Willmar	1962	192	271	409	500	575	611	701	750
Anoka-Ramsey (Coon Rapids)	1965			529	894	1,190	1,507	1,700	3,000
Metropolitan (Minneapolis)	1965			453	623	817	835	888	2,250
Northland (Thief River Falls)	1965			155	256	291	303	323	400
Mesabi (Virginia)	1966				673	642	719	749	970
North Hennepin (Brooklyn Park)	1966				401	955	1,122	1,379	2,750
Rainy River (International Falls)	1967					151	236	218	400
Lakewood (White Bear Lake)	1967					492	966	921	2,500
Normandale (Bloomington)	1968						1,186	2,112	3,000
Inver Hills (Inver Grove Heights)	1970								2,000
Cambridge	1973								400
Fairmont	1973								400
Total		3,941	4,581	6,994	8,466	10,529	13,169	15,016	27,240
Percent enrollment increase over previous year		6.6	16.2	52.7	21.0	24.4	25.1	14.0	81.4
Percentage increase over 1963–64			16.2	77.5	114.8	167.2	234.2	281.0	591.2

[1] Eveleth and Virginia were combined in 1966 to form Mesabi State Junior College.

PRESENTATION BY ROBERT P. VAN TRIES, ASSISTANT COMMISSIONER, DIVISION OF VOCATIONAL-TECHNICAL EDUCATION, MINNESOTA STATE DEPARTMENT OF EDUCATION, APRIL 23, 1971

MINNESOTA'S POST SECONDARY SYSTEM—AREA VOCATIONAL-TECHNICAL SCHOOLS

Minnesota has a comprehensive post secondary system of education consisting of University of Minnesota campuses, state colleges, private colleges, junior colleges and 28 area vocational-technical schools, with 4 additional institutions designated and building.

My concern is that the impact of the 32 area vocational-technical schools, offering programs of two years or less, be considered in any legislation providing assistance to institutions and students. These institutions serve over 18,000 full-time, job preparatory students and in excess of 80,000 part-time adult supplementary students. For the persons served, these institutions offer their choice of the best training for transition from formal education to careers in the world of work. They also offer a front line resource for the retraining of unemployed, and effective support for those in business and labor seeking continuing education.

These institutions are effectively articulated to provide alternative avenues of education for those students who are motivated by relevant learning experiences. The avenues are open to all individuals regardless of past educational success or economic or social status, thus offering an upward mobility to persons otherwise refused access to, or success in, institutions of higher education.

As a citizen of the state of Minnesota, as well as a representative of the Minnesota State Department of Education, I am concerned that federal legislation take into consideration the same kind of articulation between secondary and post secondary education which currently exists between secondary education, adult, and the operating post secondary area vocational-technical schools. An ultimate goal for priorities may be K–16. At the present time, however, we believe a more realistic immediate goal is K–14.

This committee may be primarily concerned with higher education but the orderly educational progression from birth to death without traumatic interludes experienced by dropouts, delays and artificial barriers must be considered in drafting higher education legislation.

Future legislation should not only be directed at the maintenance of an existing educational structure but should also have an impact on the delivery of services to those persons seeking such services.

Minnesota is an interesting study of what students think post secondary experiences should constitute. For over 30 years, the Bureau of Testing at the University of Minnesota has gathered data on the post secondary aspirations of high school students. Until two years ago, a great majority of students planned to attend institutions offering traditional kinds of degree-oriented education. Since 1969, the data collected shows that of those indicating an intention of continuing their learning experience, 36 percent desired to pursue educational opportunities reflecting a career-oriented experience such as that provided in the area vocational-technical schools. From conversations with my counterparts in other states, I am led to believe this development is not peculiar to Minnesota.

Any legislation providing assistance to higher education must be meaningful from the standpoint of student needs rather than the traditional structures of institutions.

ADVISORY COUNCILS

The vocational acts, dating from 1917, have required advisory councils in varying degrees of sophistication. The 1968 Vocational Amendments (Public Law 90–576) requires planning and public hearings annually. As education, at all levels, becomes further removed from the people, this type of arrangement provides for input from interested and concerned users of the service. This has been a strength of that Act.

The formation of additional advisory councils should be clearly defined as to relationship with existing councils, which have responsibilities for all levels of occupational training, with the intent of maximizing the productivity of both groups, such as legislation introduced in the House by Representative Green and Representative Quie.

Congress should insure the intent of legislation while protecting the right of the state to deliver those services without laborious reporting procedures. Congress should not dictate to the states the delivery system to be used . . . it should set a goal for providing services to people and leave the nature of attainment of the goal to the state.

PLANNING

Any legislation requiring planning by the states should provide similar obligation to the federal offices and the Congress itself. In the past, Congress has told the states to plan and then has ignored a similar obligation on its own part. Plans have been massive accumulations of data no one uses, expending resources that could be better used for other purposes. One redeeming feature of the plan required under Public Law 90–576 is that it requires a public hearing and thereby makes provision for participation of the public in the planning process. The fact that this participation has been disappointing does not diminish the advisability of the provision.

Functions, missions and goals of the United State Office of Education itself lack any definition. There have been so many reorganizations over the past eight years that

even telephone numbers are uncertain from day to day. The lack of leadership and low morale of the office appear to be by design rather than accidental.

Congress has a responsibility to take a look at the effectiveness of the U.S. Office of Education because no other organization has the authority or willingness to determine whether it is capable of carrying out the mandates of the people as expressed by the Congress.

ACCREDITATION

A seeming hallmark of a good institution of higher education is its ability to achieve accreditation by a regional accreditation agency. I am not sure that federal legislation should give credence to these agencies by building them into the framework of legislation. These agencies have historically perpetuated themselves and the accredited institutions. They become a club. If you belong to the club, everything is fine . . . you have a status symbol. That is all you have . . . you have very little assurance, if any, that the program is better than a nonaccredited program. Legislation under consideration should be cognizant of the fact that regional institutional accreditation does not guarantee quality, and other quality indicators should be permitted to substitute for such agencies.

The State Plan, as required by many federal programs, indicates efforts and priorities set by state legislatures composed of elected officials, state boards composed of individuals appointed by elected authorities and public hearings at which citizens have an opportunity to express themselves to interpose regional or national accreditation requirements in federal legislation provides a tool by which the institutional responsibility to respond to people needs can be effectively abdicated.

CONSTRUCTION

If the post secondary delivery system is to serve these heavy demands in the occupational areas, a massive effort must be mounted, and mounted immediately, to provide the bricks and mortar to house such programs. The most critical problem in Minnesota today in area vocational-technical school post secondary education is construction.

Facilities must be provided if students are to be served. Conservatively speaking, Minnesota could efficiently and effectively expend 20 to 22 million dollars per year for the next five years on construction. A large share of these dollars will have to come from sources other than state and local resources. We must look to the federal government for this assistance; therefore, any legislation intended to assist students in their pursuit of post secondary educational opportunities must take this great need into consideration.

MISSION OF VOCATIONAL-TECHNICAL SCHOOLS

The mission of the Area Vocational-Technical Schools in Minnesota is to provide quality education and training as general orientation, specific preparation, retraining and upgrading. Education and training is provided for employment in occupations in all fields and levels other than the professions or those requiring a baccalaureate degree.

The area vocational-technical schools were established as a part of the Minnesota System of Public Education in 1945 to equalize educational opportunities for the people of the state.

The area vocational schools provide education in trades, industrial and technical occupations, distributive occupations, health occupations, office occupations, agriculture occupations, personal services occupations, and homemaking occupations.

It is the primary concern of Vocational Education that the youth and adults throughout the state of Minnesota will have ready access to vocational-technical education which is of high quality and which is suited to their needs, interests and abilities.

To facilitate the mission of Area Vocational-Technical Schools, state assisted vocational-technical education programs should conform to the following well-established standards and principles if they are to provide efficient and effective training:

The State Board for Vocational Education shall be the administrative authority for all vocational-technical education in the state of Minnesota. The State Plan for Vocational-Technical Education shall be the instrument through which vocational-technical education programs are defined and structured.

Vocational-technical education shall provide adequate and timely instruction in both preparatory and supplementary training which will reflect occupational trends, meet the changing needs of job requirements and encourage effective citizenship.

The primary purpose of the curriculum shall be to prepare students for occupational entry or advancement, with the exception of those students enrolled in vocational classes in the secondary schools where the training is directed toward competence in useful skills and the knowledge of the world of work.

The content of the curriculum shall be based on the skills and knowledge required in the occupations and will be developed and conducted in consultation with persons actively engaged in the occupations.

The instructional staff shall be composed of persons who are occupationally and professionally competent.

The staff serving vocational-technical programs shall include competent personnel responsible for and capable of insuring a sound program of assistance to students in selection, enrollment, placement and follow-up.

The staff, through proper coordination with industry, shall accept the responsibility for the placement of students.

Instructional facilities and equipment shall be comparable to those acceptable in the occupation.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order, the Chair lays before the Senate H.R. 6531, a bill to amend the Selective Service Act of 1967, and for other purposes. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972, and for other purposes.

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

TITLE I—AMENDMENTS TO THE MILITARY SELECTIVE SERVICE ACT OF 1967; RELATED PROVISIONS

SEC. 101. (a) The Military Selective Service Act of 1967, as amended, is amended as follows:

(1) Section 1(a) is amended to read as follows:

"(a) This Act may be cited as the 'Military Selective Service Act'."

(2) Section 3 is amended to read as follows:

"SEC. 3. Except as otherwise provided in this title, it shall be the duty of every male citizen of the United States and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and places or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder. The provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a nonimmigrant under section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States."

(3) The first two paragraphs of section 4(a) are amended to read as follows:

"Except as otherwise provided in this title, every person required to register pursuant to section 3 of this title who is between the ages of eighteen years and six months and twenty-six years, at the time fixed for his registration, or who attains the age of eighteen years and six months after having been required to register pursuant to section 3 of this title, or who is otherwise liable as provided in section 6(h) of this title, shall be liable for training and service in the Armed Forces of the United States: *Provided*, That each registrant shall be immediately liable for classification and examination, and shall, as soon as practicable following his registration, be so classified and examined, both physically and mentally, in order to determine his availability for induction for training and service in the Armed Forces: *Provided further*, That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted. The President is authorized, from time to time, whether or not a state of war exists, to select and induct into the Armed Forces of the United States for training and service in the manner provided in this title (including but not limited to selection and induction by age group or age groups) such number of persons as may be required to provide and maintain the strength of the Armed Forces.

"At such time as the period of active service in the Armed Forces required under this title of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated pursuant to the provisions of section 4(k) of this title, and except as otherwise provided in this title, every person who is required to register under this title and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6(h) of this title, shall be liable for train-

ing in the National Security Training Corps: *Provided,* That persons deferred under the provisions of section 6 of this title shall not be relieved from liability for induction into the National Security Training Corps solely by reason of having exceeded the age of nineteen years during the period of such deferment. The President is authorized, from time to time, whether or not a state of war exists, to select and induct for training in the National Security Training Corps as hereinafter provided such number of persons as may be required to further the purposes of this title.

(4) The fourth paragraph of section 4(a) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(5) Section 4(b) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation".

(6) Section 4(d)(1) is amended by striking out "(except a person enlisted under subsection (g) of this section)".

(7) Section 4(d)(3) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation".

(8) The last proviso of section 5(a) is amended by striking out "and" at the end of paragraph (1); by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and"; and by adding a new paragraph as follows:

"(3) no local board shall order for induction for training and service in the Armed Forces of the United States an alien unless such alien shall have resided in the United States for one year."

(9) Section 5 is further amended by adding at the end thereof the following new subsections:

"(d) Whenever the President has provided for the selection of persons for training and service in accordance with random selection under subsection (a) of this section, calls for induction may be placed under such rules and regulations as he may prescribe, notwithstanding the provisions of subsection (b) of this section.

"(e) Notwithstanding any other provision of this Act, not more than 150,000 persons may be inducted into the Armed Forces under this Act in the fiscal year ending June 30, 1972, or in the fiscal year ending June 30, 1973, unless the President (1) makes a specific finding that a number greater than 150,000 must be inducted in such fiscal year because of urgent national security reasons, (2) issues an Executive order suspending for such fiscal year the limitation provided in this subsection, and (3) promptly notifies the Committees on Armed Services of the House of Representatives and the Senate of the reasons for his action in suspending such limitation for such fiscal year."

(10) The first sentence of section 6(a)(1) is amended by striking out the period and inserting in lieu thereof a colon and the following: *Provided,* That any alien lawfully admitted for permanent residence as defined in paragraph (20) of section 101(a) of the Immigration and Nationality Act, as amended (66 Stat. 163, 8 U.S.C. 1101), and who by reason of occupational status is subject to adjustment to nonimmigrant status under paragraph (15)(A), (15)(E), or (15)(G) of such section 101(a) but who executes a waiver in accordance with section 247(b) of that Act of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status, shall be subject to registration under section 3 of this Act, but shall be deferred from induction for training and service for so long as such occupational status continues."

(11) The second sentence of section 6(a)(1) is amended by striking out "eighteen" each time it appears and inserting in lieu thereof "twelve".

(12) Section 6(b)(3) is amended by striking out "section 4(i)" and inserting in lieu thereof "section 5(a)".

(13) Section 6(b)(4) is amended by striking out "or section 4(g)".

(14) Section 6(d)(1) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation"; and by striking out "section 4(d)(3) of this Act" each time it appears and inserting in lieu thereof "section 651 of title 10, United States Code".

(15) Section 6(d)(5) is amended by striking out "Environmental Science Services Administration" each time it appears and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(16) Section 6(g) is amended to read as follows:

"(g)(1) Regular or duly ordained ministers of religion, as defined in this title, shall be exempt from training and service, but not from registration, under this title.

"(2) Students preparing for the ministry under the direction of recognized churches or religious organizations, who are satisfactorily pursuing full-time courses of instruction in recognized theological or divinity schools, or who are satisfactorily pursuing full-time courses of instruction leading to their entrance into recognized theological or divinity schools in which they have been preenrolled, shall be deferred from training and service, but not from registration, under this title. Persons who are or may be deferred under the provisions of this subsection shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. The foregoing sentence shall not be construed to prevent the exemption or continued deferment of such persons if otherwise exempted or deferrable under any other provision of this Act."

(17) Section 6(h)(1) is repealed.

(18) 6(h)(2) is amended by striking out the designation "(2)" and the word "graduate" from the first sentence.

(19) Section 6(i)(1) is amended to read as follows:

"(1) Any person who is satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning and is issued an order for induction shall, upon the facts being presented to the local board, have his induction postponed (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest. Notwithstanding the preceding sentence, any person who attains the twentieth anniversary of his birth after beginning his last academic year of high school shall have his induction postponed until the end of that academic year if and so long as he continues to pursue satisfactorily a full-time course of instruction."

(20) Section 6(i)(2) is amended to read as follows:

"(2) Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title, shall, upon the appropriate facts being presented to the local board, have his induction postponed (A) until the end of the semester or term, or academic year in the case of his last academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier."

(21) Section 6(j) is amended by inserting "(1)" immediately after "(j)", and by adding a new paragraph as follows:

"(2) Any person who is exempted from training and service in the Armed Forces under paragraph (1) of this subsection shall have a potential civilian work obligation of one year in addition to the work period prescribed in such paragraph (1). Such person may be ordered, at the discretion of the President, during any period in which members of reserve components of the Armed Forces or organized units of the reserve forces are being involuntarily ordered to active duty, to fulfill such obligation in civilian work contributing to the maintenance of the national health, safety, or interest. The potential work obligation of any person under this subsection shall continue, after the completion of his regular work obligation under paragraph (1) of this subsection, for a period equal to the normal reserve obligation period applicable to persons inducted into the Armed Forces under this Act and as prescribed under section 4(d)(1) of this Act, except that if such period expires at any time during the performance of such potential work obligation, he may, notwithstanding the expiration of such period, be required to complete the performance of such obligation. Whenever any person is ordered by the President to perform an additional period of work under this paragraph he shall perform such civilian work contributing to the national health, safety, or interest as his local board pursuant to Presidential regulations may deem appropriate, and any such person who knowingly fails or neglects to obey any such order from the President shall be deemed, for purposes of section 12 of this Act, to have knowingly failed or neglected to perform a duty required of him under this Act."

(22) Section 9(j) is amended by striking out "or Treasury" and inserting in lieu thereof "or Transportation".

(23) Section 10(a)(3) is amended to read as follows: "(3) The Director shall be appointed by the President, by and with the advice and consent of the Senate."

(24) Section 10(b)(2) is amended by changing the first semicolon to a colon and inserting immediately thereafter the following: *"Provided,* That no State director shall serve concurrently in an elected or appointed position of a State or local government without the approval of the Director;"

(25) Section 10(b)(3) is amended by striking out all down through the first period and the succeeding seven sentences, and inserting in lieu thereof the following:

"(3) to create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of persons registered under this title, together with such other duties as may be assigned under this title: *Provided,* That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his membership in a Reserve component of the Armed Forces. He shall create and establish one or more local boards in each county or political subdivision corresponding thereto of each State, territory, and possession of the United States, and in the District of Columbia. The local board and/or its staff shall perform their official duties only within the county or political subdivision corresponding thereto for which the local board is established, or in the case of an intercounty board, within the area for which such board is established, except that the staffs of local boards in more than one county of a State or comparable jurisdiction may be collocated or one staff may serve local boards in more than one county of a State or comparable jurisdiction when such action is approved by the Governor or comparable executive official or officials. Each

local board shall consist of three or more members to be appointed by the President from recommendations made by the respective Governors or comparable executive officials. No citizen shall be denied membership on any local board or appeal board on account of sex. No member shall serve on any local board or appeal board for more than twenty years or after he has attained the age of sixty-five; *Provided*, That an intercounty local board consisting of at least one member from each component county or corresponding subdivision may, with the approval of the Governor or comparable executive official or officials, be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area. A local board may include among its members any citizen otherwise qualified under Presidential regulations, provided he is at least eighteen years of age. No member of any local board shall be a member of the Armed Forces of the United States, but each member of any local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction, and each intercounty local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area."

(26) Section 10(e) is repealed.

(27) Section 10(f) is amended by striking out "$50" and inserting in lieu thereof "$250."

(28) Section 11 is amended to read as follows:

"SEC. 11. Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation and burial of the remains of registrants who suffer death, while acting under orders issued under the provisions of this title, but such burial expenses shall not exceed the maximum that the Administrator of Veterans' Affairs may pay under the provisions of section 902(a) of title 38, United States Code, in any one case."

(29) Section 12 is amended by adding at the end thereof a new subsection (d) as follows:

"(d) No person shall be prosecuted, tried, or punished for evading, neglecting, or refusing to perform the duty of registering imposed by section 3 of this title unless the indictment is found within five years next after the last day before such person attains the age of twenty-six, or within five years next after the last day before such person does perform his duty to register, whichever shall first occur."

(30) Section 15(d) is amended to read as follows:

"(d) Except as provided in section 4(c), nothing contained in this title shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the armed forces of the United States, including the reserve components thereof, except that no person shall be accepted for enlistment after he has been issued an order to report for induction unless authorized by the Director and the Secretary of Defense and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense."

(31) Section 16(g)(3) is amended by inserting "bona fide" immediately before "vocation."

(32) Section 17(c) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

(b) Notwithstanding the repeal of section 6(h)(1) of the Military Selective Service Act of 1967 made by subsection (a)(17) of this section, any person (1) who is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of higher learning, (2) who met the academic requirements of a student deferment prescribed in such section 6(h)(1), and (3) who was satisfactorily pursuing such a full-time course prior to the date of enactment of this Act and during the 1970–1971 regular academic school year shall be deferred from induction for training and service in the Armed Forces under the same terms and conditions such person would have been deferred under the provisions of such section 6(h)(1) had such provision not been repealed.

SEC. 102. Section 1 of the Act of August 3, 1950, chapter 537, as amended (10 U.S.C. 3201 note), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 103. Section 9 of the Act of June 27, 1957, Public Law 85–62, as amended (81 Stat. 105), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 104. Sections 302 and 303 of title 37, United States Code, are each amended by striking out "July 1, 1971" whenever that date appears and inserting in place thereof "July 1, 1973".

SEC. 105. Section 16 of the Dependent Assistance Act of 1950 (50 App. U.S.C. 2216) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 106. Unless prohibited by treaty, no person shall be discriminated against by the Department of Defense or by any officer or employee thereof, in the employment of civilian personnel at any facility or installation operated by the Department of Defense in any foreign country because such person is a citizen of the United States or is a dependent of a member of the Armed Forces of the United States. As used in this section, the term "facility or installation operated by the Department of Defense" shall include, but shall not be limited to, any officer's club, non-commissioned officers' club, post exchange, or commissary store.

TITLE II—PAY INCREASE FOR UNIFORMED SERVICES; SPECIAL PAY

SEC. 201. Certain rates of monthly basic pay for members of the uniformed services as prescribed by Executive Order 11577, dated January 8, 1971, are superseded as follows:

(1) The rate for commissioned officers in pay grade O–2 with "2 or less" years of service is $570.30.

(2) The rates for commissioned officers in pay grade O–1 with "2 or less" and "over 2" years of service are $495.00 and $515.40, respectively.

(3) The rate for enlisted members in pay grade E–7 with "2 or less" years of service is $443.40.

(4) The rate for enlisted members in pay grade E–6 with "2 or less" years of service is $382.80.

(5) The rate for enlisted members in pay grade E–5 with "2 or less" years of service is $330.60.

(6) The rates for enlisted members in pay grade E–4 with "2 or less", "over 2", "over 3", and "over 4" years of service are $305.10, $322.20, $340.80, and $367.50, respectively, and $382.20 for all remaining pay steps.

(7) The rates for enlisted members in pay grade E–3 with "2 or less", "over 2", and "over 3" years of service are $244.20, $260.10, and $277.80, respectively, and $288.90 for all remaining pay steps.

(8) The rate of enlisted members in pay grade E–2 in any pay step is $222.90.

(9) The rate for enlisted members in pay grade E–1 in any pay step is $201.90.

(10) Pay grade E–1 (under 4 months) is abolished.

SEC. 202. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 302 a new section as follows:

"§ 302a. Special pay: optometrists

"(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rate of $100 a month for each month of active duty:

"(1) a commissioned officer—

"(A) of the Regular Army or the Regular Navy who is designated as an optometry officer;

"(B) of the Regular Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Regular Corps of the Public Health Service; who was on active duty on the effective date of this section; who retired before that date and was ordered to active duty after that date and before July 1, 1973; or who was designated as such an officer after the effective date of this section and before July 1, 1973;

"(2) a commissioned officer—

"(A) of a reserve component of the Army or Navy who is designated as an optometry officer;

"(B) of a reserve component of the Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Reserve Corps of the Public Health Service; who after the effective date of this section and before July 1, 1973, is ordered to active duty for a period of at least one year; and

"(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, the Air Force, or the National Guard, as the case may be, who was on active duty on the effective date of this section; who was retired before that date and was ordered to active duty after that date and before July 1, 1973; or who, after the effective date of this section, was appointed from any of those categories.

"(b) The amount set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay."

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting

"302a. Special pay: optometrists."

immediately below

"302. Special pay: physicians and dentists."

SEC. 203. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 308 a new section as follows:

"§ 308a. Special pay enlistment bonus

"(a) Notwithstanding section 514(a) of title 10 or any other provision of law, a person who enlists in the Army, Navy, Air Force, or Marine Corps for a period of at least three years, or who extends his initial period of active duty in that armed force to a total of at least three years, may, under regulations to be prescribed by the Secretary of Defense, be paid a bonus in an amount prescribed by

the Secretary, but not more than $6,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the Secretary.

"(b) Under regulations approved by the Secretary of Defense, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.".

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting

"308a. Special pay: enlistment bonus."

immediately below

"308. Special pay: reenlistment bonus."

SEC. 204. (a) Chapter 7 of title 37, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 428. Allowance for recruiting expenses

"In addition to other pay allowances authorized by law, and under uniform regulations prescribed by the Secretaries concerned, a member who is assigned to recruiting duties for his armed force may be reimbursed for actual and necessary expenses incurred in connection with those duties.".

(b) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end thereof the following new item:

"428. Allowance for recruiting expenses."

SEC. 205. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

"SEC. 3. For the duration of this Act, section 403(a) of title 37, United States Code, is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E–1, E–2, E–3, and E–4 (four years' or less service) and inserting in lieu thereof the following:

"E–4 (four years' or less service)	$70.20	$105.00
E–3	60.00	105.00
E–2	60.00	105.00
E–1	60.00	105.00".

SEC. 206. The provisions of this title shall become effective on the first day of the first calendar month following the month of enactment, except that section 203 shall become effective on such date as shall be prescribed by the Secretary of Defense, but not earlier than February 1, 1971.

TITLE III—ACTIVE DUTY STRENGTH LEVELS FOR FISCAL YEAR 1972

SEC. 301. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, each of the following armed forces is authorized an average active duty personnel strength as follows:

(1) the Army, 974,309;
(2) the Navy, 613,619;
(3) the Marine Corps, 209,846; and
(4) the Air Force, 755,635;

except when the President of the United States determines that the application of these ceilings will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

THE PENDING QUESTION

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

Mr. GRAVEL. I am glad to yield.

Mr. STENNIS. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute for H.R. 6531.

Mr. STENNIS. I thank the Senator.

Mr. GRAVEL. Mr. President, under the pending order of business, Mr. President, prior to the commencement of the consideration of H.R. 6531, I think it should be noted that the bill was laid before the Senate yesterday afternoon and the bill is being taken up today.

The documents that we have on our desks are the bill itself, which was not available yesterday for perusal, and the report, which was made available to me yesterday afternoon only through the intercession of the majority leader. My staff had contacted the committee, and it was not available, but, through a personal request on my part, I was able to secure that document. I spent a good many hours late last night reading those documents. I am sure that not a Member of this body has had an opportunity to read those documents, which are on our desks fresh this morning. In fact, I want to make note of the fact that there was so much haste that the calendar number on the report appeared as 59, instead of 95, as it should be. This is noteworthy.

The majority leader earlier made a request, while I was in the Presiding Officer's chair, that we begin our sessions at 10 o'clock in the morning next week, which indicates the spirit or the resolve that the majority leader has with respect to this matter, to demonstrate to the Nation that there will not be any dilatory tactics in the handling of this measure. I want to commend the majority leader for it. I think it will be apparent to the Nation, as time ensues, that the Senate has not been dilatory. I think with this fast beginning—in fact, unusually fast beginning—it will be apparent to all that the Senate is serious in its discussion.

So I doubt that anyone in the future could make any criticism of the Senate in this regard, but I do want to make the record abundantly clear that it was somewhat out of the ordinary that a matter of this importance would be taken up without some adequate notice and some time for preparation on the part of those who might oppose it.

I am happy to see present in the Chamber members of the subcommittee who have an opinion at variance with the majority of the committee, and who are prepared to take action. I commend them for that, because they are probably the only ones in the U.S. Senate in opposition who would be prepared to do so at this early and precipitous date.

Mr. President, in the research I have been doing and that has led to the decision that I have made to wage an extended debate and filibuster so that we could let the draft expire—the induction power of the President to call young men into the service and send them to war—I could find no statement I felt more apt concerning circumstances affecting the Nation today than a statement made by a colleague of mine, a colleague of all of ours, who has gone down in history as an outstanding and very unusual American. I refer to a statement made on December 9, 1814, by Daniel Webster. I now quote from that statement:

"Is this, Sir, consistent with the character of a free Government? Is this civil liberty? Is this the real character of our Constitution? No, Sir, indeed it is not . . . Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents and parents from their children, and compel them to fight the battles of any war, in which the folly or the wickedness of Government may engage it? Under what concealment has this power lain hidden, which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty? Who will show me any constitutional injunction, which makes it the duty of the American people to surrender every thing valuable in life, and even life itself, not when the safety of their country and its liberties may demand the sacrifice, but whenever the purposes of an ambitious and mischievous Government may require it?"

Mr. President, that statement was made in the House of Representatives on December 9, 1814. I cannot find a more germane statement that has lived through the decades to be relevant today, and I cannot find a finer statement to be placed in the RECORD as an opening to the debate that will now take place on H.R. 6531 extending the powers of the President to continue the draft.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for an inquiry?

Mr. GRAVEL. I am glad to yield to the Senator from Michigan.

Mr. GRIFFIN. I have read in the press and I have heard the comment that the distinguished Senator from Alaska is going to engage or lead some kind of filibuster in connection with this bill. Now he has made the statement and I have heard it. I wonder if the Senator can give us as much information and guidance as he can as to what we can expect in the days and weeks ahead. For example, are the various amendments that have been sent to the desk going to be voted on, or does the Senator intend to prevent the Senate from working its will on those amendments?

I would appreciate whatever information and guidance the distinguished Senator may be able to give us.

Mr. GRAVEL. I can say very easily, so nothing will be misconstrued, that I chose to use the word "filibuster" and not "extended debate" because extended debate is the definition of filibuster, and it is very much a part of the rules of this body. I did not want any misunderstanding that I was going to engage in a filibuster.

My goal is very simple. The induction power of the President will expire on June 30 at midnight unless this body acts in concert with the House. It appears to me a very simple matter. After checking

all the rules, it comes down to a minor thing. If 34 Senators "hang tough" on this issue the induction power of the President will expire and we will have no draft. That is all I seek. I do not seek to thwart the will of this body. This is a device that has been implemented in this body for many more years than I have been alive. I do not think I am doing anything out of the ordinary. This is an ordinary procedure.

As far as amendments are concerned, my approach will be very much one of being courteous. If a Senator has an amendment, he can bring it up for a vote. I hope there are 1,000 amendments that will occupy our time until June 30.

I make no effort to be hypocritical about it, I have tried to be straightforward. All we need is time and how that time is implemented I could in no sense of the word care less.

Mr. GRIFFIN. I was not seeking an explanation of the tactics to be employed but rather to get whatever information the Senator is able to give us. I could imagine that the Senator might not want the Senate to work its will on some amendments that might make the bill more palatable and make it more easy to vote for cloture, for example. But apparently the Senator is willing to let the Senate consider these amendments.

Mr. GRAVEL. Very much so; and as does the good Senator from Michigan, I reserve the right to develop tactics that might enhance my eventual goal. I cannot predict what my tactics will be on June 15 or at 10 o'clock on the evening of June 30.

All I can say is that I know of no way to be any more straightforward with my colleagues or with the people of this Nation as to what I have as my goal and what I feel is necessary.

Mr. GRIFFIN. I thank the Senator.

Mr. STENNIS. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the committee amendment in the nature of a substitute to H.R. 6531.

Mr. STENNIS. Mr. President, this bill, H.R. 6531, is the House bill for the extension of the Selective Service Act. It passed the House, was sent to the Senate, and was referred to the Armed Services Committee, where we wrote a large number of amendments, and the final action of the committee was to strike out all after the enacting clause and insert the committee's version of the bill.

Mr. President, with that background, I shall make a unanimous-consent request and a few brief comments on what the implications of the measure are. My request is one which is frequently made with reference to major legislation that has a great number of Senate amendments.

COMMITTEE AMENDMENT AGREED TO

I ask unanimous consent, Mr. President, that the committee amendment in the nature of a substitute be agreed to, and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GRAVEL. Mr. President, reserving the right to object—and I do so only to ask a question of the distinguished chairman of the committee.

Mr. STENNIS. I yield to the Senator from Alaska.

Mr. GRAVEL. What would be the effect of this action?

Mr. STENNIS. As I understand, it would leave all the provisions of the bill as reported by the committee open to amendment, and even to amendment in the second degree. So in that respect, no one would be cut off from anything. It would dispense with the necessity of taking up all these amendments one at a time, and yet Senators would still have the same rights, every right they could have under the rules of the Senate, to amend the bill as reported.

Mr. President, if I am not correct in that understanding, I would like the Presiding Officer to correct me.

The PRESIDING OFFICER. It would be the opinion of the Chair that the Senator from Mississippi is correct.

Mr. GRAVEL. That satisfies me.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. STENNIS. I thank the Chair, and I thank the Senator. I think that puts us in a position where we can proceed and all matters will be disposed of in better fashion.

Mr. President, I want to say just a word about the question of this bill being taken up so soon after the report and the printed copies of the hearings were made available.

It was my original purpose and my original desire for this matter to lie over for the 3 days, at least, before debate began; but you have to make alterations to meet conditions of various kinds; and to meet certain situations, it was decided to ask that the bill be taken up for the usual opening of debate and explanations of the bill, and have the record and the report available, and then go over for the weekend and really go to taking up these matters on next Monday.

There are several speeches to be made with reference to the bill. As chairman of the committee, I have an explanation of the bill, and the Senator from Maine (Mrs. SMITH), as the ranking minority member of the committee, has a speech. There are others, but particularly the Senator from Maine will have a speech, and it will go over until Monday. I am authorized by her to say that she is supporting the bill, of course, and will speak on it, but that speech will come later, on Monday.

Mr. President, this matter has been thoroughly gone into, and we have had the fine cooperation and assistance of the entire membership of the committee. I have just a few statistics here to refer to.

We had extensive hearings on this measure, all of them open to the public, including public hearings to hear outside witnesses. We have here 966 pages of testimony. We have a printed report, on which I think an excellent job has been done, of just at 100 pages, which goes into an explanation of the major provisions.

The committee sat around the table, with unusually good attendance, for a total of some 6, 7, or 8 days, and had very fine, free discussions. We had 12 rollcall votes with reference to some of the major provisions of the bill, and it was finally reported unanimously by a vote of 16 to 0. There were three reservations by committee members as to major parts of the bill, but 13 out of the 16 voted for the bill as it is now. We had a real discussion in depth, which led to improvement of the bill.

Mr. President, as to the debate which begins today, before we get into any emotional stages of it, and before my analysis of the measure, I wish to state my impression of just what we are doing here, and the import of it.

I think that the debate today on the amendments to the Selective Service Act will deal with issues which are crucial to the security of the United States. I do not say this in any spirit of incitement or anything like that, but that is my deliberate conclusion after studying this subject matter for almost all of last year and all of this year. I think it essential that we extend now, for a minimum of 2 years, the authority to induct men into the Armed Forces. I believe this authority is indispensable if we are going to be able to have enough competent manpower to protect the people of the United States; and I am thinking first about our own immediate security here at home, and the physical protection of the territory of our people who live in this country.

I believe that failure to renew this induction authority, whether by vote or by the inaction resulting from extended debate, would be calamitous. It would be particularly disruptive to make such a fundamental change in our procurement policy for military manpower in such an abrupt fashion.

Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. I say to my colleagues that I do not think any Senator ought to have to speak to the backs of his colleagues who are standing between him and the Presiding Officer.

I repeat, Mr. President, that it would be particularly disruptive to make such a fundamental change in our procurement policy for military manpower in such an abrupt fashion. I think it would mean that within a few months, our military services could not function properly.

This bill, as recommended by the committee, contains pay increases which give the administration the opportunity, for which it has asked, to move to a volunteer army by the summer of 1973 Personally, I am skeptical that this effort will succeed. But if such a fundamental change is to be made, it will certainly require at least 2 years of learning, experiment, and adjustment.

With all deference to everyone, I think that is the major point that will come up in this debate. Assuming that we can go over to the volunteer army—which means volunteer Air Force and Marine Corps and Navy—assuming that we can make that fundamental change, it will certainly require at least 2 years of effort,

experiment, adjustment, and trial and error methods in order to get a stabilized and trained force of manpower that has the expertise, the training, the talent, and the know-how to operate the very intricate and farflung functions of our military services.

An abrupt halt to the draft would now severely impair the procurement of manpower for all four services, because all four depend heavily upon the draft to provide motivation for enlistments. That will be abundantly proved, overwhelmingly proved, before this debate is over.

Not only would our own security be damaged by a precipitate change in our military procurement policy, but also—and I put this second—the security of our allies in Europe and Asia would be damaged. The American units, without sufficient men to man them, would not be able to provide the support which our foreign policy requires in a period of uncertainty.

The Committee on Armed Services has made a careful review of our manpower requirements and has decided to recommend that two significant limitations be asserted by Congress. One is a reduction of 56,000 in average strength for the Armed Forces, which means a reduction of more than 100,000 in end strength—that is, the strength at the end of the incoming fiscal year. It would be a reduction of more than 100,000 men, because they are not authorized under this bill.

Also, there would be a ceiling of 150,000 on the President's induction authority for each of the next 2 fiscal years.

Mr. President (Mr. BROCK), that is an innovation here of two legislative policies in the field of manpower for the legislative branch of the Government. This is the first time a committee has recommended a ceiling, an annual ceiling, on the President's induction authority, and this is set at 150,000. There is an escape clause if he certifies that the national welfare is in peril. As to the other limitation, about the troop strength of all our services combined, it is the first time that this committee has put a limitation in that field.

I look forward to and expect a thorough and detailed debate on the floor of the Senate with respect to the provisions of this bill; but I hope that in a matter as important and urgent as this, we can proceed with an orderly and prompt consideration and that, after a debate that clearly presents all the issues, we finally approve the bill well ahead of the expiration date of the present law, which is June 30, 1971.

Mr. President, the Committee on Armed Services has held extensive hearings on all aspects of the bill, following a considerable study of last year, and has considered all the proposed legislation which has been referred to it on these complex and important matters. The committee had lengthy discussions of all aspects of this bill and took numerous votes on its detailed provisions and on amendments offered by the members.

We had before us not only this bill but also other bills on the subject matter, presented by some of our committee members, and others by other Members of the Senate. We had amendments that were submitted and that were considered—and I mean we actually considered them. Every matter that was on our calendar and that had been sent to us was actually taken up in the committee, and the Chair called for proposals or motions as to every one of them.

The bill is divided into three titles which I will discuss in turn.

Title I deals with amendments to the Selective Service Act, title II, with military pay increases, and title III with manpower authorization. I will submit for the RECORD a summary of the committee actions and the resulting provisions in the bill, but I would like to discuss now the major amendments to the Selective Service Act which were recommended by the committee and the outstanding features of the military pay and manpower authorization recommendations.

SELECTIVE SERVICE AMENDMENTS

2-YEAR EXTENSION OF INDUCTION AUTHORITY

Of course, we have to keep in mind that unless Congress acts, the current law will automatically expire and there will be no authority to make any more inductions under that act by June 30, 1971.

I think that the extension of this induction authority for a minimum of 2 years is the most crucial issue facing us in the consideration of this bill—and perhaps in any other measure that we consider this year.

Historically, the draft has been the driving force behind the procurement of our military manpower for nearly 25 years. In fact, we have had a Selective Service Act continuously since 1948, I believe. It is vital that we not abandon the system which is primarily responsible for the acquisition of the vast majority of our new military manpower needs without being absolutely certain that we can effectively replace it. We have never before attempted to maintain forces of anything near the current levels, which are required for our commitments around the world, without the draft.

One of the most crucial problems in maintaining military manpower without the draft is acquiring men for combat units in the Army. Only about 4 percent of our current requirements for men serving in Army combat units are met by volunteers. Inductees provide more than two-thirds of the requirements and the remainder is provided by enlistees who do not request combat units. The recent Gates Commission report dealt primarily with overall military manpower levels, not with the specific and much harder problem of acquiring a sufficient number of men for combat units. I call the special attention of the Senate to the fact that when they recommended that the Selective Service Act expire, or the induction authority expire, June 30 of this year, they dealt primarily with overall military manpower units and not with the problem, the harder problem, of acquiring a sufficient number of men for combat units. This is not a part of the manpower problem which is related only to Vietnam, for without sufficient men in combat units our Armed Forces anywhere are nothing but a shell, incapable of effective military action. The implications of having only weak and ineffective armed forces during a period of Soviet intransigence in many parts of the world are not at all pleasant.

If the problem of acquiring sufficient military manpower without the draft were only one of acquiring combat troops, our difficulties would be great, but the problem is much more serious. In addition to the inductees into the Armed Forces, which for the past 5 years have been about one-third of the active duty enlisted entries, about one-half of those who volunteer for all services are induced to do so by the draft, and just under three-quarters of those who volunteer for the Reserves are also draft-induced.

I personally believe that it is unquestionably true that over one-half of those who volunteer for the services are induced by the draft and are draft motivated. That is no reflection on them. They will tell us that. They will laugh at the idea that they are not draft-induced. I am speaking from a personal contact with them. I visited with over a thousand GI's and commissioned first and second lieutenants last year, between Labor Day and late October. I visited with them on their bases. They were in their uniforms. They were in a room with me, and alone, with two or three exceptions when a staff member was with me or another Senator on two or three occasions; but I talked to these young men face to face, telling them who I was and what my duties here were.

Considering what their situation was, some of them were men who had just arrived at the induction center and had not yet got their haircuts. Some were men who had been there for the training period for their basic training, some were men just leaving for Vietnam, and others were just getting back from Vietnam—as I say, from the raw inductee on up through the seasoned soldier, including the sergeants and the young lieutenants.

I also talked to an Air Force group at the induction center who, according to the record, were all volunteers. I just wanted to talk to them a little about that. Frankly, they laughed at the idea that they were all volunteers or purely volunteers. As I emphasize, that is no reflection on them. They told me that the inducement behind their enlistment came from the draft to some degree. As they would tell me, they were looking for a place that was more in keeping with their talents and their desires, and I have no doubt about those things myself that it works out that way. So I think it is far beyond the 50 percent, although the services seem to have some different view on that. As a matter of fact, in many cases, and this is something I also commend, but, in many cases, the recruiting officers got the names of those who would be called up within the next 30 to 60 days by the draft boards, and the various recruiting officers would bid for those particular men and talk to them. I think it is a commendable practice for the services and the recruiting officers to do, and I approve of it, but it is part of the actual facts of life.

Thus, it is only in the most limited

sense of the word that the new entrants into the Air Force, Navy, and Marine Corps are composed of volunteers. But I want to make clear that some of them are. That is what they want to do. They have a taste for the military, which is highly commendable. They make fine soldiers, marines, and naval men. This is no reflection upon these fine services any more than it is a reflection on the Army, which I also support. To point out the obvious truth—the draft is central to the procurement of the vast majority of our active military manpower.

Our Reserve forces are even more reliant on the draft. No less than 70 percent of Reserve enlistments are motivated by the draft. Mr. President, this administration has made a commendable effort to equip Reserve units with modern weapons, but modern weapons are not enough. I do not believe that it is possible even to make a reasonable argument that our Reserve manpower requirements can be met at any time during the next 2 years without the motivation of the draft. And may I remind the membership that we have recently been told by the Department of Defense that there is to be a new emphasis on the Reserves in meeting our overall military manpower requirements.

Thus, Mr. President, I cannot understand the logic that we are going to have the necessary reserve forces unless we are going to have some kind of Selective Service Act; and certainly I cannot understand the argument that we can make this switch now or within less than 60 days from now.

150,000 CEILING ON INDUCTIONS

The bill as reported by the committee imposes a ceiling of 150,000 inductions per year for each fiscal year 1972 and 1973. I believe that a limitation such as this establishes clearly that the Congress is asserting a rightful role in setting a limit upon the President's authority to induct men into the Armed Forces. Inductions during fiscal year 1971 were about 172,000 and during the peak of Vietnam war years they were between 300,000 and 340,000. Thus I believe a limit at this level—150,000 per year—would effectively constrain a major expansion of inductees such as occurred during 1966–68.

On the other hand, it may be necessary for the President to react quickly, or in an emergency, perhaps in the face of an international crisis, and I believe it is important that we not restrain his capabilities unduly. For this reason, the committee agreed to permit the President, upon finding that urgent national security reasons require it, to suspend these limitations if he issues an Executive order to that effect and report his reasons therefor to the Armed Services Committee of the Congress—which means he is reporting to the Congress. That would put the President of the United States in the position where he would have to issue an Executive order and gives his reasons therefor, and report that to an arm of the Congress—which means that he would be reporting to the entire Congress. In effect, he would be stating those reasons publicly, which would put the entire matter at issue; and if Congress saw fit, then, to act, it could and continue that limitation.

I do not believe that we should go any further in the limitation. The committee was almost unanimous and agreed to that provision, that we should not go any further than this amendment does. We did want that limited and thought that we should put the burden on the President to raise the issue and give Congress a chance to pass on this judgment.

PROHIBITION ON RETROACTIVE WITHDRAWAL OF STUDENT DEFERMENTS

Mr. President, this is a matter that is of interest and the committee gave it a great deal of study and consideration. In considering some of the amendments which were proposed by the administration and by Members of Congress to make fairer the operation of the Selective Service System the committee gave particular attention to the problem of student deferments. It was agreed that the deferment of college students was one of the major inequities in our current draft law and that these deferments should be withdrawn to place students on an equal basis with others in the society. On the other hand, the administration had announced its intention to withdraw these deferments retroactively from those who had not been full-time students before April 23, 1970, the date of the President's address on this subject last year. The committee did not believe that the President made a persuasive case for the need to withdraw these deferments retroactively from those who had already entered college. Accordingly, the committee restored the President's discretion in the area of student deferments, but provided that any student who had begun a full-time college academic career during the regular school year preceding the date of enactment would continue to be deferred until he graduated, reaching the age of 24, or ceased to pursue his course of study satisfactorily.

That means, of course, that there will be no additional deferments. No additional students will be deferred under the new law pursuant to the President's announced intention as to his use of this discretionary power. However, those who have been in college this current collegiate year will continue to have those deferments as long as they pursue their courses satisfactorily.

If a student stops, drops out, or quits for any reason, he should still be subject to the call. The present law, as the Senate will recall, is that deferments are mandatory and that has been the law for a number of years. It has led to a great deal of confusion and a great deal of objection.

We decided and believe this is the soundest course. That is what we recommended. We put in our report a recital of the fact that we relied upon the announced intention of the present President of the United States as to how we would use this discretion.

There was sentiment in the committee to write into the bill that there was a mandatory provision in the law that would not permit deferments. However, on consideration we made the recommendation that I have already outlined and have referred to in the report, saying that we relied upon the intention of the present President of the United States, still giving him authority in an emergency to use discretion.

We did not change the law with reference to the deferment of those in industrial employment. The President has discretion and authority with reference to that group now. Under our proposed bill, that authority would not be changed.

CONSCIENTIOUS OBJECTORS

There are a large number of ways which many of us might suggest to improve the conscientious objector section of the Selective Service Act. Mr. President, we went into this with a great sense of fairness and concern. We heard testimony from many sources. But there are almost as many ideas as there are individuals. We have now a body of settled law on this issue which has recently been interpreted by the Supreme Court and which is satisfactory to the Selective Service. It is thought to be very reasonable indeed so far as the administration of the requirements are concerned. It thus seems to be particularly unwise at this time to make substantive changes in the provisions which define a conscientious objector or to redraft such fundamental provisions as the conditions under which a conscientious objector can be inducted.

Mr. President, here is a simple statute. We have the statute and the Supreme Court's interpretation of it. It is a policy that has been followed by our Nation for many decades.

With respect to a bill that has a 2-year duration, it would take that long to get any new provision on this subject interpreted by the Supreme Court. There would have to be an application of it, and contests over it, and the suits would have to wind their way through the courts with a higher degree of uncertainty as to the meaning of the new language.

As this language is going to be for only 2 years, it was thought best to stay with that which works fairly well, is well known and well understood, and has a definite court interpretation.

Someone suggested that we try to put into statutory law the holdings of the Supreme Court on that subject. However, we decided on that subject that we could not improve on what the Court had said and that we had better let their words be interpreted rather than our words if this question were to come up again. I believe we should let this matter rest on that basis.

I do believe, however, that there is some merit in the rationale advanced in the House report for requiring an additional obligation from conscientious objectors to balance the Reserve obligations of those who are inducted into the military. This rationale, however, was not carried out logically in the House version of the bill, for the House required an automatic third year of service from conscientious objectors, while those who serve in the military only face a contingent additional active-duty obligation in the Reserves. I believe the rationale

advanced in the House report can more effectively be carried out by the provisions which our committee has included in the bill. The bill as reported would require conscientious objectors who have completed their 2 years' alternate service to be available for a further year of alternate service obligation if, in a time of national crisis, the President has called up the Reserves and makes an additional determination that a third year of alternate service from conscientious objectors is required.

Mr. President, I do not think that one who is excused on account of being a conscientious objector under the recognized policy of the Government, difficult as it is to administer, should be penalized by a required year of extra service merely, because he is classified as a conscientious objector. He is either entitled to the provisions of the law or he is not. It is certainly very unfair to rule that he would have to render another year of service in the same category as those who were in the Reserve Forces. So, that is the basis on which the matter now rests.

I might say for the record that these conscientious objectors are not relieved of all service. Some of them go into hospital units and some of them become some of the finest medics we have. There is a list of occupations they can go into in lieu of regular military service. A great number of them are rendering that service.

One of the groups I met on my tour around these installations consisted of young men taking their training. They were conscientious objectors and they were going into the service in hospital units as field medics and into other categories of that kind.

PROHIBITION ON COLLOCATION AND CONSOLIDATION OF LOCAL BOARDS WITHOUT APPROVAL OF THE GOVERNOR

Under current law there is no constraint on the collocation of local draft boards, and such boards may be consolidated into a single intercounty board after a Governor's recommendation is considered. The committee agreed that this state of affairs was undesirable, because it gave the Director of Selective Service the opportunity to close down boards in local areas when citizens in those areas wanted and believed they needed them. The House version of the bill attempted to correct this by absolutely prohibiting both collocation and consolidation. This, Mr. President, we believe went too far, for it would have required that 340 new boards be set up in 14 States in counties where they have never before existed. The committee felt that it was important that citizens be permitted a significant voice in the structure of the Selective Service boards in their States, but we did not believe that Selective Service should be required to establish boards in areas in which they were neither needed nor wanted. The committee thus decided to recommend permitting both collocation and consolidation of local draft boards, but only with the approval of the State Governor concerned. I feel, Mr. President, that in this way we have made a significant change in the law in the direction of making the Selective Service operations more responsive to the needs of localities without forcing inefficiency on the Selective Service System.

In some areas of the country the local draft board, with the local office usually at the county seat and another office located somewhere else in the county, is distinctly a part of the county government. They are selected by the Governor of the State. The young men, their wives, and their mothers can go there and confer with members of the board or the clerk, and get information. It is all a part of the local setup.

To take the office perhaps two counties away and merely have a board member in a county in question is certainly not sufficient. On the other hand, we found in some areas of the country an altogether different attitude prevailed and there did not seem to be the need for a local board or local office.

Therefore, we left it as I have already said: That the Director of Selective Service would have the authority to consolidate or collocate these draft boards, but it could be done only with the consent of the Governors of the States. I believe that will work well and be applicable in different areas of the country according to the needs, habits, customs, and attitudes of the people.

Mr. President, that brings up another matter. These Selective Service Boards have been subject to a great deal of criticism. By and large the Boards I know about are rendering a very fine, valuable, and thankless service. They render highly valuable services, indeed. Members are not paid anything for their services. There is a certain allowance for their transportation if they have to go to the capital city on official business. There are small provisions of that nature, but they carry on in this at times disagreeable and nearly always fairly unpleasant duty that requires on the part of some of them a great deal of time. They carry on year after year. I think they deserve the gratitude and thanks of the Nation.

My remarks with respect to personnel would not be complete unless I mentioned the services of our present Director of the Selective Service, Dr. Tarr. He is an unusually fine executive. He quickly gained a sweeping knowledge of the law. He is quite serious with respect to carrying out his duties. He is intelligent, responsible, informed, and I think he is doing an outstanding job in an excellent way, which is very difficult at best. I am glad to thank him for the committee, and to thank him for myself, and to thank him for our staff for his splendid cooperation and help on this bill; but more than that we thank him for his services to the Nation. He was quite helpful in connection with this bill. By no means did he get just what he thought was best in regard to every provision. We wrote the bill, but he was helpful, indeed.

SUSPENSION OF QUOTAS AND CREDIT PROVISIONS TO PERMIT UNIFORM NATIONAL CALL

The formulas by which the Selective Service over the years has calculated the quotas and calls for the various States and localities are complex indeed, and I do not intend to go into them here. I do not think it is necessary. It will suffice to say that the system as operated by the Selective Service has served, in a practical way, to give a measure of credit, but not full credit, to areas having large numbers of volunteers. The administration has requested, and the House approved, the suspension of the statutory provisions which require this credit to be given. The committee approved this suspension.

We had a divided vote on this matter. There was a difference of opinion, but the matter was fully weighed and considered and the majority of the committee voted to approve the suspension. Perhaps, after all, the way the operating nature of the matter works out, the language the majority of the committee approved does not change the present situation substantially and things will go on very much as they have so far as the quota is concerned and the distribution of it. But the way the committee majority voted will permit the establishment fully of a "Uniform National Call" under which men having the same lottery number will be called at approximately the same time in all sections of the country.

That point considered alone is certainly a desirable feature and will add to the workability of the law. That uniform national call is the system that was put into law last year. It was one of the major recommendations of the Senator from Massachusetts, who has certainly worked long and faithfully on this entire Selective Service Act, and he has been helpful to me in our discussions and in our considerations. We frequently disagree on the end point and in final substance, but certainly it has been helpful to have his consideration to these matters and we gave a great deal of consideration to these suggestions last year and this year also.

So this change with reference to uniform national call has, on the side of merit, the point that the same lottery number would be called at approximately the same time in all sections of the country.

RETENTION OF CURRENT LAW EXEMPTING SOLE SURVIVING SONS FROM SERVICE

The version of the bill passed by the House included an expansion of the current exemption for sole surviving sons. In place of the current exemption the House included an exemption for anyone who was a member of a family which had lost a father, brother, or sister in service.

That was an amendment that we very carefully weighed and considered. It was a floor amendment in the House of Representatives, and had not had the benefit of the close study and scrutiny of the committee.

The Secretary of Defense has pointed out that approximately 575,000 individuals have died from all causes while serving in the Armed Forces since the beginning of World War II and that this expanded exemption would cause significant manpower acquisition problems for the Department of Defense. The Secretary of Defense has also assured the Congress that Defense Department policies currently provide for noncombat assignments for persons who have lost a family member in the service since January 1, 1961, in Vietnam.

Finally, the committee noted that under the exemption as broadened by the House there would be a significant discrimination in favor of large families and against families with an only child. This would be true because all members of a large family would be exempted from service if one were lost, but a small family could still lose its only child. For these reasons the committee agreed to maintain the current exemption for sole surviving sons rather than accept the expansion included by the House.

The present law is that if there is a sole surviving son, he is exempt.

CHANGE OF EXEMPTION FOR DIVINITY STUDENTS TO STATUTORY DEFERMENT

The other body did not accept the administration's proposal to completely eliminate the Selective Service exemption for divinity students. I believe, Mr. President, that although it has not been demonstrated that it is necessary to abolish the exemption for divinity students, it is important to close a loophole in the current law. Under current law a divinity student could stay in school until age 26 and never be liable to the draft, whereas another student, after he left school, would be liable until he was 35. This is because the law provides that those who have deferments rather than exemptions remain liable to the draft until their 35th birthday. By changing the exemption for divinity students to a statutory deferment, the committee has not changed the status of a student for the ministry who goes on to pursue a career in the ministry. The ministerial exemption would remain and so such a student would never actually face military service. The divinity student who left divinity school or the ministry before his 35th birthday, however, would be liable to the draft under the bill as reported by the committee.

Stated another way, this means that during his college career and his seminary schooling, that student would be deferred as long as he stayed in school with satisfactory grades. Then, at the end of his formal education in this field, if he did not go into the ministry or an equivalent or like service in some recognized religious group, he would not be deferred any further and would be liable to induction. That matter was thoroughly considered, and that rule was adopted by the committee, and is written into what I shall call the committee bill.

OTHER SELECTIVE SERVICE AMENDMENTS

Mr. President, I do not propose at this time to describe in detail the rest of the numerous amendments to the Selective Service Act which are included in the committee version of the bill. A full description of these amendments and a comparison of them with the current law and the House version of the bill is included in the committee report which has been made available to all members.

May I say that our competent staff members who have worked on the bill and in the hearings are available to any Member of this body for slight or extended service and help in answering any question, pointing out any part of the record or rendering any other service which they can with reference to the consideration of the bill and the consideration of amendments.

MILITARY PAY INCREASES

I would like to turn now to a brief discussion of the increases in military pay.

Mr. President, this is not a military pay bill, but it does have military pay increases in it for a limited number of certain classified groups that will be in the service.

First of all, Mr. President, I would suggest that we discuss this issue with the same consciousness of cost that we have for other Department of Defense programs. Secretary Laird pointed out in his testimony before this committee that the greatest cost growth in the Department of Defense is in the area of manpower. Manpower costs, directly and indirectly, now account for nearly $40 billion a year—over 52 percent of the Department of Defense budget. It would be penny wise and pound foolish for us to ignore the cost implications of military pay while we devote, as I am sure we will, many hours in this Chamber to the discussion of the costs of military weapons systems.

I have said many times that if we are to make appreciable reductions in the cost of our military program, at least a part of it would have to be done in the field of personnel, which carries such a high percentage of the cost of the entire program. We already have had very appreciable increases in this field within the past few years. We will have that evidence here and facts and figures available for the membership later.

At a time when many are rightfully concerned about Department of Defense expenditures, it is both inconsistent and shortsighted to deal lightly with hundreds of millions of dollars of pay increases. This is particularly true when there is no assurance that these increases will produce the results—achieving a so-called volunteer army—which their proponents often seek.

Mr. President, the increases that we have put in this bill for these groups that I shall describe certainly have my solid support. They are entitled to some increases, regardless of what system may be adopted in the end with reference to raising these manpower requirements. But the bill that came to us from the other body had additional amounts, above and beyond the first installment in the experiment here—and it is purely an experiment—in the effort to try to obtain a satisfactory volunteer Army.

So my caution here about excessive expenditures relates to moneys beyond this bill, and we will doubtless have an amendment here from the floor concerning that matter.

I repeat, Mr. President, that we have included in this bill the first installment of the President's request for a special program to be inaugurated to try to increase the number of volunteers, to the extent that 2 years from now we can say we no longer need the Selective Service Act. As I say, I have the gravest kind of doubts about whether that will work, although I wish that I believed more strongly that there is a chance.

I was entirely willing that under all these circumstances, these increases be allowed now. Some of them are justified under either system, and I supported the idea of having $40 million put in here for a special bonus program, an enlistment bonus program in addition to that provided by our present law.

It is also extremely significant that for the last 8 years, that is, every year since 1963, there has been a basic pay increase for the military. Admittedly, these increases have not been given in sufficient amounts to enlisted men and officers serving under 2 years, and the bill as recommended by the committee deals with this inequity. But the important point is that not only have pay costs in the Department of Defense been skyrocketing, but they will do so in the future automatically. Under current law pay increases for the military must be given proportionately to those for civilian pay grades. Last January there was a pay increase of 7.9 percent, totaling just under $1.2 billion. Next January there will be a similar increase, tentatively at a rate of about 7.4 percent, and again totaling just under $1.2 billion. We cannot completely cast aside all restraints on military pay in order to chase the elusive volunteer army.

Secretary Laird has stated that to make further reductions in the funds for needed weapons systems in order to provide pay increases additional to those recommended by the administration would be "an exceedingly poor tradeoff for fiscal year 1972 and it would weaken our national security."

It is important to note, Mr. President, that the committee has recommended sizeable increases in military pay, the vast majority of those increases for enlisted men and officers having less than 2 years of service. These increases rectify the historical imbalance in the pay scales, but there are those who propose that these increases be doubled and even trebled. The bill as reported by the House includes extremely large increases not only for enlisted men and officers with under 2 years of service but also for the career force. According to the House report nearly $1 billion of the $2.7 billion in total increasess recommended by the House is for those with over 2 years of service. This means that, from the point of view of those who argue for a volunteer army, these funds would not be effectively used. How are these funds going to help increase initial enlistments? How are they going to help with the problem of insufficient enlistments in the combat skills?

I shall describe now, Mr. President, the basic pay increases and other items that we put in the bill. If an amendment should be offered to provide for the expenditure of an additional billion dollars or nearly that amount, other facts that I have here will be highly relevant, and will be brought into the argument.

BASIC PAY INCREASES

Basic pay increases recommended by the committee total $908 million. 93.6 percent of these increases would go to personnel with under 2 years of service. In other words, they are the very low brackets—the man who is just coming in and the man who is taking his basic training, and the categories where they have not had time to get a promotion. That is the E–1's, E–2's, E–3's, and E–4's, who are the beginners. These increases would, for example, raise the pay of a private, grade E–2, by 50 percent

and the pay of a private first class, E–3, by 35 percent. Following these increases the regular military compensation—which includes pay, subsistence, quarters, and tax advantage—of a private, E–2, would be $4,243.77 a year; for a private first class, E–3, it would be $4,509.63 a year.

The House bill and the recommendations of the Gates Commission would approximately double even these increases during the coming fiscal year. Mr. President. I believe that piling increases on top of increases, as the House bill does, and as the Gates Commission recommendations do, would frankly not be responsible military pay policy or a wise use of the taxpayers' dollar.

I support these increases, but we are going to have to see how this thing works before we plunge in and put too much money on the wrong man; and I say that advisedly. I want us to go slowly in putting too much money on the unproven man, the man who has not proved that he has the talent, the ability, or the inclination to make a real soldier.

The key men in all this whole matter, anyway, are the sergeants who have been there. I am speaking of the noncommissioned officers, the sergeants and the specialists, and particularly the drill instructors and others of that type, who make those organizations what they are, in a large way. They must be given more consideration, as I see it. We have got to remember that this is an experiment, that we can go too fast and too far, and that once we put all this money into increased salaries, whether it works or not, we will not have the opportunity to change those salaries. So I think that the President's recommendations in that field were the sounder, and that is what the majority of the committee decided to do. The money that is now in the bill is the President's recommendations for this year, and most of it—93.6 percent—goes to the items that I have already recommended.

Now a word about the other increases.

DEPENDENTS ASSISTANCE INCREASE

The Senate bill also includes $79 million for increases under the Dependents Assistance Act. These increases would bring the monthly quarters allowances for the lowest four enlisted pay grades up to $105 per month. These increases are justified. They would help to remedy past imbalances in military compensation.

RECRUITING EXPENSES

The committee approved a small item of $2.9 million for out-of-pocket expenses for military recruiters. This money is clearly justified since there is no rationale for requiring a hardworking recruiter to pay for his own fees for parking, telephone calls away from the office, meals with prospective recruits, and so forth.

ENLISTMENT BONUS

The fourth item of this increase—the third major item—is what we call the enlistment bonus.

Finally, Mr. President, the committee approved, for the first time, a new concept in American military manpower procurement—an initial enlistment bonus to help recruit men for needed military skills. Reenlistment bonuses have been used with some success in the past to retain men with skills the military has found to be necessary—that is, for reenlistment under the present law. But this new proposed initial enlistment bonus will be used by the Secretary of Defense to attract men into combat specialties. This would be an enlistment bonus for a new man, a recruit, a man without military experience and without proven talent.

Mr. President, I do not believe that by paying these bonuses, we can meet fully the problem of acquiring the necessary manpower. As I said before, only 4 percent of the accession requirements in combat units are met by volunteers. Along with the rest of this program, the enlistment bonus may help improve this situation to some extent, and I would personally be gratified if it succeeded. But I do not want us to blindly rely, without thorough experimentation, upon enlistment bonuses and pay increases to reverse completely our current procurement policies for the Army combat skills.

Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, which I will not ask to be live, without losing my right to the floor, and with the understanding that this additional appearance of mine will not count as a separate speech.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. 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. STENNIS. Mr. President, continuing my discussion about the bonus authorization for new enlistees as provided by this bill, the $40 million authorized, the Secretary of Defense has announced that he will apply it only to the Army and only to the combat units in the Army. Those are the rifle companies, the artillery, and the armor. That is the way the matter rests now.

The Secretary is experimenting with the idea of paying $3,000 in all for a 3-year enlistment: $1,000 to sign up, another $1,000 at the end of the first year of satisfactory service, and another $1,000 at the end of the second year of satisfactory service.

Also, this would be offered to men who already are in the Army, as inductees, whose record is satisfactory. They would be given an opportunity to enlist for a 3-year term and not have to serve the additional inductee period, and they would be eligible for this bonus. I think that is a quick summary of the entire matter.

MILITARY MANPOWER AUTHORIZATION

This year, Mr. President, for the first time, Congress is required to authorize the average active duty strength for the Armed Forces. Title III of the bill as reported by the committee recommends authorized levels for the four services as follows:

Army	974,309
Navy	613,619
Marine Corps	209,846
Air Force	755,653

These totals represent small reductions—3,000 in each service—for the Air Force and Navy, but they represent a significant reduction of 50,000 for the Army.

When I use the word "reduction" in these figures, I mean reductions below the number requested in the budget. These totals represent the action of the committee after a careful review, when the committee concluded that these reductions were justified primarily for two reasons. First of all, and most important, the withdrawal rate from Vietnam has been accelerated since the budget was planned. These accelerated withdrawals mean that fewer men will be required in the Army in fiscal year 1972 than it was estimated would be needed at the time the budget was proposed by the President.

Second, there is some evidence that our forces in Europe could maintain their combat effectiveness even with a slightly lower level of support. It should be noted that the Department of Defense has recently made a review of this issue and is carrying out substantial reductions in the spaces authorized for support troops in Europe, but the committee believed that there was room for some further reductions.

An additional word with respect to these possible reductions. I emphasize that I think our full committee realizes that this is one of the most difficult but at the same time one of the most necessary steps that has to be taken by our Department of Defense—to gradually and systematically, not precipitately nor irrationally, reduce the total number of personnel; and we call upon the Department of Defense to consider special studies toward this end.

But our committee is not going to stop with this recommendation. We have already announced that we are going into a study in depth, a survey and study and possible hearings, of the entire personnel problems as it relates to all the services, as it relates to the missions of our commitments, and as it relates to what we hope will be a new start in a stabilized Department of Defense program and military service program following the war in Vietnam. We hope that we will be able to do the same job with fewer men, with emphasis on the quality and the training, and with proper leadership.

Say what we will, like it or not, weaponry is going to continue to rise in cost, and it is going to continue to be necessary to have the best weapons. We have to have the right kind of personnel, also. In order to have all these things, I think we will have to make reductions in personnel, and to that end we are going to review the facts further. But I think it is dangerous to try to do it abruptly or precipitately, just as I think it is highly dangerous to try to just say we are not going to have any more draft law.

It should be noted, Mr. President, that roughly speaking, a reduction in average strength implies about twice as large a reduction in end strength. This is because any reductions during the summer will

not, for administrative reasons, actually produce a smaller number of men in the Armed Forces until about half way through the fiscal year.

The fact that the actual reductions will be taken in the latter half of the fiscal year means that each reduction will count for only one-half a man-year.

For this reason, a reduction of 50,000 in the Army's average strength implies a reduction of approximately 100,000 in the end strength—that is, the strength by the end of the fiscal year.

The committee reviewed the military manpower requirements thoroughly within the span of time allowed. This review, Mr. President, and these recommended strengths represent a beginning—that is, a beginning of these reductions. This review will continue at an intensive level and will become a regular part of our annual hearings and considerations in the years to come.

Mr. President, I observe that, because of the considerations of personnel, we cannot do all these things properly and meet the deadline for getting the bill out on the floor for consideration. We were tied up here all last calendar year, even until after the Christmas holidays, and already we were back in here, working on a new budget and a new authorization bill in January that certainly needs to be reported not later than about this time of year. So, there has to be a study on some of the major matters that do not limit themselves to the matters in a bill and do not limit themselves to trying to make recommendations in time to get it in a bill that year. But I am referring to a survey and study, and perhaps hearings, that will get to the fundamentals and take time—whatever time may be necessary—to get all the facts and then to make concrete recommendations.

Mr. President, for the time being, this will conclude my remarks. The bill, H.R. 6531, as amended in committee, the report of the Committee on Armed Services, and the printed hearings which are the basis of the committee's recommendations, are before each Member.

Mr. President, in presenting a full and complete matter of this kind, it is rather difficult to get the entire matter before the Senate. There are other Senators from the committee that wish to speak and I hope they will speak on it. I wish them to do so. I know that they will, to some degree.

Therefore, Mr. President, I think it is fair that I ask unanimous consent at this time that I be authorized to appear on the entire substance of the bill, at least one more time in this debate, without it being counted as an added appearance. I do that simply for explanation purposes.

The PRESIDING OFFICER (Mr. BROCK). Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, I appreciate the attitude of Senators on that point.

Mr. President, I want especially to thank the distinguished Senator from Maine (Mrs. SMITH) for her long, tireless, and patient consideration of the bill at the hearings, in the conferences among the members, and at the conferences that she and I had many times on many major matters concerning the bill, as well as the very fine knowledge and counsel which she gave to the committee in passing on these matters.

I also am indebted to the other members of the committee who gave an unusual amount of time to this matter and had really constructive suggestions to make, all of which were considered.

Mr. President, although this matter is a troublesome and sticky one, in a way, all Senators can be assured that the bill has had the consideration of those of us given the responsibility to go into the subject matter and make the recommendations.

I hope very much that we will have a good debate here. If it is lively, that will suit me very well.

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

Mr. STENNIS. I yield.

Mr. GRAVEL. Mr. President, I should like to make a similar unanimous-consent request to that which the Senator from Mississippi just made, that after I make my initial presentation on the total bill, I be entitled to the same rights and privileges as the distinguished Senator from Mississippi.

The PRESIDING OFFICER (Mr. BROCK). Is there objection to the request of the Senator from Alaska? The Chair hears none, and it is so ordered.

Mr. GRAVEL. I thank my distinguished colleague from Mississippi. I can assure him that I look forward with great delight to debating this subject at length with the Senator.

Mr. STENNIS. I thank the Senator from Alaska.

Mr. President, I ask unanimous consent that a statement prepared with reference to H.R. 6531 that contains a more detailed discussion of the major provisions as well as some of the minor provisions, be printed in the RECORD.

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

SUMMARY OF SENATE ARMED SERVICES COMMITTEE RECOMMENDATIONS ON H.R. 6531

TITLE I. AMENDMENTS TO MILITARY SELECTIVE SERVICE ACT OF 1967; RELATED PROVISIONS

1. *Extension of induction authority for 2 years to July 1, 1973.*—The Committee approved the recommendation by the Administration, which was included in the House Bill, to extend the President's induction authority for 2 years.

2. *Imposition of ceiling on inductions of 150,000 per year.*—The Committee imposed a ceiling of 150,000 inductions per year for each fiscal year, 1972 and 1973. Under the bill as reported by the Committee the President could suspend this limitation only after a finding that it was necessary for urgent national security reasons and only if he issued an Executive Order to that effect and reported his reasons therefor to the Armed Services Committees of the Senate and House.

3. *Prohibition on retroactive application of the withdrawal of student deferments.*— The House Bill approved the Administration's request that Executive discretion be restored over student deferments. The Administration had previously announced its intention, if such discretion were restored, to withdraw student deferments from all those who had not been full-time students before April 23, 1970. The Committee approved the restoration of Executive discretion in this area, but restricted this discretion to prohibit the withdrawal of deferments from those students who met the educational requirements for them during the regular school year of 1970–71.

4. *Retention of current law on conscientious objectors; contingent obligation provision parallel to that for Reserves.*—The Senate Committee version rejects the House amendments to the conscientious objector section of the Selective Service Act. Thus, the automatic extension of the obligation for alternate service from 2 to 3 years, as approved by the House, is not included in the Senate version. Nor does the Senate Committee approve the House amendment which provides for the punitive induction of conscientious objectors "who do not perform their alternate service satisfactorily."

In order to require of conscientious objectors a period of service more parallel to that required of inductees the Senate version requires conscientious objectors to be available for a third year of alternate service under similar conditions to those under which an inductee would be available for additional military duty in the Reserves.

5. *Prohibition of collocation and consolidation of local boards without Governor's approval.*—The Senate Committee version provides that the Director of Selective Service may consolidate or collocate local draft boards only with the approval of the Governor of the State concerned. This differs from both current law and the House version.

Under current law collocation is unconstrained and consolidation into multi-county boards is permitted after the Governor's recommendation is considered. Under the House version both are prohibited.

6. *Suspension of current quota and credit provisions to permit Uniform National Call.*— The Administration requested, and the House approved, that the current quota and credit system be suspended in order to establish a uniform national call. The Committee made no change in the House version.

7. *Retention of current law concerning sole surviving son exemption.*—The Senate Committee version retains current law, which exempts a sole surviving son from service. The Committee rejected the extensive expansion of this concept included in the House version.

8. *Change of exemption for divinity students to statutory deferment.*—The Administration proposed total withdrawal of exemptions for divinity students. This proposal was not accepted by the House, which retained the current exemption. The Committee changed the exemption for divinity students to a statutory deferment. Although the definition of a minister of religion was altered slightly by the Committee by the addition of the words "bona fide" the ministerial exemption would remain.

9. *Retention of current provisions regarding composition of local boards.*—The House version added a requirement regarding the economic and social composition of local boards. Although the Committee was in agreement with the objective of the House language—assuring a balance of membership on local draft boards—it was nevertheless concerned that this provision could produce a considerable amount of litigation, and for that reason did not include the provisions of the House version.

10. *Extension of statute of limitations on prosecution for non-registration to five years after a registrant's twenty-sixth birthday.*— The Committee accepted a provision recommended by the Administration by adding a new subsection 5(d) which will overcome the result of Toussie v. United States, 90 S. Ct. 858 (1970). That opinion interpreted the act to limit the time for prosecuting men who fail to register to five years and five days after a man's 18th birthday. The Committee

language will allow the prosecution of a nonregistrant up to five years after his 26th birthday. It does not change the statute of limitations for any other violation of Selective Service law.

11. *Prohibition of enlistment after the issuance of an induction order.*—The House version did not accept a recommendation by the Administration that the point of time after which enlistment would not be permitted should be changed from the receipt of an industion order to its issuance. The Committee approved the Administration request.

12. *Adoption of provisions on aliens recommended by Administration.*—The House version included a provision regarding aliens which was not accepted by the Committee. This provision conflicts with current law, which limits to one year the period of time during which aliens who claim nonpermanent status may remain in the United States before being liable for service. The House version provided for a two-year period. Moreover, the House provision imposed certain limitations on the period of time for which full-time alien students could be exempted which conflict with current regulations on this subject. The Committee accepted instead the four amendments regarding aliens which had been proposed by the Administration. These are discussed in detail on pages 22–23 of the Senate Committee Report.

13. *Prohibition of discrimination against employment of dependents on military bases.*—The Committee adopted an amendment providing that the Department of Defense cannot discriminate against American citizens or their dependents in employment on military bases.

14. *Alteration in temporary high school deferments.*—The Committee modified the current temporary deferment for high school students to provide that any person who reaches his 20th birthday during his senior year of high school shall have his induction postponed until the end of that academic year.

15. *Minor changes, extensions of existing authorities, and technical amendments.*—*Ages and maximum length of service for local board members.*—Current law provides that the maximum length of service for a local board member is 25 years. The House version reduced this to 15 years. The bill as reported by the Committee provides a 20-year limitation on length of service. The Committee version is identical to the House version in the recommended reduction in maximum age for board members—from 75 to 65—and in the provision permitting those 18 years old and older to serve on boards.

Temporary postponement of induction for college students.—The Administration's recommendation, accepted by the House, changed this deferment to a postponement of induction. The Committee approved this change but clarified the provision slightly to insure that a student would be permitted to complete the semester in which he was currently enrolled.

Burial expenses.—The Committee approved the Administration's proposal, included in the House version, to increase the authorized ceiling for burial expense funds payable to registrants who die while acting under orders pursuant to the Selective Service Act. This ceiling, under the bill as reported by the Committee, would be the same ceiling prescribed in veterans legislation. The effect of this change is to increase the ceiling from $150 to $250.

Travel pay increase for uncompensated Selective Service employees.—The Committee approved an increase in the ceiling on claims for travel and other expenses incurred by uncompensated Selective Service personnel. The House bill increased this ceiling to $500 from the current level of $50. The Committee approved an increase to $250.

Extension of existing authorities.—The Bill as reported by the Committee extends for two years four existing authorities:

The suspension of active duty military strength imposed by the Act of August 3, 1950, chapter 537 as amended (10 U.S.C. 3201, note).

The authority to make special calls for the induction of persons in medical, dental, and allied specialist categories, and the authority of the President to order Reserves in those categories for involuntary active duty for not more than 24 months.

The authority for the payment of special pay of physicians, dentists, and veterinarians in the uniformed services.

The authority of the Dependents' Assistance Act, which has been continued periodically since its enactment in 1950.

Technical amendments.—The Committee approved certain technical and clarifying amendments dealing with erroneous cross references, the shift of authority for the Coast Guard from the Treasury to the Department of Transportation, and similar matters. These may be found in the portion of the Report giving a sectional analysis of the Bill.

TITLE II. PAY INCREASE FOR UNIFORMED SERVICES; SPECIAL PAY

Compensation policy

The Committee recommended total increases of $1,030.6. The House bill would result in an increased cost of $1,680.2 million, or $2,710.8 million.

TOTAL COSTS OF SENATE COMMITTEE PROPOSALS AND HOUSE BILL

[Dollars in millions]

	Senate committee [1] proposals	House bill
Basic pay [2]	$908.0	$1,825.4
Dependents Assistance Act	79.0	184.1
Basic allowance for quarters (BAQ)	None	640.1
Basic allowance for subsistence (BAS)	None	37.8
Out-of-pocket recruiting expense	2.9	2.9
Enlistment bonus	40.0	None
Special pay for optometrists	.7	.5
Reservists training duty entitlement under Dependents Assistance Act (DAA)	None	20.0
Total cost	1,030.6	2,710.8

[1] The Senate committee proposals are identical to the administration fiscal year 1972 program except for the inclusion of special pay for optometrists.

[2] This does not include the projected basic pay increase scheduled by public law for Jan. 1, 1972.

1. *Basic Pay.*—The Committee would increase basic pay for members of the uniformed services by $908.0 million with 93.6% or $850.3 million going to personnel with under two years of service.

2. *Dependents Assistance Act (DAA).*—The Committee proposal for Dependents Assistance Act (DAA) would cost $79.0 million, with all of this going to pay grades E–1, E–2, E–3, and E–4 (four years or less service) as these are the pay grades covered by DAA.

3. *Out-of-pocket Expenses for Recruiters.*—Both the Committee proposal and the House Bill would provide $2.9 million for out-of-pocket expenses incurred by recruiters incident to their recruiting duty.

4. *Enlistment Bonus.*—The Committee included an enlistment bonus as provided by the Administration fiscal 1972 program at an estimated cost of $40 million. The House Bill eliminated the enlistment bonus.

5. *Optometrists.*—The Committee provided a special pay for optometrists of $100 per month (the same as veterinarians) at a cost of approximately $.7 million. The Administration opposed any special pay for optometrists at this time, pending further study, whereas the House Bill provided special pay for optometrists, ranging from $50 per month for pay grades 0–1, 0–2, and 0–3 to $200 per month for any pay grade above 0–5, at a cost of $.5 million.

TITLE III. ACTIVE MANPOWER AUTHORIZATION

Recommended average military strengths, fiscal year 1972:

Army	974,309
Navy	613,619
Marine Corps	209,846
Air Force	755,635

AUTHORIZATION FOR COMMITTEES TO SUBMIT REPORTS DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to submit reports during the adjournment until 10 o'clock on Monday morning next.

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

ORDERS FOR RECOGNITION OF SENATOR PERCY AND FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, MAY 10, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 15 minutes; that upon the conclusion of the standing order or orders, as may be the case, depending upon whether any further requests are made during the afternoon, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, following which the Chair lay before the Senate the unfinished business, H.R. 6531, a bill to amend the Military Selective Service Act of 1967.

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

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, May 6, 1971, he presented to the President of the United States the following enrolled bill:

S. 1260. An act to amend the Small Business Act.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. KENNEDY. Mr. President, I want to thank the distinguished chairman and to commend him for his leadership in

directing the broad review this year of the Selective Service System and of alternate methods of meeting our military manpower needs.

I would hope that a critical issue throughout this debate will be on how the Congress can reassume its rightful place as a coequal branch of the Government in the determination of American foreign policy. Indochina has been a lesson learned at the cost of 54,000 American lives and a searing wound to the national spirit. Congress stood voiceless on the sidelines as draft calls surpassed 300,000 a year. The debate before us now must shed light on how Congress can exert greater control over the uses of military manpower as well as focus on the process by which that manpower is selected.

The debate over the method of selecting men for the Armed Forces also must insure that the final product is, in the words of the Marshall Commission, "as consistent as possible with human dignity, individual liberty, fairness to all citizens, and the other principles and traditions of a democratic and free society." We can accept no substitute. For if we must call upon some of our young men to risk their lives, or face futures forever scarred, then there must be no doubt that the system which selected them is the fairest and most nearly just that men can devise.

Historically, both conscription and voluntary service have been part of our tradition. During Connecticut's years as a Colony, 54 laws were passed containing the doctrine of military compulsion. The Continental Army, although a small volunteer force, was backed by the citizen-soldiers of the State militias—and that was a draft army.

After independence, Washington advocated a system in which every citizen would bear a portion of the burden of national defense.

It may be laid down as a primary position, and the basis of our system—

He wrote—

that every citizen who enjoys the protection of a free Government, owes not only a proportion of his property, but even of his personal services to the defense of it . . .

Washington was rebuffed at the Constitutional Convention and later by the new Congress. Presidents Jefferson and Madison made similar appeals but met with the same failures. Congressional leaders, whether Federalist or Whig or Republican rejected the draft from independence until the Civil War. Only then, in the midst of civil turmoil, did the Congress accede to a limited draft.

From the close of the Civil War to 1917, the Nation supplied its limited military manpower needs through voluntary enlistments. But then we were an isolated nation protected by the oceans and looking inward to our own concerns.

In April 1917, the day after the United States declared war on the Central Powers, a draft bill was introduced in Congress. A month later it passed. But it was not until 1940 that the Nation adopted a peacetime system of military conscription. Even then, the Congress placed a variety of restrictions on the Executive's power to induct. In mid-1941, the draft law was extended for another year by a 203-to-202 vote of the House of Representatives.

After World War II, the draft was put aside as the Nation underwent massive demobilization. But, by 1948, the shortfalls in the military and the dawning recognition of our international responsibilities in an uneasy world prompted the Congress to restore a draft. The Selective Service Act of 1948 was enacted and it has been extended every 4 years in an unbroken line until this year.

Many of us fought lonely battles 4 years ago to provide the reforms needed to remove obvious inequities within the system. The pleas that we made then for random selection, for a national call, for choosing the youngest first, for abolition of graduate, undergraduate, and occupational deferments, and for basic procedural and structural changes in the Selective Service System were rejected. But since then some of those reforms have been enacted.

The present bill contains additional steps toward a more equitable system. Although I would have preferred a statute to require the abolition of undergraduate deferments and the institution of a national system of induction calls, the bill now before us does give the President discretion to institute those reforms.

With regard to an end to student deferments, I shall submit an amendment to give students who must leave college to enter service the same guarantees that now exist for men drafted from their jobs. This would assure them readmission to their college after they have completed military service. It also guarantees them the reinstitution of any scholarship or other financial assistance for which they still qualify.

Also, I intend to submit, along with Senator JAVITS and other cosponsors, amendments to carry out the Marshall Commission reforms for procedural fairness in the Selective Service System. These provisions which were contained in the bill which I introduced this year, will assure the registrant that the decisions which so directly affect his life will be made under guarantees of due process and administrative equity.

The amendment will include the right to a personal appearance at appellate as well as local board hearings, and the right to counsel and the right to present witnesses. Both the local and appeals boards also would be required to have a quorum present to hear personal appeals by registrants. The Selective Service System also would be required to publish its proposed rules and regulations in the Federal Register and permit an opportunity for comment.

I also intend to submit an amendment to reorganize the Selective Service System as the Marshall Commission recommended, and to reassert the requirement passed this year by the House that all draft boards be broadly representative of the communities in which they operate.

These amendments would permit the greatest degree of uniformity and equity in the operation of the Selective Service System, requirements that should be basic to a system that may demand a young man to risk his life in battle.

We have had to wait 4 years for a full reevaluation of the draft system, 4 years in which the draft continued to operate inequitably. The hearings that my Subcommittee on Administrative Practice and Procedure held 2 years ago on the operation of the Selective Service System demonstrated the widespread agreement on the need for these reforms. Had Congress been faced with a vote on the extension of the draft at that time, I believe many of those reforms would have been passed. For that reason and as an additional check on the President's use of the draft, I shall join in an amendment to restrict the extension of the draft to 1 year.

Today, there are many in the Congress and in the Nation who reject reform and who cry out for abolition of the draft and the establishment of a volunteer Army.

Perhaps the strongest emotion in the drive to end the draft relates neither to the system itself nor to a healthy desire to eliminate unnecessary compulsion from a democratic society. It stems from the total and complete revulsion of the American public with an immoral war. They say, "End the draft; end the war." I would prefer the reverse: "End the war, then end the draft."

I would support a volunteer Army in peacetime. But when the Nation is sending young men to die, in Indochina or elsewhere, I firmly believe that the concept of voluntarism, particularly one based almost wholly on pay, should not be raised above the demands of social justice.

Adoption of the volunteer Army proposal would mean that the less advantaged and less affluent would form the bulk of the entrants into the Armed Forces under the inducement of higher pay. Given the limited opportunities available in the private sector, we would, in effect, be channeling the poor, both white and black, Chicano and Puerto Rican, into the frontlines to fight the battles that evolve from decisions made by others in our society. Perhaps most repugnant is the proposal for a special $6,000 bonus for combat enlistments which would program most of these less affluent youths into the divisions where the risk of death is omnipresent. Today, I am sending to the desk an amendment to delete that provision from the bill.

Some dispute the argument that the poor would be most attracted to a volunteer Army. Yet no one, neither the Gates Commission nor other volunteer Army advocates, have demonstrated what inducement higher pay holds for the young men from the middle and upper classes in this land who see before them an unlimited potential for achievement and advancement in the civilian world. But for the poor who have the least opportunity for higher education and adequate

salaries, the volunteer Army might be extremely attractive.

For example, the Carnegie Commission reported that a family with an income over $15,000 and with one or more college-age children is five times as likely to have one of its children in college as a similar family with an income under $3,000. The proportion of black persons enrolled in college from the 18 to 24 age group was only half that of white persons. Other minority groups—Indians, Mexican Americans, Puerto Ricans—were even less adequately represented in college enrollments.

Thus, it is no wonder that a Gates Commission study acknowledged that the educational level of the enlisted men in a volunteer army would drop. One of the Gates Commission's own staff studies estimated that while in fiscal year 1969, only 22 percent of all enlistees had less than a high school diploma, under an all-volunteer army, that would rise to nearly 40 percent.

The same picture is present if we look at income potential for minorities.

Even minority members with equal education face lower earning expectations. While 65 percent of white graduates between 25 and 34 earn more than $10,000, only 35 percent of black graduates earn as much.

When the unemployment rate of young blacks in the Nation's poverty neighborhoods is nearly 40 percent and the rate for all black teenagers is double that of whites, no wonder that the reenlistment rate of nonwhites in the Army traditionally has been double that of whites. In the first half of fiscal 1971, even with the continued risks of Vietnam, the reenlistment rate for blacks was 40 percent while for whites it was only 21 percent.

These are the facts of life today. They are facts that must be changed. They are facts that shame our Nation but they do exist. And a volunteer Army which serves as a refuge for the poor will work to diminish the pressure, to change those facts.

If this Nation repeals the draft today, it will be saying that the best option for the less affluent in our Nation is front line combat duty. When some citizens are being called upon to give their lives, I cannot believe this Nation wants to rely upon an inequitable policy of economic coercion that calls only those who cannot answer back.

If we are to ask some of our young men to fight the continuing war in Indochina, then the responsibility must be spread evenly throughout all sectors of our society. Failing that, we risk muting the most articulate and the most resourceful voices in this land, voices that have proved vital in dissent, voices that have been effective in causing some shift in the direction of the war.

The wisdom of insulating middle- and upper-middle-class men from the horrors of war by shifting the burden of fighting from their sons to those of the less affluent is open to serious challenge in a democratic society. I frankly have grave doubts whether the pressures for de-escalation, pressures from Vietnam Veterans Against the War, pressures such as the march on April 24, would ever have built to its current level if young men from every social background were not threatened with service in that war.

Also, a volunteer army, or more aptly put, a paid professional force, increases the likelihood of military isolation from civilian life. Its extent and the forms it might take are unknown. But it raises serious questions for a democracy. The reduction in the number of short-term personnel, particularly the better-educated men whose futures do not rest on absolute obedience to the military hierarchy creates new dilemmas. The men who talked freely of what occurred at Mylai, the men who exposed the spreading military surveillance of civilian life, for the most part, those men were draftees or draft-induced volunteers. One wonders if they would have testified if their futures had depended on a career in the military.

Finally, in wartime, a society can least afford the extra cost of trying to achieve a volunteer army. When compared to domestic needs, the extra costs of a volunteer army, costs that Secretary Laird estimated at over $4 billion, become highly suspect.

In peacetime, I would start anew with the requirement to balance the demands of a democracy, a democracy that rightfully prizes voluntarism, against the needs and obligations for the maintenance of the national defense. In a nation at peace, the concept of a volunteer army can be debated without addressing the moral question of whether only certain segments of society are being called upon to risk their lives. In peacetime, we can give expression to the value of voluntarism and we also may be able to afford the added costs of the voluntary army without defaulting on our more pressing commitments to end hunger and poverty in a nation with a trillion-dollar gross national product.

There is, however, one basic advantage to the proposal of those who seek an end to the draft. If a President sought to acquire more manpower through conscription for his foreign policies, he would have to ask the Congress to reinstate the draft. That request would properly prompt an extensive debate over the justifications for the President's request, a debate that was sorely lacking at the beginning of the Vietnam buildup.

For the past 7 years, the tragedies of Vietnam have occurred apace with the diminution of congressional influence over the Nation's foreign policies. We have watched as year by year, the number of draftees rose—from 107,000 to 364,000 in 1966, and then over the 200,000 mark for the following 3 years. The unlimited power of the President to draft young men has become a key element in the inability of the Congress to share in the direction of our foreign affairs.

However, the reassertion of the constitutional role of Congress can be accomplished within the draft system by placing a ceiling on the number of men the President can induct in a single year.

It is time to return to a tradition of close congressional checks over the executive branch's military manpower decisions. The failure to limit the size of the Armed Forces and the failure to effectively prevent the unrestricted expansion of those forces have made past authorizations of military manpower limits little more than ritualistic exercises.

I am pleased to see the recognition by the Senate Armed Services Committee of the need to reduce the end strength of the Armed Forces to 2.4 million men by next July. Also, I recognize the pioneering achievement of the committee in accepting my suggestion of a 150,000 inductee ceiling; however, the escape clauses given the President effectively emasculate those restraints.

Under the committee bill, the President is allowed to issue an Executive order declaring that there are "urgent national security reasons" for lifting the ceiling. Since a similar qualifying phrase is appended to the total force size, there is, in reality, no restriction on his ability to raise the size of the armies to whatever level he deems necessary.

So it is that once again, the Congress would be voting away its powers and responsibilities under the Constitution. Once again, a President would have the security of knowing that any decision to unilaterally commit troops anywhere in the world could be backed up by a Presidential decision to increase the number of inductees.

Once again, Congress would have no opportunity to effectively debate and act upon Presidential decision to commit U.S. troops to foreign military adventures.

For these reasons, I send to the desk an amendment to impose an absolute no-lift draft ceiling of 150,000 men that can only be removed by congressional action. If the President were to request the removal of that ceiling, he would have to debate that request in the light of reasons put forth by the executive at that time. It is time to tear up the blank check for manpower that the President has used in the past. Vietnam has exposed to harsh light what can occur if the executive is given free rein to commit this nation to foreign policy adventures and free rein to secure the military manpower necessary to back up that commitment.

A statement by the distinguished chairman of the committee this January specifically underlines the rationale for a flat limitation on the President's power to induct. The chairman said:

> Let me emphasize that I believe that Congress should exercise its Constitutional role in a more vigorous fashion. I totally reject the concept advocated from time to time that the President has certain inherent powers as Commander-in-Chief which enable him to extensively commit major forces without Congressional consent.

The constitutional and historical precedents for limiting the power of the

President to determine the size of the Armed Forces are firmly established.

Article I, section 8 of the Constitution states:

The Congress shall have the power . . . to raise and support armies. . . ."

The Constitutional Convention did not lightly confer that power on the legislative branch of the Government.

The framers acted on lessons learned from English history. As Justice Story notes in his commentaries:

Our notions, indeed of the dangers of standing armies, in time of peace, are derived in great measure from the principles and examples of our English ancestors. In England, the King possessed the power of raising armies in the time of peace according to his own good pleasure. And this prerogative was justly esteemed dangerous to the public liberties. Upon the revolution of 1688, Parliament wisely insisted upon a bill of rights, which should furnish an adequate security for the future. But how was this done: Not by prohibiting standing armies altogether in time of peace; but (as has been already seen) by prohibiting them *without the consent of Parliament*. This is the very proposition contained in the Constitution; for Congress can alone raise armies; and may put them down, whenever they choose.

Thus, the Congress was given the sole power for the establishment of the size and method of obtaining the Armed Forces. Historically, in 1940, specific limits were placed on the executive power of inductions. The President was barred from posting draftees outside the Western Hemisphere. His authority to induct was restricted to 1 year and he was limited to a total of 900,000 men. This authority occurred when the size of the military was approximately 330,000 men.

Presidential flexibility in an emergency has been cited as the justification for giving the President power to draft an unlimited number of men. Yet, in an emergency, Congress can act as rapidly as any President could wish. Thus, 6 days after Pearl Harbor, every limitation on the President's authority to induct was removed. The few hours or days that elapse between the President's request and congressional action cannot be legitimately deemed a breach of the Nation's security.

Also, the President's ability to respond to an emergency would not be affected since the timelag between an order of induction and combat readiness is approximately 4 to 5 months. Also, the President, under current congressional authorization, has the power to call up Reserves in a national emergency.

The ceiling would, however, force the President to return to the Congress to justify any attempt to impose a long-term commitment of the Nation's military might to questionable foreign policy adventures.

Mr. President, I believe the debate before us must concentrate on these: on the reassertion of Congress proper role in the conduct of foreign affairs and in the equity and fairness of the draft system. I believe the committee bill moves in these directions and I believe that my amendments will help insure those results.

Mr. President, I mentioned in my statement a particular provision of the present legislation which I find troublesome, a feature which relates directly to my strong opposition to the volunteer army during wartime or at a time when we are experiencing, the loss of 37 Americans in South Vietnam.

As I mentioned earlier, one of the principal reasons for my opposition to the volunteer army is that we would be offering a pay inducement to less affluent Americans to fight these wars.

I stated before that I am in favor of a pay increase. I certainly would support at least the general outlines of the pay increase indicated in this legislation. Mr. President, when you have the examples of American servicemen who are in the pay of the U.S. Government and still required to go on welfare to provide for their families I think we have a horrendous situation. Giving volunteers, the enlisted men who go into the Armed Forces, adequate pay is something I will support.

I find repugnant the financial inducement feature of a volunteer army in time of war to attract those who have limited opportunities in the civilian world. Yet I find on page 38 of the proposed legislation this language:

"§ 308a. Special pay enlistment bonus

"(a) Notwithstanding section 514(a) of title 10 or any other provision of law, a person who enlists in the Army, Navy, Air Force, or Marine Corps for a period of at least three years, or who extends his initial period of active duty in that armed force to a total of at least three years, may, under regulations to be prescribed by the Secretary of Defense, be paid a bonus in an amount prescribed by the Secretary, but not more than $6,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the Secretary.

That language does not give us much guidance as to when the Secretary will use his discretionary power, so we look to the report on page 29 and under "Enlistment Bonus" we find this language:

ENLISTMENT BONUS

The Committee felt that the enlistment bonus would give the Secretary of Defense a flexible bonus authority (to a maximum of $6,000 for personnel of any Service designated by the Secretary of Defense) and not discriminate against draftees if they volunteered for combat arms and agreed to extend their tour of duty to three years. The Committee also noted that the Secretary of Defense would limit the use of the enlistment bonus, on a test basis, to $3,000 which would apply to only Army combat arms (i.e., infantry, artillery, and armor).

Mr. President, in effect, what we are providing is discretion to the Secretary of Defense to offer a $6,000 bonus to tempt a man to enlist in combat divisions or to tempt those who are in the Armed Forces to reenlist for combat.

I find it extremely difficult to accept this proposal. We have a tradition in the Armed Forces to supplement salaries of individuals who reenlist. Basically, they have been patterned on a bonus of four times their basic pay. In addition, for those in highly technical skills, there is a variable reenlistment bonus. Now we are offering $6,000, only to some individuals, only to those who accept combat service. Once again, I ask, who are these individuals going to be? Who will be attracted to this kind of pay bonus? Are they going to be sons from middle- and upper-middle-income groups who will weigh a $6,000 bonus against many times that sum in civilian job opportunity? Or will they be the disadvantaged within our society, to whom $6,000 is, in many instances, far more than they have ever seen in their lives?

One of the factors that distresses me about the whole discussion of a volunteer army is that it really is not voluntary. We are not talking about the same kind of subsistence remuneration that we give to members of the Peace Corps or to members of VISTA, those who help humanity under difficult conditions. Yet there are those who say we need a volunteer army, and the way to get a volunteer army is to increase their pay. I question whether that is volunteerism. For those who are disadvantaged in our society, whether they live in the hollows and valleys of Appalachia or the slums and ghettoes of the cities, the economic coercion of the combat bonus is highly objectionable.

So I am offering an amendment to strike that provision from the current legislation.

I have indicated in my remarks, the historical traditions of congressional restrictions and impediments on the President's use of the induction authority. The Congress limited the number of draftees in 1940 and again in 1941.

I think it is imperative that we reassert our congressional responsibility in determining the size of our military forces. The 150,000 induction limit which I propose is well above what Secretary Laird has indicated would be necessary in meeting draft requirements over the next year. If members on the Armed Services Committee can demonstrate that the number should go up to 160,000, I would be willing to adjust my ceiling figure. But the crucial element is for the Congress to set a specific limit low enough to prevent a major commitment of our military to questionable foreign adventures.

I indicated earlier that I would support a 1-year extension of the draft. Perhaps when we are able to end our military involvement in Southeast Asia and when we are in a peacetime situation, I would be willing to move toward a volunteer army. But again, there must be specific protections of congressional authority established, in the event it was necessary for the President to increase dramatically the Armed Forces.

I also have outlined the due process and administrative changes which would strengthen the Selective Service System and provide legal protection for registrants. I have talked before of the importance of putting the Selective Service System under civilian control. I do not think there is really a rationale or justification for military officers to run the Selective Service System.

I have outlined the due process procedures which I am hopeful will be enacted. I am aware of the argument that they will delay the orderly selection of inductees. But I believe the registrants are entitled to those guarantees, perhaps more now than ever before. As we are removing the kind of automatic deferments, such as educational and occupational deferments, the remaining deferments will involve hardship and conscientious objector claimants. Therefore, the reasons and justifications for due process guarantees and for draft boards which fairly reflect the draftee's community are all the more important.

In addition, requiring publication in the Federal Register of Selective Service rules and regulations is enormously important. We have seen in the past that, the Supreme Court would make a decision on conscientious objectors. Yet there was a reluctance by Selective Service to issue regulations in compliance with the Supreme Court decision. Then when inquiry is made, they say, "Well, we have talked to certain boards. We have indicated to them that they ought to comply in such a way." That is not enough, the rules must be explicit and uniform and fair.

The young people who have contact with the draft boards are entitled to have rules and regulations published in the Federal Register, so that they, as well as we in the Congress, will be aware of Selective Service decisions. If no changes have been made, we will know that, too, and it will be on the record. Hopefully, young people will have a greater sense of confidence in that system.

These are some of the features which I hope to be able to pursue in the days and weeks ahead.

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

Mr. KENNEDY. I yield.

Mr. STENNIS. Just for a brief comment. I commend the Senator for his very fine presentation here. He is well versed on the subject, and I think his remarks are very good, indeed, and are certainly a constructive part of the debate.

I should like to ask the Senator a question or two. First, about one of his proposals here as to the veterans' right to reenter college, similar to veterans' job rights. What would the Senator propose to do there? Of course, the college itself would have to satisfy itself that he still had the mood and the disposition and capacity to enter the courses, as a general rule; but what would be his status as to courses if he had not finished? Would not the college be given a great deal of discretion there?

Mr. KENNEDY. Mr. President, I have had an opportunity to talk with a number of educators, presidents of universities, and I asked whether they felt that this would be an undue exercise of congressional power, if we were to include this provision in the amendment.

I have received assurances from a number or them, including President Wood of the University of Massachusetts—and I shall put a number of communications and expressions we have received in the RECORD when we take this up—that they feel this is an entirely warranted and justified provision.

If we draft people out of jobs, for example, to protect job opportunities for individuals, I do not think there is any reasonable justification those students who will be drafted should not have the same protection. We must insure that young people who are taken out of colleges will be able to take up where they left off. My amendment will give them a 6-month leeway after their discharge to reapply for admission.

Also, since a number of those individuals may be on scholarship programs, perhaps a federally supported program, I believe that we ought to be able to establish this requirement. So it is for those reasons, and based upon that rationale, that I would offer this proposal.

Mr. STENNIS. From the standpoint of the amendment as drafted, and I have a great deal of sympathy for the Senator's amendment, I think we would have to iron out the situation that we would leave the colleges in. For instance, would the amendment apply to a private college?

Mr. KENNEDY. The amendment would apply to a private college.

Mr. STENNIS. Would we not have to have some requirement that the veteran convince the authorities that he still had the capability and that he is still a man who is acceptable otherwise?

Mr. KENNEDY. I would hope that the burden would be in favor of the student. A student who was taken out of college, who was receiving some scholarship aid and was still eligible, would be entitled to the resumption of his aid.

We would be saying to the university or college that when students are drafted they will have to budget and plan for his possible return 2 years hence.

Also his eligibility should be protected regardless whether his college has changed its admission standards during the years that he has been in the service.

I think we ought to face the fact that we are taking a hard and difficult step in ending student deferments. It is a difficult step for young people whose parents might have saved for years to send their child to a college or university. At the very least if this boy is able to obtain financial assistance, he should not lose it because of the draft.

When he returns and if he is still eligible, then I think we ought to give young people who are taken out of college at least the sense of security, when they serve in the Armed Forces of their country, that they will be able to resume their education when they return.

I think the Senator has raised some good questions, and I would be glad to take this matter up further with the education community to see if we cannot get a strong consensus on it.

Mr. STENNIS. I thank the Senator. I certainly have some interest in and sympathy for his amendment, and, particularly if something further is worked out along those lines, so it would not be just mandatory, I believe we could come to an agreement on that.

That was the main thing that I wanted to discuss now with the Senator. I hope he will have his amendment perfected soon, if not now. I assume we can start working on it.

Mr. KENNEDY. The chairman is aware of this problem, I think, about the combat enlistment bonsus: I would be interested in whatever comments the Senator might like to make, particularly as to whether he feels that this is the way to bring people into the Armed Forces.

I was wondering whether the Senator was distressed by this feature of a combat enlistment bonus, or whether he felt that it was the only way to meet combat arms needs in a voluntary Army situation.

Mr. STENNIS. Well, in addition to what I have already said, I do not believe that the volunteer-army concept will work out, and I cannot see it. For that reason, I was in favor of passing the draft renewal for 4 years—just to meet it head on, and pass it for 4 years, and after the shooting stops, whenever it does, we could take a look then at some elite corps. That was my first choice, to see what we could do in that field.

But this matter has a certain momentum, and I think that this special bonus concept will—and it has a limited application now, according to the Secretary of Defense's promise or outline on it—just apply to the Army and for those three different units.

I think the first thing will be a request from some of the other services for it, too. I am hoping, however, that we will learn from this experiment in that field.

I think there is a much more solid argument for the reenlistment bonus than for the initial enlistment bonus. The reenlistment bonus would help us to keep some key men, with the training and aptitudes and development. This is purely an experiment, as I see it. As a whole, as part of the package here, I think it is wise to adopt it to this extent.

There is only $40 million in this bill, and if one makes the calculation, that is not a great number of men, and it is only for 1 year. This appropriation at least would be for 1 year. That would be a trial run.

We can discuss it further later, but that is the way I feel about it.

Mr. KENNEDY. I thank the Senator. I yield the floor.

ORDER FOR SUSPENSION OF THE PASTORE RULE

Mr. MOSS. Mr. President, I ask unanimous consent that the Pastore rule be suspended for the remainder of the day, there being only approximately 20 minutes remaining.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

JOINT REFERENCE OF A BILL TO THE COMMITTEE ON THE JUDICIARY AND THE COMMITTEE ON COMMERCE

Mr. MOSS. Mr. President, on behalf of the Senator from Wisconsin (Mr. PROXMIRE) I make the following statement:

On April 14, the Senator introduced S. 1521, a bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out.

The bill, to end TV blackouts at home games when all the tickets were sold, was referred to the Committee on the Judiciary. Because this bill deals both with antitrust laws and with commercial television, the Committee on Commerce has concurrent jurisdiction. Therefore, I ask unanimous consent that S. 1521 also be referred to the Committee on Commerce jointly.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 76

Mr. SCHWEICKER. Mr. President, I submit an amendment that I will call up later during the course of the debate on the draft bill. In addition to being sponsored by me, the amendment is cosponsored by the Senator from Iowa (Mr. HUGHES), the Senator from New York (Mr. JAVITS), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Indiana (Mr. BAYH). This amendment would change from 2 years to 1 year the extension of the draft as provided in the committee's bill. I will discuss in the course of the debate my support of this amendment and my advocacy of it.

The PRESIDING OFFICER (Mr. HANSEN). The amendment will be received and printed and will be laid on the table.

AMENDMENT NO. 77

Mr. HUGHES. Mr. President, I submit an amendment on behalf of myself and Senators SYMINGTON and SCHWEIKER which will be called up later. I will not go into a great deal of depth today by way of my explanation of the amendment, because there will be time at a later date to do so; but I ask unanimous consent that the full text of the amendment be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HUGHES. I also ask unanimous consent that a statement spelling out the specific differences between this amendment and the committee bill, which has to do with pay increases for the military, be printed at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. HUGHES. Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, an editorial published in the New York Times of last Tuesday, together with an excerpt from the House report.

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

(See exhibit 3.)

Mr. HUGHES. Mr. President, I yield the floor.

EXHIBIT 1

AMENDMENT NO. 77

On page 35, beginning with line 7, strike out all down through line 5 on page 38, and insert in lieu thereof the following:

SEC. 201. Section 203(a) of title 37, United States Code, is amended to read as follows:

"(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under sec. 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10 [1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,739.30	$2,967.60	$2,967.60
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40	2,618.40
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.00	2,361.00
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60	2,052.60
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30	1,803.30
O-5	834.60	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20	1,471.20
O-4	704.10	856.50	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
O-3 [2]	654.30	731.10	781.20	864.90	906.00	938.70	939.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2 [2]	570.30	622.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1 [2]	495.00	515.40	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80

"[1] While service as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under sec. 205 of this title.

"[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

"COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

"Pay grade	Years of service computed under sec. 205											
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40	914.40
O-1	622.80	655.10	690.00	714.60	739.80	773.10	773.10	773.10	773.10	773.10	773.10	773.10

"WARRANT OFFICERS

"Pay grade	Years of service computed under sec. 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.00	$1,137.90	$1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90	963.90
W-2	530.40	573.60	573.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80	838.80
W-1	441.90	507.00	507.00	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20	748.20

"ENLISTED MEMBERS

"Pay grade	Years of service computed under sec. 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 [1]							$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00	$975.00
E-8						$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90	870.90
E-7	$443.40	$478.50	$496.20	$513.60	$531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60	783.60
E-6	382.80	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50	574.50
E-5	336.30	366.00	383.70	400.50	426.60	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50	487.50
E-4	323.40	441.40	361.20	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E-3	311.10	328.20	341.10	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60
E-2	299.10	299.10	299.10	299.10	299.10	299.10	199.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10
E-1	268.50	268.10	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50

"[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade s $1,098.30 regardless of cumulative years of service computed under sec. 205 of this title."

SEC. 202. Chapter 5 of title 37, United States Code, is amended by inserting the following new section and a corresponding item in the analysis:

"§ 302a. Special pay: optometrists

"(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rates set forth in subsection (b) of this section—

"(1) a commissioned officer—

"(A) of the Regular Army or the Regular Navy who is designated as an optometry officer;

"(B) of the Regular Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Regular Corps of the Public Health Service; who was on active duty on the effective date of this section; who retired before that date and was ordered to active duty after that date and before July 1, 1973; or who was designated as such an officer after the effective date of this section and before July 1, 1973;

"(2) a commissioned officer—

"(A) of a reserve component of the Army or Navy who is designated as an optometry officer;

"(B) of a reserve component of the Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Reserve Corps of the Public Health Service; who after the effective date of this section and before July 1, 1973, is ordered to active duty for a period of at least one year; and

"(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, the Air Force, or the National Guard, as the case may be, who was on active duty on the effective date of this section; who was retired before that date and was ordered to active duty after that date and before July 1, 1973; or who, after the effective date of this section, was appointed from any of those categories.

"(b) The amount of special pay to which an officer covered by subsection (a) of this section is entitled is—

"(A) $50 a month for each month of active duty, if he is in pay grade O–1, O–2, or O–3;

"(B) $150 a month for each month of active duty if he is in pay grade O–4 or O–5; or

"(C) $200 a month for each month of active duty if he is above pay grade O–5.

"(c) The amounts set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay."

SEC. 203. (a) Section 402 of title 37, United States Code, is amended as follows:

(1) The first sentence of subsection (b) is amended to read: "An enlisted member is entitled to a basic allowance for subsistence of one of the following types—

"(1) when rations in kind are not available; and

"(2) when permission to mess separately is granted.".

(2) The fourth sentence of subsection (b) is stricken.

(3) Subsection (d) is amended to read:

"(d) The basic allowance for subsistence for members of the uniformed services is as follows—

Officers	$48.00 a month.
Enlisted members authorized to mess separately	$48.00 a month.
Enlisted members when rations in kind are not available	$3.45 a day.".

(4) Subsection (e) is amended to read:

"(e) Under regulations prescribed by the Secretary of Defense, an enlisted member who is granted permission to mess separately, and whose duties require him to buy at least one meal in a messing facility of the United States, shall be charged for each such meal not more than the pro rata share prescribed for that meal of $1.60.".

(b) Section 403(a) of title 37, United States Code, is amended to read as follows:

"(a) Except as otherwise provided by this section or by another law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters at the following rates according to the pay grade in which he is assigned or distributed for basic pay purposes:

"Pay grade	Without dependents	With dependents
O–10	$271.20	$339.00
O–9	271.20	339.00
O–8	271.20	339.00
O–7	271.20	339.00
O–6	249.30	303.90
O–5	233.40	281.10
O–4	210.30	253.50
O–3	186.30	230.10
O–2	163.20	206.70
O–1	128.10	166.50
W–4	202.80	244.50
W–3	182.70	225.60
W–2	161.40	204.30
W–1	145.80	189.30
E–9	153.90	216.90
E–8	143.70	202.50
E–7	123.30	189.90
E–6	112.80	176.40
E–5	109.20	163.20
E–4 (over 4 years service)	96.00	143.10
E–4 (4 years or less service)	45.00	45.00
E–3	45.00	45.00
E–2	45.00	35.00
E–1	45.00	45.00

A member in pay grade E–4 (less than four years' service), E–3, E–2, or E–1 is considered at all times to be without dependents.".

On page 38, lines 6, strike out "Sec. 203" and insert in lieu thereof "Sec. 204".

On page 39, line 7, strike out "Sec. 204" and insert in lieu thereof "Sec. 205".

On page 39, beginning with line 19, strike out all down through line 5 on page 40, and insert in lieu thereof the following:

SEC. 206. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

"SEC. 3. For the duration of this Act, section 403(a) of title 37, United States Code, is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E–1, E–2, E–3, and E–4 (four years' or less service) and inserting in place thereof the following table:

"Pay grade	Without dependents	With dependents
E–4 (4 years' or less service)	$96.00	$143.10
E–3	85.20	120.00
E–2	75.00	105.00
E–1	70.20	105.00."

SEC. 207. Section 4 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2204) is amended by inserting immediately before ": *Provided further*" the following: "; or (7) for the calendar months in which such member serves on active duty for training (including full-time duty performed by members of the Army or Air National Guard for which they receive pay from the United States in accordance with section 204 of title 37, United States Code) if that training is for a period of 30 days or more.".

SEC. 208. Section 7 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2207) is amended by striking out "to enlisted members on active duty for training under section 262 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1013), or any other enlistment program that requires an initial period of active duty for training.".

On page 40, line 6, strike out "Sec. 206" and insert in lieu thereof "Sec. 209".

On page 40, line 8, strike out "Sec. 203" and insert in lieu thereof "Sec. 204".

EXHIBIT 2

EXPLANATION OF THE HUGHES AMENDMENT TO THE MILITARY SELECTIVE SERVICE LEGISLATION

The amendment offered by Senator Hughes would substitute the higher pay provisions adopted in the other body for the pay rates in the legislation as reported by the Senate Armed Services Committee.

The Senate committee adopted the recommendations of the Administration for fiscal year 1972 pay program for which the total cost would be an additional $1,029.9 million. The total cost of the pay proposal as adopted in the other body would be $2,710.8 million. The Hughes amendment would substitute the higher House figure.

If the Hughes amendment is adopted, basic pay for draftees and other enlisted personnel with less than two years of service would be increased by an average of 68.6 percent of the rates in effect on January 1, 1971. This compares with an average increase of 36 percent in the legislation recommended by the President and reported by the Senate committee. The higher pay increases contained in the Hughes amendment are necessary to raise military compensation to a level which is competitive with pay rates in the civilian economy.

Military pay takes several forms, including basic pay, allowances for housing, and other compensation.

BASIC PAY

This is the pay which every service member receives every pay day. It is subject to federal income tax. The Hughes amendment substitutes $1.825 billion as adopted in the House for the $908 million adopted by the Senate Armed Services Committee.

DEPENDENTS ASSISTANCE ACT

This is the allowance for housing for the first four pay grades with under four years of service. The Hughes amendment substitutes $184.1 million for the $79.0 million adopted by the Senate committee.

BASIC ALLOWANCE FOR QUARTERS (BAQ)

This is an allowance for housing for members of the career armed forces who must seek housing in the civilian economy. It is not subject to federal income tax. The Hughes amendment would add $640.1 million on this item for which no extra money was contained in the Senate committee bill.

BASIC ALLOWANCE FOR SUBSISTENCE (BAS)

This is compensation for the purchase of food by officers and enlisted men who do not eat in government facilities. It is not subject to federal income tax. The Hughes amendment adds $37.8 million to this item which contains no extra money in the Senate committee bill.

OUT-OF-POCKET RECRUITING EXPENSE

This is compensation for military recruiters who often must pay incidental expenses for refreshments for recruits and their relatives. The Hughes amendment agrees with both the Senate committee and House versions by adding $2.9 million.

SPECIAL PAY FOR OPTOMETRISTS

The legislation adopted in the House added $.5 million by paying optometrists extra compensation on a sliding scale. The Senate committee bill increased this slightly by using a different formula. The Hughes amendment agrees with the House version.

RESERVISTS' TRAINING DUTY ENTITLEMENT UNDER DEPENDENTS ASSISTANCE ACT (DAA)

This is a housing allowance for reservists during their first four months of active duty training. The Hughes amendment agrees with the legislation adopted in the House by adding $20 million. The legislation reported by the Senate committee provided no extra money for this item.

EXHIBIT 3

A TAX ON G.I.'S

If the Administration were to tell Congress that since the nation cannot afford its new $76-billion defense budget, the cost of new arms would be taken out of the pay of privates and other low-ranking G.I.'s, the lawmakers would be rightly indignant.

But such an indirect tax on servicemen is, in effect, what the Secretary of Defense has proposed and the Senate Armed Services Committee has accepted in endorsing the Administration's cut-rate draft bill, calling for military pay raises of only $987 million. Secretary Laird vigorously opposed much larger increases recommended by a Presidential commission and endorsed to a substantial degree by the House because, he said, the money would have to be taken from other defense funds and would have "a very adverse effect on our budget."

The Advisory Commission on an All-Volunteer Armed Force last year urged increases totaling roughly $3.2 billion as a means of achieving the peacetime goal of an all-volunteer force. In making its recommendations, the commission argued that the pay raises are justified on the grounds of equity alone. Existing pay scales in the lower ranks are so low, the commission noted, that they amount to a "tax in kind" on draftees and draft-induced volunteers who are compelled to serve for wages substantially below what they could expect to command on the civilian job market.

For example, the current *monthly* salary of recruits is $134. Under the Administration proposal which is now before the Senate, a recruit's pay would be raised to $201 per month. The Presidential commission recommended a figure of $301. The Senate should at least match the increase voted by the House, which would raise recruit pay to $268 per month.

A Government that pays defense contractors billions of dollars in "cost overruns" for weapons can surely afford to pay a living wage to the men it asks to lay down their lives in the nation's defense.

SELECTED EXCERPTS OF HOUSE REPORT 98–82 TO ACCOMPANY H.R. 6531 FROM THE COMMITTEE ON ARMED SERVICES OF THE HOUSE OF REPRESENTATIVES REGARDING INCREASES IN PAY AND ALLOWANCES

INCREASES IN PAY AND ALLOWANCES

The legislation provides substantial increases in basic pay for draftees and other men with less than two years of service, to overcome the long pay neglect they have suffered, and increases quarters allowances for all military personnel for the first time since 1963. These various raises are detailed below.

Increases in basic pay

Section 5 of the bill amends Title 37, United States Code, to provide increases in basic pay totaling $1,825.4 million for members of the uniformed services. The vast bulk of this increase, $1,573.8 million—or 86.2 percent—would go to enlisted men and junior officers with less than two years of service.

Basic pay for draftees and other enlisted personnel with less than two years of service would be increased by an average of 68.6 percent over the rates in effect on January 1, 1971.

The bill provides the sharpest increases in pay for the lowest ranks. For the two lowest enlisted grades of E–1 and E–2 the bill provides basic pay increases approximately 100 percent.

Approximately 50,000 officers and 1,400,000 enlisted men on active duty would receive basic pay increases under the bill. Additionally, approximately 6,500 officers and 518,000 enlisted men in National Guard and Reserve units would receive the same percentage increases in their basic pay. While the pay increases are primarily for enlisted personnel and officers with less than two years of service, some increases were made for those with more than two years of service to avoid undue compression in the structure of the military pay tables. Where adjustments in pay for those with over two years of service appear, such adjustments are designed to maintain a 4-percent inter-longevity differential.

The following table illustrates the pay grades which will receive increases in basic pay with the present rates and rates proposed by the Committee's bill for the affected longevity steps:

COMPARISON OF BASIC PAY SCALES, PRESENT AND PROPOSED (H.R. 6531) FOR GRADES AND LONGEVITY STEPS RECEIVING INCREASES

Pay grade	Years of service				
	2 or less	Over 2	Over 3	Over 4	Over 6
O–2:					
Present	$524.40				
Proposed	570.30				
O–1:					
Present	450.60	$499.20			
Proposed	495.00	515.40			
E–7:					
Present	399.00				
Proposed	443.40				
E–6:					
Present	344.10				
Proposed	382.80				
E–5:					
Present	297.30				
Proposed	336.30				
E–4:					
Present	$249.90	$312.90	$330.90	$356.70	$374.40
Proposed	323.40	341.40	361.20	389.40	405.00
E–3:					
Present	180.90	252.30	269.70	287.40	
Proposed	311.10	328.20	341.10	354.60	
E–2:					
Present	149.10				
Proposed	299.10				
E–1:					
Present	143.70				
Proposed	268.50				
E–1 (under 4 months):					
Present	134.40				
Proposed [1]					

[1] The "under 4 months," pay step would be abolished.

For thirteen years, from 1952 through 1964, the basic pay of enlisted members with less than two years of service was unchanged. During that time there were four consecutive raises in basic pay for other members of the uniformed services (1955, 1958, 1963 and 1964). As a result, there remains today a wide gap between the military pay for those with less than two years of service and that for the remainder. As a result, there remains today a wide gap between the military pay and civilian pay at the entry level.

A similar situation existed for officers with less than two years of service. They received no increase in basic pay from 1952 to 1963. In 1964 and again in 1965 these officers did receive a higher percentage of increase than did the remainder of the forces. However, those increases were not sufficient to make up the inequities that had resulted from long years of compensation neglect.

Since 1966 officers and enlisted members with less than two years of service had received flat, across-the-board percentage increases in the same manner as other military personnel. These increases only permitted the junior members to maintain their relative position; consequently, the old inequity has persisted to the present day.

The Committee believes it significant that the overwhelming majority of witnesses before the Committee, including those in favor of an all-volunteer force and those opposed to such a concept, supported the need for substantial pay increases for draftees and other members in the lowest levels of military pay.

The Committee does not wish to overstate the case and recognizes that some people underestimate the remuneration of lower-grade enlisted personnel when they fail to take into account the quarters and the subsistence and related benefits that are provided. However, the Committee agrees with the observation that it is unfair to use the power of the draft to enforce inordinately low pay levels. The Committee believes that substantial pay raises in the amounts voted by the Committee are justified by considerations of equity, taking into view the comparable pay of civilian occupations and the exceptional commitment to their country that we ask of young men who are inducted into the Armed Forces.

Following is the complete basic pay table that would be created when the changes made by the Committee bill are incorporated:

H.R. 6531—PROPOSED BASIC PAY TABLE

Pay grade	Years of service													
	Under 2	2	3	4	6	8	10	12	14	16	18	20	22	26
Commissioned officers:														
O–10 [1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,793.30	$2,967.60
O–9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40
O–8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.00
O–7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60
O–6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30
O–5	984.60	980.70	1,047.90	1,047.09	1,047.80	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20
O–4	704.10	856.50	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30
O–3	654.30	731.10	781.20	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O–2	570.30	622.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O–1	495.00	515.40	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80

H.R. 6531—PROPOSED BASIC PAY TABLE

Pay grade	Years of service: Under 2	2	3	4	6	8	10	12	14	16	18	20	22	26
Commissioned officers with over 4 years' active service as an enlisted member:														
O–3	0	0	0	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O–2	0	0	0	773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40
O–1	0	0	0	622.80	665.10	690.00	714.60	773.80	773.10	773.10	773.10	773.10	773.10	773.10
Warrant officers:														
W–4	$666.30	$714.60	$714.60	731.10	764.40	798.00	831.00	889.80	930.60	963.90	989.10	1,022.10	1,056.00	1,137.90
W–3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90
W–2	530.40	573.60	573.69	590.40	622.80	657.00	681.90	706.50	731.10	756.60	681.20	806.10	838.80	838.80
W–1	441.90	507.00	507.00	549.00	573.60	598.50	622.80	646.30	673.20	698.10	722.40	748.40	748.20	748.20
Enlisted members:														
E–9 [2]	0	0	0	0	0	0	756.90	774.30	792.00	809.70	827.70	843.90	888.60	975.00
E–8	0	0	0	0	0	635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90
E–7	443.40	478.50	496.20	513.60	531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60
E–6	382.80	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50
E–5	336.30	366.00	383.70	400.50	426.60	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50
E–4	323.40	341.40	361.20	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E–3	311.10	328.20	341.10	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60
E–2	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10
E–1	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50

[1] Chief of Staff, $3,000.
[2] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Navy, Chief Master Sergeant of the Air Force, or Serge ant Maior of the Marine Corps, basic pay for this grade is $1,098.30 regardless of cumulative years of service computed under section 205 of this title.

Increases in quarters allowance

The bill provides substantial increases in quarters allowances for members of the career forces and increases in the allowance provided under the Dependents Assistance Act of 1950 to enlisted men in the grades of E–1, E–2 and E–3 and those in grades of E–4 with four years or less of service.

Approximately 270,000 junior enlisted personnel now receive DAA allowances and they would receive increases ranging up to $60 a month.

The following tables illustrate the impact of the Committee's actions on increases in basic allowances for quarters by showing the present and proposed monthly rates and the dollar and percentage differential for each grade.

SINGLE PERSONNEL COMPARISON OF MONTHLY BAQ RATES—PRESENT [1] AND COMMITTEE BILL

Pay grade	Single BAQ: H.R. 6531	Present	Difference: Dollars	Percent
C/S	$271.20	$160.20	$111.00	69.3
O–10	271.20	160.20	111.00	69.3
O–9	271.20	160.20	111.00	69.3
O–8	271.20	160.20	111.00	69.3
O–7	271.20	160.20	111.00	69.3
O–6	249.30	140.10	109.20	77.9
O–5	233.40	130.20	103.20	79.2
O–4	210.30	120.00	90.30	75.3
O–3	186.30	105.00	81.30	77.4
O–2	163.20	95.10	68.10	71.6
O–1	128.10	85.20	42.90	50.3
W–4	202.80	120.00	82.80	69.0
W–3	182.70	105.00	75.70	72.1
W–2	161.40	95.10	66.30	69.7
W–1	145.80	85.20	60.60	71.1
E–9	153.90	85.20	68.70	80.6
E–8	143.70	85.20	58.50	68.6
E–7	123.30	75.00	48.30	64.4
E–6	112.80	70.20	42.60	60.7
E–5	109.20	70.20	39.00	55.5
E–4	96.00	[2] 70.20	25.80	36.8
E–3	85.20	60.00	25.20	42.0
E–2	75.00	60.00	15.00	25.0
E–1	70.20	60.00	10.20	16.7

[1] Present—Jan. 1, 1971 pay rates.
[2] E–4 with less than 4 years' service receives $60.00 per month.

MARRIED PERSONNEL

COMPARISON OF MONTHLY BAQ RATES—PRESENT [1] AND COMMITTEE BILL

Pay grade	Married BAQ: H.R. 6531	Present	Difference: Dollars	Percent
Flag and general officers	$339.00	$201.00	$138.00	68.7
O–6	303.90	170.10	133.80	78.7
O–5	281.10	157.50	123.60	78.5
O–4	253.50	145.05	108.45	74.7
O–3	230.10	130.05	100.05	76.9

MARRIED PERSONELL

COMPARISON OF MONTHLY BAQ RATES—PRESENT [1] AND COMMITTEE BILL

	Married BAQ: H.R. 6531	Present	Difference: Dollars	Percent
O–2	$206.70	$120.00	$86.70	72.3
O–1	166.50	110.10	56.40	51.2
W–4	244.50	145.05	99.45	68.5
W–3	225.60	130.05	95.55	73.4
W–2	204.30	120.00	84.30	70.3
W–1	189.30	110.10	79.20	71.9
E–9	216.90	120.00	96.90	80.8
E–8	202.50	120.00	82.50	68.8
E–7	189.90	114.90	75.00	65.3
E–6	176.40	110.10	66.30	60.2
E–5	163.20	105.00	58.20	55.4
E–4	143.10	[2] 105.00	38.10	36.3
E–3	120.00	(2)	15.00	14.0
E–2	105.00	(2)	0	0
E–1	105.00	(2)	0	0

[1] Present—Jan. 1, 1971, pay rates.
[2] Married Dependents Assistance Act, rates vary with number of dependents: E–4 (less than 4 years' service), 1 dependent, $90.60; E–3 to E–1, 1 dependent, $60; all pay grades, 2 dependents, $90.60; all pay grades, 3 dependents, $105.

Because quarters allowances are an important part of a military man's compensation, it is necessary to assure that these allowances are adequate. The standard on which an adequate quarters allowance is judged is based on the FHA median housing expense for comparable income groups nationwide.

This represents a reasonable relationship to the actual cost of housing to military personnel and is one of the most reliable measurement devices available today.

This FHA standard is widely used by both government and non-government housing activities and data is available on an annual basis. The FHA median was the basis for the last quarters adjustment provided by the Congress in 1963.

Since the FHA median reflects housing costs for income levels, it is relatively easy to convert to pay grade allowances.

The basic allowance for quarters has not been increased in eight years and has fallen seriously behind the actual housing costs experience of military families. Therefore, the Committee believes that the substantial increases in its bill are justified.

Subsistence allowances

The bill makes slight increases in subsistence allowances to assure that these allowances properly reflect the basis on which they are and have been traditionally computed. The Department of Defense food cost index is used to determine subsistence allowances. It is considered appropriate because it is the most representative indicator of Department of Defense daily expenditure for food and is subject to periodic adjustment.

The bill eliminates separate allowances for officers and enlisted men and puts them all under the same allowance in the future.

The following table illustrates the present and proposed monthly rates of basic allowances for subsistence:

MONTHLY RATES—BASIC ALLOWANCE FOR SUBSISTENCE

PRESENT RATES AND COMMITTEE BILL

	Present [1]	H.R. 6531	Dollar increase	Percent increase
Officers	$47.88 per month	$48.00 per month [2]	$0.12	0.25
Enlisted authorized to mess separately	$1.52 per day	$48.00 per month	2.40	5.3
Enlisted when rations are not available	$2.57 per day	$3.45 per day [3]	.88	34.2
Enlisted when assigned to duty under emergency conditions.	$3.42 per day			

[1] Jan. 1, 1971, rate.
[2] Food cost index indicates Jan. 1, 1972, rate will approximate $1.60 per day or $48 per month.
[3] Increase approximates the increase in the food component of the Consumer Price Index between June of 1952 and January 1971.

Regular military compensation

The Congress in Public Law 90–207 defined Regular Military Compensation (RMC) as consisting of the following elements that service members receive in cash or in kind every payday: basic pay, quarters allowances, subsistence allowance and tax advantage (received because the quarters and subsistence allowances are not subject to Federal income tax).

It is the Regular Military Compensation that is used to establish competitive military pay levels which bear a reasonable relationship to civilian wages for equivalent levels of work. The RMC is based on a military pay standard so constructed that it recognizes that RMC does not include a specific retirement contribution. In other words, the military compensation is depressed by 7 percent to reflect an imputed contribution towards the member's retirement.

In developing the pay proposals on which the Committee bill is based, the Department of Defense constructed a military pay standard to assure that military pay was properly equated with remuneration in other areas of national life.

The following explains how the military pay standard was devised:

A military Pay Standard is constructed by analyzing three levels of the labor force. These levels are top management, management entry, and work force entry. The work level relationships for these positions have been compared by a joint study group including representatives of the Office of Management and Budget, Civil Service Commission and Department of Defense using the following criteria:

Top Management—level of responsibility and authority, scope of impact, characteristics, the organization setting and role.

Management Entry—entry qualifications in education, experience, and training.

Work Force Entry—basic knowledge, ability and skills, and duties required.

Top management

In top management area a comparison was made between military positions such as the Deputy Director of the Defense Supply Agency and the Chief, U.S. Army Audit Agency with civilan positions such as the Deputy Assistant Secretary of Installations, United States Air Force, and the Director, Defense Contract Audit Agency. The military and civilian grades which were found of equal level were that of an O–8 and the GS–18.

While no effort was made to establish comparison from a strictly military level of responsibility, these are the types of jobs which would be held by competent military members of that grade in general management positions.

Management entry

Management entry qualifications were examined to test the requirements of college graduates or similar experienced personnel entering the management level. For example, military disbursing officers were compared to civilian accountants. The military and civilian grades which were related in this area were the O–1 and the GS–7.

Work force entry

The work force entry comparison matched personnel who in general had completed apprentice training and were actually joining the work force as poductive members. The military radio code operator was compared to a civilian electronic accounting machine operator. Both white collar and blue collar specialties were compared which resulted in military grade E–3 equating with Wage Board 5 and GS–3 work level.

Construction of the military pay standard

As the basis of comparing the military pay system, pay levels can be assigned to these three individual work levels. In order to provide internal equity within the military pay system, grade and longevity differentials are developed to extend the salaries to the remainder of the pay table.

The Committee's bill would provide total increases in Regular Military Compensation costs of $2,687.4 million per year. This includes $1,825.4 million in basic pay increases, $824.2 million for increases in basic allowances for quarters and $37.8 million for increases in basic allowances for subsistence.

The Committee would stress again that the overwhelming percentage of the increases will go to draftees and others at the lowest level of the military pay scale. The table below illustrates the distribution of dollar costs.

ANNUAL COST INCREASE OF H.R. 6531 BASED ON A 2,600,000 FORCE

[Dollar amounts in millions]

	Under 2		Over 2		Total amounts
	Amount	Percent	Amount	Percent	
Basic pay (includes related cost)	$1,573.8	86.2	$251.6	13.8	$1,825.4
Basic allowance for quarters	133.5	16.2	690.7	83.8	824.2
Basic allowance for subsistence	14.3	37.8	23.5	62.2	37.8
Total	1,721.6	64.1	965.8	35.9	2,687.4

The Committee's bill and the President's proposals

The bill (H.R. 6531) reported by the Committee on Armed Services is substantially better than the legislation on military pay recommended by the President for fiscal year 1972.

The legislation proposed by the President, introduced as H.R. 3496, would have provided pay raises totaling less than half as much as the Committee's bill and would have provided allowances for quarters for fiscal year 1972 only for the first four enlisted grades which receive their allowances under the Dependents Assistance Act.

The Administration's bill would have increased basic pay for enlisted personnel with less than two years of service by an average of 36 percent as compared to the 68.6 percent in the Committee's bill.

The legislation submitted by the President would have provided a total of $987 million in basic pay and quarters allowances increases in fiscal year 1972.

In submitting his legislation to the Congress, however, the President wrote:

"In addition, I am directing the Secretary of Defense to recommend for the 1973 fiscal year such further additions to military compensation as may be necessary to make financial rewards of military life fully competitive with those in the civilian sector."

Expanding on this, the Assistant Secretary of Defense for Manpower and Reserve Affairs, the Honorable Roger T. Kelley, testified that the Department of Defense recognized that the pay increases recommended by the Department for 1972. although substantial, do not accomplish the goal of raising military pay to a reasonably competitive level with civilian pay. "There is still a disparity between our recommended and higher pay levels and their civilian counterparts," the Assistant Secretary said.

The pay and allowance levels required for full compensation equity have been developed by the Department of Defense as the planned compensation proposals for fiscal 1973. These were made available to the Committee and formed the basis for the Committee's bill.

It should be remembered that the Department of Defense and the Administration have committed themselves to move to an all-volunteer force. They did not propose an all-volunteer force at this time, but asked for only a two-year extension of the draft with the hope of being in a position to go to an all-volunteer force by the end of 1973. All of the Joint Chiefs of Staff, as well as the officials of the Department of Defense who testified, indicated that they did not believe the Department could approach the magic zero draft point before two years and indicated further that the higher pay rates to bring military pay up to full comparability are required.

It is unrealistic to the Committee, therefore, to set zero draft calls as the goal and delay until at least another year providing the adequate tools for reaching that goal.

It is interesting to observe that the total cost of the pay and allowances increases in the bill, $2,687,400,000, is within $20 million of the cost of the increase in regular military compensation recommended in H.R. 4450, which incorporates the Gates Commission proposals for necessary pay increases to create an all-volunteer force.

Set out below is a table reflecting a comparison of the disposable income available to personnel with under two years of service under the provisions of the Committee's bill, H.R. 6531, as compared to the result under the provisions of H.R. 4450, the increases recommended by the Gates Commission:

DISPOSABLE INCOME [1]

COMMITTEE BILL—H.R. 6531 COMPARISON WITH H.R. 4450—GATES COMMISSION

Pay grade and longevity	H.R. 6531	H.R. 4450
Married personnel [2]		
O–2, under 2	$8,800	$8,940
O–1, under 2	7,614	8,034
E–5, under 2	6,100	5,780
E–4, under 2	5,737	5,364
E–3, under 2	5,344	4,847
E–2, under 2	5,050	4,693
E–1, under 2	4,760	4,512
Married personnel [3]		
O–2, under 2	8,923	9,064
O–1, under 2	7,732	8,157
E–5, under 2	6,204	5,888
E–4, under 2	5,841	5,468
E–3, under 2	5,446	5,318
E–2, under 2	5,151	5,164
E–1, under 2	4,857	4,980
Single personnel:		
O–2, under 2	8,058	8,379
O–1, under 2	6,946	7,507
E–5, under 2	5,309	5,201
E–4, under 2	5,035	4,845
E–3, under 2	4,795	4,703
E–2, under 2	4,566	4,558
E–1, under 2	4,227	4,386

[1] Disposable income represents actual cash received after deduction of FICA and Federal income tax on basic pay.
[2] With 1 dependent.
[3] With 2 dependents.

More important to this Committee, if the standard of equity established sets the level of pay demanded for military personnel at a higher level, then compelling reasons would be required to justify not going to that level.

Under repeated questioning, however, the only justification for not going to the 1973 rates now that was given to the Committee by the Assistant Secretary of Defense for Manpower and Reserve Affairs was "budgetary constraints."

The Committee would recall the words of the Assistant Secretary himself that we should not use the draft as a means of compelling young men to serve at substandard pay.

Specifically, the Assistant Secretary said, "Even if the goal of zero draft was not at stake, it is unfair to use the power of the draft to enforce inordinately low pay levels."

The Committee thinks the position of the Joint Chiefs of Staff is significant on this point, as the following excerpts from their testimony illustrate:

General WESTMORELAND. We support the DOD fiscal year 1973 program which will substantially close the gap between the military and civilian income levels. Military compensation will have, at last, reached the military compensation standard which was established as a goal several years ago. The standard consists of competitive pay levels which bear a reasonable relationship to wages in the civilian economy for equivalent levels of work. Reaching the standard in fiscal year 1973 will also facilitate future annual studies of the adequacy of pay levels which are required by statute. It remains to be seen whether the combined fiscal years 1972 and 1973 programs will provide the nec-

essary incentive to achieve a zero draft environment. Certainly it should have some effect on our modern volunteer army program. But the fiscal years 1972 and 1973 programs are actions which should be taken under any circumstances in the interest of members of the military organization, and in the future interest of providing the best possible national security system. There is a limit as to which pay alone can or should be relied upon as an incentive for military service. Military service should not be predicated entirely upon financial return. Nevertheless, the financial rewards should be fully competitive with those in the civilian sector.

Admiral ZUMWALT. These proposals establish an internally equitable and externally competitive pay system which we consider of major importance. We believe the combined proposals will lead us to our goal much more effectively, and less expensively than H.R. 4450, which is based on the President's Commission on all Volunteer Armed Forces (Gates report). The DOD proposals, although lacking some desired features are, for the most part, a realistic attempt to bring the military pay and allowances system up to an acceptable standard relative to the national labor force.

General RYAN. As stated in previous testimony, we do not know whether these incentives, which supplement those in the fiscal year 1972 program, will provide the necessary wherewithal to achieve a zero draft environment. We do know that these actions will benefit all military men, first-term and career, by alleviating certain inequities in the present military pay structure. This will be accomplished by adopting a standard which establishes competitive military pay levels. These levels bear a reasonable relationship to civilian wages. This has been our goal for many years.

General CHAPMAN. It is my opinion that the proposal for fiscal year 1973 military compensation is a step in the right direction and a necessary one to provide the serviceman with equitable compensation. In addition, improvements of this nature are essential if we are to move toward a zero draft. I am unable at this time to determine whether they will be sufficient to provide the services the quality accessions and retention of quality career personnel which are necessary.

The Committee would also note that the preponderance of witnesses questioned on this point by the Committee supported the increased rates of the Department of Defense fiscal year 1973 program and concurred in the opinion that if constraints were to be placed on the budget, they were not to be placed there at the expense of young men who make an inordinate commitment to their country by being inducted into the Armed Forces.

The accompanying tables compare the Committee bill with the President's fiscal 1972 proposal and H.R. 4450.

COMPARISON OF PRESENT LEVELS OF MILITARY COMPENSATION WITH: (A) EXECUTIVE BRANCH RECOMMENDATIONS FOR FISCAL YEAR 1972 (H.R. 3496); (B) COMMITTEE RECOMMENDATIONS FOR FISCAL YEAR 1972 (H.R. 6531); (C) GATES COMMISSION RECOMMENDATIONS FOR FISCAL YEAR 1972 (H.R. 4450)

Pay grade	Title	Number of personnel affected	Years of service	Number of dependents	Basic pay	Subsistence	Quarters	Federal tax advantage	Regular compensation	
									Monthly	Annual
O–10	General-admiral:									
	Present	42	30	2	$2,967.60	$47.88	$201.00	$186.18	$3,402.66	$40,831.92
	Proposed 1972—By executive branch				2,967.60	47.88	201.00	186.18	3,402.66	40,831.92
	H.R. 6531				2,967.60	48.00	339.00	307.34	3,661.94	43,943.26
	Percent difference				0	.30	68.70	65.10	7.60	7.60
	H.R. 4450				2,967.60	47.88	201.00	186.18	3,402.66	40,831.92
	H.R. 4450 percent difference				0	0	0	0	0	0
O–9	Lieutenant general-vice admiral:									
	Present	133	30	2	2,618.40	47.88	201.00	162.73	3,030.01	36,360.12
	Proposed 1972—By executive branch				2,618.40	47.88	201.00	162.73	3,030.01	36,360.12
	H.R. 6531				2,618.40	48.00	339.00	262.75	3,268.15	39,217.78
	Percent difference				0	.30	68.70	61.50	7.90	7.90
	H.R. 4450				2,618.40	47.88	201.00	162.73	3,030.01	36,360.12
	H.R. 4450 percent difference				0	0	0	0	0	0
O–8	Major general-rear admiral (upper half):									
	Present	474	30	3	2,361.00	47.88	201.00	143.68	2,753.56	33,042.72
	Proposed 1972—By executive branch				2,361.00	47.88	201.00	143.68	2,753.56	33,042.72
	H.R. 6531				2,361.00	48.00	339.00	231.98	2,979.98	35,759.80
	Percent difference				0	.3	68.70	61.50	8.20	8.20
	H.R. 4450				2,361.00	47.88	201.00	143.68	2,753.56	33,042.72
	H.R. 4450 percent difference				0	0	0	0	0	0
O–7	Brigadier general-rear admiral (lower half):									
	Present	450	28	3	2,052.60	47.88	201.00	121.93	2,423.41	29,080.92
	Proposed 1972—By executive branch				2,052.60	47.88	201.00	121.93	2,423.41	29,080.92
	H.R. 6531				2,052.60	48.00	339.00	199.62	2,639.22	31,670.85
	Percent difference				0	.30	68.70	63.70	8.90	8.90
	H.R. 4450				2,052.60	47.88	201.00	121.93	2,423.41	29,080.92
	H.R. 4450 percent difference				0	0	0	0	0	0
O–6	Colonel-captain:									
	Present	17,139	24	3	1,662.60	47.88	170.10	84.25	1,964.83	23,577.96
	Proposed 1972—By executive branch				1,662.60	47.88	170.10	84.25	1,964.83	23,577.96
	H.R. 6531				1,662.60	48.00	303.90	144.72	2,159.22	25,910.59
	Percent difference				0	.30	78.70	71.80	9.90	9.90
	H.R. 4450				1,662.60	47.88	170.10	84.25	1,964.83	23,577.96
	H.R. 4450 percent difference				0	0	0	0	0	0
O–5	Lieutenant colonel-commander:									
	Present	40,173	21	3	1,421.10	47.88	157.50	69.29	1,695.77	20,349.24
	Proposed 1972—By executive branch				1,421.10	47.88	157.50	69.29	1,695.77	20,349.24
	H.R. 6531				1,421.10	48.00	281.10	117.40	1,867.60	22,411.25
	Percent difference				0	.30	78.50	69.40	10.10	10.10
	H.R. 4450				1,421.10	47.88	157.50	69.29	1,695.77	20,349.24
	H.R. 4450 percent difference				0	0	0	0	0	0
O–4	Major-lieutenant commander:									
	Present	63,784	19	3	1,230.30	47.88	145.05	59.86	1,483.09	17,797.08
	Proposed 1972—By executive branch				1,230.30	47.88	145.05	59.86	1,483.09	17,797.08
	H.R. 6531				1,230.30	48.00	253.50	96.05	1,627.85	19,534.14
	Percent difference				0	.30	74.80	60.50	9.80	9.80
	H.R. 4450				1,230.30	47.88	145.05	59.86	1,483.09	17,797.08
	H.R. 4450 percent difference				0	0	0	0	0	0
O–3	Captain-lieutenant:									
	Present	108,787	8	3	938.70	47.88	130.05	46.78	1,163.41	13,960.92
	Proposed 1972—By Executive branch				938.70	47.88	130.05	46.78	1,163.41	13,960.92
	H.R. 6531				938.70	48.00	230.10	75.04	1,291.84	15,502.04
	Percent difference				0	.30	76.90	60.40	11.00	11.00
	H.R. 4450				938.70	47.88	130.05	46.78	1,163.41	13,960.92
	H.R. 4450 percent difference				0	0	0	0	0	0
O–2	1st lieutenant-lieutenant (junior grade):									
	Present	62,576	4	1	773.10	47.88	120.00	36.50	977.48	11,729.76
	Proposed 1972—By executive branch				773.10	47.88	120.00	36.50	977.48	11,729.76
	H.R. 6531				773.10	48.00	206.70	60.99	1,088.79	13,065.49
	Percent difference				0	.30	72.30	67.10	11.40	11.40
	H.R. 4450				773.10	47.88	120.00	36.50	977.48	11,729.76
	H.R. 4450 percent difference				0	0	0	0	0	0
O–1	2d lieutenant-ensign:									
	Present	40,212	0	1	450.60	47.88	110.10	32.53	641.11	7,693.32
	Proposed 1972—By executive branch				495.00	47.88	110.10	31.68	684.66	8,215.92
	H.R. 6531				495.00	48.00	166.50	42.87	752.37	9,028.42
	Percent difference				9.90	.30	51.20	31.80	17.40	17.40
	H.R. 4450				612.30	47.88	110.10	31.28	801.56	9,618.79
	H.R. 4450 percent difference				35.90	0	0	−3.80	25.00	25.00

COMPARISON OF PRESENT LEVELS OF MILITARY COMPENSATION WITH: (A) EXECUTIVE BRANCH RECOMMENDATIONS FOR FISCAL YEAR 1972 (H.R. 3496); (B) COMMITTEE RECOMMENDATIONS FOR FISCAL YEAR 1972 (H.R. 6531); (C) GATES COMMISSION RECOMMENDATIONS FOR FISCAL YEAR 1972 (H.R. 4450)—Continued

Pay grade	Title	Number of personnel affected	Years of service	Number of dependents	Basic pay	Subsistence	Quarters	Federal tax advantage	Regular compensation	
									Monthly	Annual
W-4	Chief warrant-commissioned warrant:									
	Present	2,301	24	3	$1,056.00	$47.88	$145.05	$54.41	$1,303.34	$15,640.08
	Proposed 1972—By executive branch				1,056.00	47.88	145.05	54.41	1,303.34	15,640.08
	H.R. 6531				1,056.00	48.00	244.50	86.07	1,434.57	17,214.88
	Percent difference				0	0.30	68.60	58.20	10.10	10.10
	H.R. 4450				1,056.00	47.88	145.05	54.41	1,303.34	15,640.08
	H.R. 4450 percent difference				0	0	0	0	0	0
W-3	Chief warrant-commissioned warrant:									
	Present	4,322	21	3	897.90	47.88	130.05	43.92	1,119.75	13,437.00
	Proposed 1972—By executive branch				897.90	47.88	130.05	43.92	1,119.75	13,437.00
	H.R. 6531				897.90	48.00	225.60	70.99	1,242.49	14,909.88
	Percent difference				0	0.30	73.50	61.60	11.00	11.00
	H.R. 4450				897.90	47.88	130.05	43.92	1,119.75	13,437.00
	H.R. 4450 percent difference				0	0	0	0	0	0
W-2	Chief warrant-commissioned warrant:									
	Present	14,752	18	3	781.20	47.88	120.00	33.88	982.96	11,795.52
	Proposed 1972—B executive branch				781.20	47.88	120.00	33.88	982.96	1,795.52
	H.R. 6531				781.20	48.00	204.30	56.72	1,090.22	13,082.58
	Percent difference				0	0.30	70.30	67.40	10.90	10.90
	H.R. 4450				781.20	47.88	120.00	33.88	982.96	11,795.52
	H.R. 4450 percent difference				0	0	0	0	0	0
W-1	Warrant officer-warrant officer:									
	Present	3,495	14	3	673.20	47.88	110.10	31.29	862.47	10,349.59
	Proposed 1972—By executive branch				673.20	47.88	110.10	31.29	862.47	10,349.59
	H.R. 6531				673.20	48.00	189.30	46.99	957.49	11,489.92
	Percent difference				0	0.30	71.90	50.20	11.00	11.00
	H.R. 4450				673.20	47.88	110.10	31.29	862.47	10,349.59
	H.R. 4550 percent difference				0	0	0	0	0	0
E-9	Sergeant major-master chief petty officer:									
	Present	16,016	20	3	843.90	46.23	120.00	36.84	1,046.97	12,563.64
	Proposed 1972—By executive branch				843.90	46.23	120.00	36.84	1,046.97	12,563.64
	H.R. 6531				843.90	48.00	216.90	64.67	1,173.47	14,081.59
	Percent difference				0	3.80	80.80	75.50	12.10	12.10
	H.R. 4450				843.90	45.23	120.00	36.84	1,046.97	12,563.64
	H.R. 4450 percent difference				0	0	0	0	0	0
E-8	Master sergeant-senior chief petty officer:									
	Present	40,237	19	3	722.10	46.23	120.00	32.92	921.25	11,055.04
	Proposed 1972—By executive branch				722.10	46.23	120.00	32.92	921.25	11,055.04
	H.R. 6531				722.10	48.00	202.50	52.06	1,024.66	12,295.95
	Percent difference				0	3.80	68.80	58.10	11.20	11.20
	H.R. 4450				722.10	46.23	120.00	32.92	921.25	11,055.04
	H.R. 4450 percent difference				0	0	0	0	0	0
E-7	Sergeant, 1st class-chief petty officer:									
	Present	146,219	18	3	644.10	46.23	114.90	31.91	837.14	10,045.72
	Proposed 1972—By executive branch				644.10	46.23	114.90	31.91	837.14	10,045.72
	H.R. 6531				644.10	48.00	189.90	47.11	929.11	11,149.35
	Percent difference				0	3.80	65.30	47.60	11.00	11.00
	H.R. 4450				644.10	46.23	114.90	31.91	837.14	10,045.72
	H.R. 4450 percent difference				0	0	0	0	0	0
E-6	Staff sergeant-petty officer, 1st class:									
	Present	261,232	14	3	548.10	46.23	110.10	29.21	733.64	8,803.68
	Proposed 1972—By executive branch				548.10	46.23	110.10	29.21	733.64	8,803.68
	H.R. 6531				548.10	48.00	176.40	42.69	815.19	9,782.24
	Percent difference				0	3.80	60.20	46.10	11.10	11.10
	H.R. 4450				548.10	46.23	110.10	29.21	733.64	8,803.68
	H.R. 4450 percent difference				0	0	0	0	0	0
E-5	Sergeant-petty officer, 2d class:									
	Present	431,133	10	3	461.70	46.23	105.00	28.88	641.81	7,701.67
	Proposed 1972—By executive branch				461.70	46.23	105.00	28.88	641.81	7,701.67
	H.R. 6531				461.70	48.00	163.20	40.75	713.65	8,563.77
	Percent difference				0	3.80	55.40	41.10	11.20	11.20
	H.R. 4450				479.70	46.23	105.00	28.76	659.69	7,916.28
	H.R. 4450 percent difference				3.90	0	0	−0.40	2.80	2.80
E-4	Corporal-petty officer 3d class:									
	Present	581,082	5	1	356.70	46.23	105.00	32.06	539.99	6,478.83
	Proposed 1972—By executive branch				367.50	46.23	105.00	31.99	550.72	6,068.60
	H.R. 6531				389.40	48.00	143.10	39.74	620.24	7,442.84
	Percent difference				9.20	3.80	36.30	24.00	14.90	14.99
	H.R. 4450				405.30	46.23	150.00	31.74	588.27	7,059.33
	H.R. 4450 percent difference				13.60	0	0	−1.00	8.90	8.90
E-3	Private 1st class-seaman:									
	Present	374,284	1	0	180.90	46.23	60.00	22.31	309.44	3,713.30
	Proposed 1972—By executive branch				244.20	46.23	60.00	25.37	375.80	4,509.63
	H.R. 6531				311.10	48.00	85.20	34.52	478.82	5,745.79
	Percent difference				72.00	3.80	42.00	54.70	54.70	54.70
	H.R. 4450				336.90	46.23	60.00	27.44	470.57	5,646.89
	H.R. 4450 percent difference				86.20	0	0	23.00	52.10	52.10
E-2	Private-seaman apprentice:									
	Present	231,669	1	0	149.10	46.23	60.00	20.77	276.10	3,313.20
	Proposed 1972—By executive branch				222.90	46.23	60.00	24.52	353.65	4,243.77
	H.R. 6531				299.10	48.00	75.00	31.26	453.36	5,440.37
	Percent difference				100.60	3.80	25.00	50.50	64.20	64.20
	H.R. 4450				320.70	46.23	60.00	27.00	453.93	5,447.23
	H.R. 4450 percent difference				115.10	0	0	30.00	64.40	64.40
E-1	Recruit-seaman recruit:									
	Present	133,311	0	0	143.70	46.23	60.00	20.56	270.49	3,245.87
	Proposed 1972—By executive branch				201.90	46.23	60.00	23.43	331.56	3,978.78
	H.R. 6531				268.50	48.00	70.20	29.26	415.96	4,991.48
	Percent difference				86.80	3.80	17.00	42.30	53.80	53.80
	H.R. 4450				310.80	46.23	60.00	27.00	444.03	5,328.43
	H.R. 4450 percent difference				116.30	0	0	31.30	64.20	64.20

Military families and welfare assistance

The analysis below shows the effect of the Administration's proposed FY 1972 compensation program and the effect of the Committee's proposal (H.R. 6531) on the eligibility of military families for Federal financial assistance. The examinations have been limited to the President's Financial Assistance Program since the benefit levels are slightly higher than those of the Office of Economic Opportunity. It is essential to emphasize that the estimates of military income levels may be low because other allowances, special pays, incentive and hazardous duty pays and non-military income have not been included for lack of data. Even so, based on regular military compensation alone, with the exception of the E–1 with an inordinately large family, the Committee's proposed program in H.R. 6531 removes the military member from below poverty levels.

ESTIMATED NUMBER OF FAMILIES WHO COULD BE ELIGIBLE UNDER THE PRESIDENT'S PROPOSED FAMILY ASSISTANCE PLAN

Pay grade	Family size	Present pay, Jan. 1, 1971	Administration fiscal year 1972 program	H.R. 6531
E–1	3	1,257	0	0
E–1	4	546	0	0
E–1	5	155	155	0
E–1	6+	97	97	[1] 95
E–2	3	0	0	0
E–2	4	813	0	0
E–2	5	222	0	0
E–2	6+	201	201	0
E–3	3	0	0	0
E–3	4	0	0	0
E–3	5	442	0	0
E–3	6+	335	325	0
E–4	3	0	0	0
E–4	4	0	0	0
E–4	5	0	0	0
E–4	6+	207	0	0
Total		4,275	778	[1] 95

[1] It is estimated that these families would be eligible for a benefit of less than $10 per year.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

PRESIDENT TRUMAN'S BIRTHDAY ANNIVERSARY

Mr. SYMINGTON, Mr. President, the Honorable Harry S. Truman, former President of the United States, former Vice President of the United States, and former fellow Member with several of our distinguished colleagues who presently serve in the Senate, on Saturday, May 8, celebrates his 87th birthday.

The people of this Nation will always remember President Truman for his contributions to the welfare of this country, including his untiring efforts to establish a just and lasting peace.

It is with pride and pleasure that I submit this Senate resolution designed to express the wish of the Senate that our former President have a happy birthday; and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution as follows:

Resolved, That the Senate of the United States salutes President Harry S. Truman for his extraordinary record of national service, and extends to him its best wishes for a happy eighty-seventh birthday.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

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

Mr. MOSS. Will the distinguished Senator from Missouri yield?

Mr. SYMINGTON. I am happy to yield to the Senator from Utah.

Mr. MOSS. Mr. President, I just want to say a word—I did not come prepared to make any speech about this—but I think there is no more fitting gesture that this body could make than to recognize our great former President and our great former colleague, Senator Harry S. Truman, who served in this body with such great distinction before he went on to the executive branch and finally to become the President of the United States.

Mr. President, I believe that history is already according Harry Truman a place equalled by few men in public life.

All of us are overjoyed that he has had such a long and fruitful life and we certainly hope that he can continue in health and strength and be recognized by the people of America as the great citizen that he is in this republic.

Mr. SYMINGTON. I am very grateful to the Senator from Utah for his kind remarks.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Missouri yield?

Mr. SYMINGTON. I am happy to yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I should like to commend the distinguished Senator from Missouri for submitting this resolution. I know I speak for the minority leader and for all on this side of the aisle when I join in this deserved salute to former President Harry S. Truman, a man of great courage, whose stature is increasing as time goes by—a former President who deserves and is gaining an important place in history.

Harry S. Truman was a President who did not bend to winds or expediency. He made some very difficult decisions in his time—decisions which history now demonstrates were in the best interests of this country.

Accordingly, it is with great pleasure that Republicans—and all Americans—join the distinguished senior Senator from Missouri through this resolution in saying happy birthday to a great American.

Mr. SYMINGTON. I am very grateful to the able assistant minority leader, the distinguished Senator from Michigan (Mr. GRIFFIN), for his typically gracious and courteous remarks, and I know that the No. 1 citizen in Missouri will appreciate them, as well as the kind remarks of the able Senator from Utah (Mr. Moss).

Mr. HUMPHREY. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I am happy to yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, there are many happy occasions in the lives of all of us. This is a particularly happy occasion for me, to rise on the floor of the Senate and say, happy birthday to one of the truly great Americans of all time.

It is not often that a person is able to send his best wishes and a happy birthday greeting to his hero. But, to me, Harry Truman is my hero. He is my kind of man. I have had the rare privilege of having shared in the friendship of this wonderful human being. It was my privilege in 1968 to have the former President of the United States, Harry Truman, to be the chairman of my committee as I sought the highest office in the land. This is something I shall cherish to the last hour and moment of my life.

As I rise to join the distinguished Senator from Missouri and other Senators in extending this formal yet very warm and friendly greeting to our former President, Harry S. Truman, I am mindful of the great partner that he has, that wonderful lady, Mrs. Truman—affectionately known as Bess Truman.

What a marvelous couple these two people are. How much inspiration they have given to families all over America.

I am sure that many of us remember how President Truman referred to his wife as "the boss"—which, of course, strikes a friendly chord in honest men who know who is the boss in the family.

I surely am so pleased that the Senate, in a wonderful spirit of bipartisan comity, has joined today to wish well and many more years of a good life to this wonderful man who celebrates his 87th birthday on May 8.

Mr. SYMINGTON. Mr. President, I want to thank the able Senator from Minnesota, who is a longtime personal friend of the No. 1 citizen of Missouri.

I know how grateful he and Mrs. Truman will be for his kind and gracious remarks.

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

Mr. SYMINGTON. I am happy to yield to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I cannot claim to have the privilege of many Senators now present, that is, of having served with former President Harry S. Truman, but I can say that recently I had the opportunity to speak in Kansas City and I was on the same platform with Mr. H. Roe Bartle, a good friend of the distinguished Senator from Missouri, who was able to arrange a meeting with President Truman, and, as he called her, "Miss Bess."

It was one of the high points of my life to speed out to Independence, Mo., to go to their home and sit in their library and talk with a person that I consider to be one of the five greatest Presidents in our history. I think that history will accord him that honor as time goes on.

I can only say that I share the views of the Senators who have spoken and wish him happy birthday.

I can now say after having met him very personally that it was a very great honor for me and a very exhilarating feeling to have met this very important human being; very important for all mankind because I think he had an impact in vectoring the course of man.

The fact that former President Truman is a fellow Missourian should be a great pleasure to the senior Senator from Missouri.

Mr. SYMINGTON. I thank the able Senator from Alaska for his kind remarks. I know that former President Truman will deeply appreciate them.

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

Mr. SYMINGTON. I am happy to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I very happily and warmly join in the spirit of the resolution offered by the Senator from Missouri in paying tribute to former Senator Truman. He is one of our truly fine and outstanding Presidents.

It was my privilege to come to the

Senate while he was President of the United States, in about the second year of his term. His record shows his unbounded courage, his depth of commonsense, his sound decisions and sound judgments that make him one of the truly fine Presidents.

It is an inspiration to every young son of America that a man can fill that office if he has those qualities of character, dedication, courage, and commonsense that I have enumerated.

So many of the decisions that he made have proved that he had a vision and understanding of the problems and of the future.

I send President Truman and his wife my warmest greetings.

Former President Truman is a fine American, and was a fine President.

Mr. President, I want to add one other point. I understand that President Truman had something to do with our friend and colleague, the senior Senator from Missouri, coming to the Senate. I want to thank him for that, too.

Mr. SYMINGTON. Mr. President, I deeply appreciate those remarks from my chairman and dear and able friend, the distinguished Senator from Mississippi.

I would like to report to him and to the Senate this afternoon that last month I had the privilege of visiting with the former President and Mrs. Truman. They are in very fine shape, though they are getting along in life a little. I know how grateful they will be for these kind remarks directed at them.

The former President consistently told me that he preferred the Senate to the presidency. Now that he has said it after he has left both offices, I am confident that he means it.

Mr. President, I have checked the record, and there are four Members of the Senate today who served with him when he left to become Vice President. I know that he will be very grateful indeed for these kind remarks.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 118) was unanimously agreed to.

The preamble was agreed to.

The resolution with its preamble, reads as follows:

S. RES. 118

Whereas the Honorable Harry S. Truman, thirty-third President of the United States, will celebrate his eighty-seventh birthday on May 8, 1971; and

Whereas the Honorable Harry S. Truman has devoted his life to the causes of freedom, peace, and the betterment of his fellow man through social and economic legislation, the adoption of the United Nations Charter, and the Marshall Plan: Now, therefore, be it

Resolved, That the Senate of the United States salutes President Harry S. Truman for his extraordinary record of national service, and extends to him its best wishes for a happy eighty-seventh birthday.

HUMAN DEVELOPMENT MONTH AND VOLUNTARY OVERSEAS AID WEEK

Mr. HUMPHREY. Mr. President, I ask that the chair lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 22, designating the week of May 9, 1971, as Voluntary Overseas Aid Week and the month of May 1971 as Human Development Month.

The PRESIDING OFFICER (Mr. HANSEN) laid before the Senate the amendment of the House of Representatives to Senate Concurrent Resolution 22, which was to strike out the preamble.

Mr. HUMPHREY. Mr. President, I move that the Senate concur in the amendment of the House to Senate Concurrent Resolution 22.

The motion was agreed to.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 78

Mr. HUMPHREY. Mr. President, I am submitting today an amendment to H.R. 6531, the Military Selective Service Act of 1967.

I will read the amendment for the RECORD and at the appropriate time in the debate and discussion on the pending bill, H.R. 6531, I shall call it up for consideration.

The amendment will be section 22. The amendment reads as follows:

AMENDMENT NO. 78

On page 33, line 13, strike out "1973" and insert in lieu thereof "1972".

On page 33, between lines 13 and 14, insert the following:

(33) at the end of the Act add a new section as follows:

"PROHIBITION AGAINST ASSIGNMENT TO DUTY IN VIETNAM

"SEC. 22. Notwithstanding any other provision of law, no person inducted into the Armed Forces under the provisions of this Act shall be assigned to duty in Vietnam after the date of enactment of this section unless he volunteers in writing for assignment to duty in such country. No member of the Armed Forces inducted into the Armed Forces under this Act who is serving in Vietnam on the date of enactment of this Act shall have his tour of duty in such country extended for any period beyond the normal tour of duty in such country (as in effect on the date of enactment of this section) unless such member volunteers in writing to have his tour of duty in such country extended or unless such person has reenlisted following his induction under this Act."

Mr. President, I send the amendment to the desk and ask that it be printed.

The PRESIDING OFFICER (Mr. HANSEN). The amendment will be received and printed, and will lie on the table.

Mr. HUMPHREY. Mr. President, the amendment is not something recent in my thinking at this particular time. It is a recommendation that I offered some months ago in a very private and fine conversation with the President. I do not want my remarks to be interpreted as meaning that the President agreed with my suggestion. He received my suggestion with appropriate courtesy and consideration.

Both the President of the United States and the Congress of the United States have made it manifestly clear that we are going to disengage from Vietnam, that there is a program of withdrawal. There are differences of opinion as to how that should be done.

There is, in fact, a measure before Congress in the committees of the House of Representatives and the Senate which is called the Vietnam Disengagement Act of 1971.

I imagine that there will be other proposals. I understand that the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Idaho (Mr. CHURCH) may offer an appropriate amendment relating to disengagement and withdrawal from Vietnam.

What I am getting at is that it is the declared public policy of the United States through the President and by many expressions and resolutions of the American public and utterances on the part of Members of the Congress that we shall and will withdraw our Armed Forces from Vietnam.

Some have recommended total withdrawal. Others have recommended that there be residual forces. However, the point I make is that insofar as combat is concerned, and for the purposes of hostilities, forces will be withdrawn.

The only purpose of the amendment is to simply say that once having made that policy declaration and policy decision on the part of the Commander in Chief and on the part of many individual Members of the Congress, it appears to me that it is only right and proper that we do not ask people to go into the Armed Forces involuntarily, to be under conscription and be called upon to engage in combat in Vietnam when the expressed declaration of this Government is that we shall leave Vietnam and disengage.

I realize that this is a very serious matter.

Mr. President, this is not a decision I have come to lightly and it is not to be interpreted as criticism under any circumstances of the President or the policies of this Government. We have other days to argue those matters. This relates simply to one subject: When people are called up under selective service they shall not be called upon to engage in hostilities in Vietnam as selectees or draftees; they shall serve in the Armed Forces in areas other than Indochina, Vietnam, or in Southeast Asia. They will not be called upon to give their lives when the declared policy is that we are going to get out.

I have often thought what a terrible psychological blow it must be to a young man to know he will be drafted and he will then be sent to Vietnam, but knowing when he is sent there he is not sent there to win but to fill in until we ultimately withdraw. That is asking an awful lot of a man who does not want to serve and who has been called upon by his Government to serve.

If a man volunteers that is a different matter. He volunteers—the volunteer rate is up; and a number of men reenlist—and if he does so, he is acting on his own volition and he is not compelled to do so.

At the proper time I hope we can discuss this matter in great detail, but I wanted my interpretation of the matter made a part of the RECORD today.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

PROGRAM FOR MONDAY, MAY 10

Mr. BYRD of West Virginia. Mr. President, the program for Monday, May 10, is as follows:

The Senate will convene at 10 a.m. Following recognition of the two leaders under the standing order, the senior Senator from Illinois (Mr. PERCY) will be recognized for not to exceed 15 minutes, at the conclusion of which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with a 3-minute limitation on speeches therein. At the close of morning business, the Chair will lay before the Senate the unfinished business, H.R. 6531, a bill to amend the Military Selective Service Act of 1967, and the debate will continue thereon. The Pastore rule of germaneness will run for 5 hours, beginning with the laying before the Senate of the unfinished business.

ADJOURNMENT TO MONDAY, MAY 10, 1971, AT 10 A.M.

Mr. GRAVEL. Mr. President, in accordance with the previous order, I move that the Senate adjourn until Monday next at 10 a.m.

The motion was agreed to; and (at 4 o'clock and 31 minutes p.m.) the Senate adjourned until Monday, May 10, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 1971:

DEPARTMENT OF DEFENSE

Hadlai Auston Hull, of Minnesota, to be an Assistant Secretary of the Army.

U.S. AIR FORCE

The following officer to be placed on the retired list in the grade of general under the provisions of section 8962, title X of the United States Code:

Gen. Joseph J. Nazzaro, [redacted] (major general, Regular Air Force) U.S. Air Force.

The following officers to be assigned to positions of importance and responsibility designated by the President in the grade of general under the provisions of section 8066, title X of the United States Code:

Lt. Gen. Theodore R. Milton, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. John. D. Lavelle, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

EXTENSIONS OF REMARKS

"CINCO DE MAYO"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. WALDIE. Mr. Speaker, Mexico's Independence Day, "Cinco de Mayo," is being commemorated today by 2 million Mexican Americans in the State of California, and thousands more all across this country. The day is most significant for Mexico, however, because it marks the 109th year since Mexican patriots successfully defended her independence against Napoleon III.

The significance of Cinco de Mayo stems back to 1861, when Mexico City witnessed the establishment of a liberal government headed by Benito Juarez. This liberal government was instituted after many years of civil strife between the Centralists, representing the conservative elements—the Clericals, the large landowners, the Creoles, and the upper caste military elements—and the Federalists who represented the liberal elements, including the anti-Clericals, the trading classes, and the mestizo middle class. The Centralist doctrine was dedicated to the preservation of the practices and institutions of the past, including a strong church, large landholdings, a large army, and rule by a powerful, central national government responsive to the desires of the main economic groups. The Centralists looked to Europe for inspiration and support.

The Federalists, on the other hand, were products of Mexican independence and represented the republican, revolutionary strands of the late 18th and early 19th centuries. The Federalist philosophy emphasized reform, innovation, and a solid break with institutions of the past. Guided by the watchwords, "liberty, equality, fraternity," they envisioned Mexico as a loose collection of little sovereignties bound together in a mutually beneficial national association with a limited national government as the agent. The Federalists believed that the poorest peasant was entitled to own land and supported freedom of religion rather than a state church.

The United States captured the fascination of the Mexican liberal reformist of that era, being the only Republic in the world successfully operating on federal principles. Thus, the triumph of the liberals came after a 3-year civil war against the Centralist-moderate coalition.

The triumph of the liberals ending the 3-year war proved to be only a temporary truce. Mexico was independent, yet destitute, and Juarez was forced to suspend payments on the foreign debt for at least 2 years. Spain, France, and Great Britain were eager to collect their overdue debts and claims for compensation of damages incurred during the wars. Napoleon III, Emperor of France, became intrigued with the notion of securing Mexico as a colonial empire. On October 30, 1861, a pact was formed between Great Britain, France, and Spain for joint intervention in Mexico. The terms established by the 3 nations dealt strictly with occupying Mexican ports and confiscating customs until their claims could be satisfied.

France, however, was secretly preparing to crown Archduke Ferdinand Maximilian of Austria to the imperial throne of Mexico. Great Britain and Spain, disagreeing with the proposed French policy, withdrew all their forces.

Preparing for a war to maintain her independence the Mexican people sounded the cry "to arms, citizens," and braced themselves for the oncoming French Army. On May 4, 1862, 14 miles south of Puebla, under the command of Gen. Ignacio Zaragosa, the Mexican Army decided to make a stand. Armed with old weapons, 4,000 ex-guerrillas waited for the French Army to attack. The attack came, and for 2 days the Mexican Army displayed unrelenting valor and courage, finally forcing the French Army to retreat from Puebla.

The Battle of Cinco de Mayo symbolized much more than just the military victory over the French; it was, in essence, the actualization of self-determination, and the desire for true independence. Those who fought on the 5th of May personify the ideal of devoted and sacrificial love for country, as they chose to pit themselves against incredible odds rather than deliver Mexico into the hands of foreign invader.

And so, Mr. Speaker, I would like to join with the many Mexican Americans who are today celebrating this day marking Mexican independence and with the people of the great nation of Mexico, our neighbors to the south.

THE PURSUIT OF THE GOLDEN FLEECE: THE TRUE SPIRIT OF AMERICA

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1971

Mr. EVINS of Tennessee. Mr. Speaker, in the Sunday's editions of the Washington Post there is a fascinating and perceptive article by Mr. Garry Trudeau, a graduate of Yale University, concerning the endless search by Americans for the true America.

This article cites the disillusionment of many of the younger generation with contemporary society and their bizarre efforts through unconventional behavior to capture the essence of America.

This tantalizing quest for America is not new. It began when our forefathers came to this country and our most brillant men have struggled through generations to articulate the greatness of America.

To the novelist, Thomas Wolfe, America was the opportunity "to become whatever thing his manhood and vision can combine to make him—this, is the promise of America."