Chileans signed it, along with two million South Americans who signed similar petitions promoted by the TFPs of Brasil, Argentina and Uruguay. But Paul VI remained silent this time too.

Now that Chile is gone, the actions and omissions that led this country to ruin will be judged by the Divine Judge and by the Tribunal of History.

Will History this time be the teacher of life? Will the other Latin American countries learn something of from whence comes the danger? Or else, is Chile giving the pattern of a cascade of treasons and apostasies that'll finish with a general red rule over this vast Continent? It must be remembered that the communist infiltration in the Church is not a privilege of Chile. The situation is similar in the other Latin American countries.

The TFP is alerting the peoples of America, hoping "they'll learn from the Chilean tragedy."

FOOTNOTES

[1] "Ultimas Noticias", august 1969.
[2] 'Clarin" and "Ultima Hora", 24.12.69.
[3] NBL Press release.
[4] CUS Magazine, december 1970.
[5] "Ste. Catherine's bulletin".
[6] "CEDOC", 239, 252, 253 and 257, 1971.
[7] "CEDOC", january 1971.
[8] "CEDOC", january 1971.
[9] "Ultima Hora", 12.11.70.
[10] "La Revista Católica", 9.12.70.

SENATE—*Monday, May 10, 1971*

The Senate met at 10 a.m. and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

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

Eternal Father, before whom nations rise and fall, give us a glimpse of the holy city Thou are bringing on earth when death and pain will have gone and all men gather in the light of Thy presence. Help us to repent when we know we have sinned, to return to Thy paths when we have lost the way, and to commit ourselves to Thee while time remains. Teach us the ways of peace—peace within our own being, the peace which is quiet strength, and peace in our relations with others.

Impart Thy grace and strength to all whose vocation is service in the government of this Nation. Overrule our ignorance and weakness and use our wisdom and strength to bring about Thy will—for Thine is the kingdom, and the power, and the glory forever. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 10, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

The following reports of a committee were submitted on May 7, 1971, pursuant to the order of the Senate of May 6, 1971:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

S. 932. A bill to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates (Rept. No. 92–97).

By Mr. YOUNG, from the Committee on Agriculture and Forestry, without amendment:

S. 1131. A bill to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State (Rept. No. 92–98).

By Mr. McGOVERN, from the Committee on Agriculture and Forestry, without amendment:

S. 1806. An original bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating and other type loans, and for other purposes (Rept. No. 92–99).

JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 6, 1971, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

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

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

EXECUTIVE SESSION

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

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

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

INTERNATIONAL ATOMIC ENERGY AGENCY

The legislative clerk read the nomination of Dwight J. Porter, of Nebraska, to be deputy representative of the United States of America to the International Atomic Energy Agency.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

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

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

LEGISLATIVE SESSION

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

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

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.

TRIBUTES TO SENATOR AIKEN OF VERMONT

Mr. MANSFIELD. Mr. President, the Burlington Free Press and the Rutland Daily Herald, both published in the State of Vermont, carry two excellent editorials on Senator AIKEN, the distinguished dean of the Republican Members of this body and second in seniority. May I say to the Senate that they are both well deserved.

I ask unanimous consent to have printed in the RECORD the two editorials, one from the Burlington Free Press entitled "Regard for Senator Aiken," and the other from the Rutland Daily Herald entitled "A Tribute Well Deserved."

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

A TRIBUTE WELL DESERVED

From the standpoint of strict ornithology, to classify Sen. George Aiken with the "owls" is to put him closer to the hawks than to the doves. But there was no mistaking, in the affectionate encomiums at the senior Vermont senator's testimonial in Winooski Saturday night, that the quality of wisdom is what his "classifiers" have in mind.

From the standpoint of human endeavor, it would be hard to classify George Aiken. Certain instincts are needed to survive 30 years in the predatory atmosphere of the U.S. Senate. To have done that, and to have satisfied the changing demands of a changing constituency, is in itself a sign of no small wisdom.

The praise, handed out with senatorial magnanimity Saturday night, was well deserved. Vermont is indeed, as they said, fortunate in having George Aiken among its representatives in Washington. The Senate's senior Republican has been at once the symbol of Vermont's enduring qualities, and a force for changes that are needed.

If George Aiken has assumed the attitude of the quiet countryman a little bewildered by his surroundings in the big city, that is a characteristic of more birds than the

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

hawk, the dove, and the owl. It is known as protective coloration, and another aspect of that is the ever-present red necktie.

But anyone who thinks he is dealing with just a quiet bewildered man from the country is in for a quick surprise, as a number of Presidents have learned by this time. And, we hope, as a number of other Presidents are likely to learn.

Some of George Aiken's constituents have criticized his bipartisan positions on world and national affairs. But how many senators are at the same time accorded a healthy respect by a Republican White House and a warm friendship by the Democratic majority leader?

It is that quality of George Aiken that is his strength. On matters of farm land, on matters of help to the poor, on the matter of a war he regrets—to all of those subjects he brings the same honesty that has gained him the respect of his fellow Vermonters and his fellow Americans.

REGARD FOR SENATOR AIKEN

It is appropriate that a testimonial dinner in honor of U.S. Senator George D. Aiken, at St. Michael's College tonight, coincides with the national observance of Law Day.

Senator Aiken, during his 40 years in public service, has earned the deep respect and affection of millions of Americans. He is one of the nation's most influential lawmakers—though he is respected most not for his lawmaking capability but rather for his individualistic, humanistic approach to the task of lawmaking.

We have often heard George Aiken described as "a man of contrary opinion." Certainly nobody takes him for granted. He cannot accurately be described as either a liberal or a conservative. He is probably a Republican by necessity rather than choice; there are times when the Democratic Party seems more enthused about Senator Aiken than the Republican Party.

Certainly George Aiken represents the people of Vermont as effectively and as forthrightly as any public servant could. This is so because he is obligated to no special interests and wedded to no restrictive philosophy, and because he has a knack of communicating with—and being understood by—all of his constituents on the one hand and by a succession of Presidents and other high officials on the other.

One of the more perceptive characterizations of Senator Aiken was given yesterday by a colleague from across the river, Senator Thomas McIntyre of New Hampshire. He characterized Aiken as a "mountain of integrity, honesty, purpose and decency," and added: "His common sense approach to problems and his fidelity to principle have freed him from categories and labels. He fronts for no faction and disdains harsh partisanship. In a phrase, George Aiken is his own man, speaking from his own conscience for his own people."

Vermonters may disagree with Senator Aiken's positions on some public issues, but the respect, affection and admiration for this senior American statesman are constant. He and his constituents believe in each other, and this fact in itself must be the finest tribute of all to a man who has served Vermont so nobly over these past four decades.

INTERVIEW WITH SENATOR HUGHES OF IOWA

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an interview with the distinguished Senator from Iowa (Mr. HUGHES), published in the Christian Science Monitor of May 6, 1971. The Senator from Iowa is one of the outstanding Members of this body—a man of tremendous integrity and understanding. I believe that the publishing of this interview is well deserved.

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

YOU NEED CONFIDENCE TO SEEK PRESIDENCY

(By Godfrey Sperling, Jr.)

WASHINGTON.—Maybe it's the deep, booming voice of the big man. Or maybe his poise and confidence.

Whatever it is, Sen. Harold E. Hughes, a relative newcomer in Washington, is somehow able to say he's interested in running for president without being charged—at least, very much—with political audacity.

Yet the question is asked—what, indeed, does the Iowa Senator think he can bring to the presidency?

"My answer," the Senator said in an interview here, "will not be a modest answer—but you are not looking for a modest answer.

"To begin with, to approach this position with the idea of possibly deciding to seek the presidency, you must first be convinced that you can fill the job administratively and that you can cope with the immense domestic and foreign-affairs problems."

LEADERSHIP ACCENTED

"But you also must be convinced that you have the quality of leadership within yourself to unite the American people. . . .

"Governmentally, my experience ranges from being a commissioner in state government to three terms as governor and now in the United States Senate (since 1968).

"I think that if I finally make that decision [to run for president] and come to the point of seeking the nomination, I have the capability.

"Now if you didn't have that confidence, you shouldn't seek the presidency—ever. I have a native ability to assimilate things rapidly. I gain from experience rapidly. And I think when you surround yourself with the proper people, the advisers, the right people also in the administrative sector of the government, that all the facilities are there to get the job done."

COMMITMENTS NOTED

What did he think he could accomplish as president?

"Well, I've been trying to do a number of things over the last several years. I have tried to alter the positions of our country in the war in Southeast Asia. . . .

"I have been committed to reorganization of the Democratic Party . . . I have been committed to congressional reform, particularly of the seniority system. . . .

"Now if this commitment leads to my seeking the nomination for the presidency, I'll be very eager to accept the challenge—if I find sufficient public support to do it."

What, precisely, is his view on the Vietnam war?

"I think our programs right now in Vietnam are going to be a mistake in the future. Our program of Vietnamization is going to continue the war rather than end it.

CRITICISM EXPRESSED

"I think, though, that the administration is trying desperately to wind the war down and is following what it believes is the best way to do it, including the invasion of Cambodia and Laos.

"But I think the administration has, in fact, spread the war.

"We are reducing our number of men in Vietnam; but we're keeping our tremendous support of air commitments involved there.

"The administration has hung some contingencies on total withdrawal that I think means we're going to have tens of thousands of men in Indo-China for probably the next two or three decades like we've had in Korea—only with the possibility of more men in Indo-China because it's a more difficult situation."

Isn't there also a good chance that the President's withdrawal policy will turn out to be a success?

"I pray to God that he does succeed. You know, I'm not praying for his failure in order that I may be able to make a political issue of the matter. I really pray that he succeeds. I pray that he can reduce our manpower to a very minimum level. I also pray that he may decide to totally disengage, get out."

END THE WAR FIRST

What are the priorities in this country?

"First thing is to end the war. With that you create at least some greater financial ability and certainly 100 percent improved psychological ability of meeting the problems at home.

"Then I think we're going to have to reorder some of the programs we have. I opposed the SST as a financial commitment among other things, even though it may have created jobs. I think there are other and better ways those jobs can be created—that the same craftsmen and the same engineers can be used.

"Legislation for reconversions from a war to a peace economy should have been instituted both by the White House and the Congress years ago. It hasn't been.

"I think we must give first priority to meeting human needs—health, education, and welfare, jobs and opportunity, and so on."

Is there a possibility of his announcing early for the presidency?

"No, it isn't very conceivable because I just don't see the advantage of doing it that way—other than the advantage of getting some money earlier. I don't think the advantages politically are there. The risks are higher in doing it. I think everyone in America will gradually know that I'm moving toward a commitment to make the race. And that's obviously what I am doing."

When will the decision be made?

"Probably very late this year or very early next year."

MEXICAN-AMERICAN FRIENDSHIP

Mr. MANSFIELD. Mr. President, last Wednesday, the Republic of Mexico celebrated one of its major holidays, known simply as Cinco de Mayo, or May 5. It commemorates the victory of Mexican forces in 1862 over the army of Napoleon III, then Emperor of France.

France, taking advantage of Mexican difficulties and the internal preoccupation of the United States with its own Civil War, defied the Monroe Doctrine and attempted to impose a monarchy on Mexico. The French and Mexican armies met on May 4, a few miles south of Puebla. When the smoke of battle had cleared the following day, the French were in full retreat.

France eventually was able to secure the throne for Ferdinand Maximilian and force into exile the great Mexican President Benito Juarez. But the courage and valor shown by the Mexicans on May 4 and 5, 1962, were not to be denied. After a brief interlude of monarchy, constitutional rule was restored.

The joy of Mexicans on this holiday is also our own—not only because of the presence of so many Mexican Americans in our country, but because the victory of May 5, symbolizes the triumph of democratic ideals cherished by all Americans. President Juarez served during the same period as Abraham Lincoln. Both men lived the democratic dream. Both men presided over the unification of their respective countries. Their common commitment to government of the people and

to cooperation between our nations continues to live in our day. I am reminded of the close personal relationship which existed between Mexican President Adolfo Lopez Mateos and our own John F. Kennedy; and between Gustavo Diaz Ordaz and Lyndon B. Johnson.

I have every hope and confidence that the same relationship will exist between the current President of Mexico, Luis Echeverria, and President Nixon.

Concurrent with these developments, Members of our respective Congresses have also done much to kindle the spirit of friendship with periodic meetings. In fact, they meet again on the 27th of this month in Mexico in the 11th annual Mexico-United States Interparliamentary Conference. I like to think that it is more than just coincidence that we are meeting in the month of May—a month of glory for Mexico and of friendship for both our nations.

THE 47TH ANNIVERSARY OF J. EDGAR HOOVER'S DIRECTORSHIP OF THE FBI

Mr. MANSFIELD. Mr. President, today marks the 47th anniversary of J. Edgar Hoover's tenure as Director of the Federal Bureau of Investigation. In recent years and more so in recent days, he has been under attack both personally and, as far as the Bureau itself it, too, has felt the lash.

It is my belief that over the years, Mr. Hoover has done an outstanding job in his most difficult position and has tried to carry out his duties to the best of his ability. By and large, the Bureau has served effectively through its offices throughout the land, including those in Montana in the control of crime in the United States. Of course, mistakes have been made as they would be made in any organization. But it is my impression that Mr. Hoover has done the best he could in behalf of his country.

If there are those who have legitimate complaints, they should present the evidence to the appropriate congressional committee. If that is done, these committees will hold hearings and will return a judgment on the basis of the evidence and the testimony presented.

In the meantime, we should desist in our personal attacks on the Director and let the evidence, testimony, and facts be presented and judged by the appropriate committees. Until proven otherwise, Mr. Hoover deserves support and confidence. The Federal Bureau of Investigation should have our trust if it is to function effectively, if it is to carry out the job for which the Congress created it.

Mr. GRIFFIN. I want to commend the distinguished majority leader for the statement he has just made and to associate myself with it.

SECRETARY OF STATE ROGERS' VISIT TO THE MIDDLE EAST

Mr. GRIFFIN. Mr. President, our distinguished Secretary of State, William P. Rogers, returns today from a very important trip to the Middle East.

While it is perhaps too early to assess the results of that trip, it is not too early to recognize and pay tribute to the excellent way in which Secretary of State Rogers has conducted himself and the outstanding credit he has been to the United States and to the cause of peace.

I, for one, have great hopes that this effort will prove successful.

We wecome him back after a very difficult and important mission.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Michigan yield?

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. I join the distinguished Senator from Michigan, the acting minority leader, in his remarks about our distinguished Secretary of State, William P. Rogers.

Secretary Rogers has, in my opinion, done an outstanding job in trying to bring about a settlement in the Middle East with due regard to the situation as it affects both the Israelis and the Arabs.

I have supported his policy from the very beginning. I still support it because I think he is on the right track. I hope that, on the basis of his personal visit, there will develop a situation which will bring about some hope for peace in that area and, thereby, to present a possible confrontation among the great powers which might come about if it is not achieved.

Mr. PERCY. Mr. President, in this Chamber we often hear criticism of the administration policy in international affairs. However, today we have already heard from our assistant minority leader and the majority leader words of praise for Secretary Rogers and the mission he has just completed. I trust that before the day is over we will hear a good deal of much-deserved praise for the administration in connection with Secretary Rogers' trip to the Mideast.

In the most difficult circumstances, the Secretary of State has once again renewed hopes for peace in that explosive area of the world.

Secretary Rogers' initiatives toward a peaceful, political settlement of the Arab-Israeli dispute have achieved a cease-fire since early last August and have now brought the parties involved into indirect negotiation for the opening of the Suez Canal. The Secretary and his able associate, Assistant Secretary Joseph Sisco, are persistent in their efforts to solve the Middle East problem. They deserve much credit.

COLLOQUY ON A VOLUNTEER ARMY

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Colloquy—Friedman: Is a Nation Justified in Compelling Physical Servitude From an Individual?" published in the Montana Review of the University of Montana, Missoula, Mont., April 16, 1971. This article expresses Professor Friedman's views on a volunteer army, which I support. I believe his arguments warrant inclusion in the RECORD. I am happy to call them to the attention of the Senate which, I believe, will be voting on this issue soon.

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

FRIEDMAN: "IS A NATION JUSTIFIED IN COMPELLING PHYSICAL SERVITUDE FROM AN INDIVIDUAL?"

Milton Friedman, currently a Newsweek magazine columnist and a professor of economics at the University of Chicago, has been an advisor to both Sen. Barry Goldwater, R-Ariz., and to President Nixon. He is known as the nation's foremost conservative economist, but having served on the Gates Commission on an All-Volunteer Armed Force, Dr. Friedman also speaks out on such social issues as the draft. He is the author of 14 books on various aspects of economics. The interview was conducted for The Montana Review by Kaimin Feature Editor Gary South during Dr. Friedman's Mansfield Lecture visit to the University April 9.

Review: Mr. Friedman, you have served on the Gates Commission on an All-Volunteer Armed Force, and I know you have strong feelings about the draft. What I would like to know is, as probably the foremost conservative economist in the country, what considerations brought you to your long-time advocacy of an all-volunteer armed force, in view of the fact that it is generally considered a liberal position?

Friedman: But it isn't; it's quite the opposite! This is just a misuse of the word "liberal" and a misunderstanding of history. I'm a conservative only in the sense that I'm a true liberal: I believe in individual freedom. It is the believers in individual freedom who have always been in favor of a volunteer armed force and opposed to conscription. It's the liberals—in the modern sense, in the American sense—who have been proponents of the draft.

It's amazing. I'm sure you know of Sen. Robert Taft. He was called Mr. Republican, and he was a great conservative. Sen. Taft, when he was campaigning for the Presidency (in the 1952 Republican primaries), one of his planks was abolishing the draft and having an all-volunteer army. Indeed, during World War II, he was one of the few who voted against the draft.

In 1964, you may remember that there was a Presidential candidate by the name of Barry Goldwater. I suppose you would call him a conservative also. Did you happen to know that one of the main planks in his platform was abolishing the draft and having a volunteer armed force? President Johnson would be regarded as a liberal. He was running against Mr. Goldwater. He did not commit himself to the volunteer force.

So the fact of the matter is that the strongest supporters of a volunteer army all along, have been people like myself who fundamentally believe in individual freedom . . . and an unwillingness to see the government exert too much control over individuals.

Review: Some critics of the volunteer army have surmised that the draft has made the problem of Vietnam more acute to the American public, because if all conscription were ended we probably would not feel the trauma that we do when our brothers, sons, nephews, etc., are drafted to fight in that war. Do you agree with this position?

Friedman: No, I believe the effect of a draft or volunteer army on what our military and foreign policy would be is a very complicated issue, and there are no simple answers possible. There are forces working in both directions. On the one hand, there is the force you suggest. On the other hand, if you had had a volunteer army and not a drafted army at the time that Vietnam arose and escalated, President Johnson could not have escalated it without going to Congress for additional funds to hire additional soldiers to man the forces. And then, that would have forced a public consideration of the desirability of escalating the war in Vietnam.

As it was—with the draft—the President did not have to go to Congress, all he had to do was to telephone over to Gen. Hershey and

tell him to send a few thousand more bodies to the armed forces. So, on that side, the existence of the draft would make it rather easier for a President to engage in military intervention.

On the whole, I have been inclined to believe that you would have more sensible foreign policy with a volunteer armed force than without. And the reason is, that if you have a foreign adventure that is popular—if it is backed by the bulk of the people—then it will be easy to get volunteers. You have, as it were, an additional method of voting.

On the other hand, if you have a foreign adventure which is not popular, it will not be easy to get volunteers. And that will mean that in order to get volunteers you'll have to raise the pay much more, you'll have greater expenditures and you'll have much more political opposition. So, on the whole, I would say, I think a volunteer force would either leave the formulation of foreign policy unchanged or, if anything, improve it somewhat.

COSTS

Review: As an economist, what about the costs of an all-volunteer army? I recall the Army Draft Report of 1966 charged it would cost approximately $30 billion. Is this an accurate figure?

Friedman: No. First of all, the question is what you mean by costs. When people talk about additional cost, they are looking at budgetary expense, at what goes through the budget. The true cost of a volunteer army—if you count in all costs—is much lower than the cost of a conscripted army. The reason for the difference is that when you conscript a man, you essentially impose a tax on him.

If I've got a young man who would be willing to serve in the armed force for, let's say, $6,000 a year, but I actually pay him only $2,500 a year (which is not far from what he is now getting paid including pay in kind—food, clothes and housing) then in effect I am imposing something like a 60 per cent income tax on him. If I tend my books right, I ought to treat that 60 per cent income tax as part of government receipts, and then the expenses of hiring him as part of government expenditures. If I kept my books in that way, the total cost of a conscripted army would be higher than the cost of a volunteer force, because with a conscripted army you use manpower much less efficiently; you have a much greater turnover; you have shorter terms of service and, therefore, need more people to be trained.

If you look at not the money costs, but the physical cost, in order to achieve a given military effectiveness you need a smaller armed force with a volunteer army than with a conscripted army, because of the slower turnover and the saving in training. In addition, if you have a volunteer army, the men who serve in the armed forces are those who least dislike doing so, for whom this is the best alternative. If you conscript people, you force some to serve for whom it is a great cross. That also makes the cost of a conscripted army higher.

In the third place, you have all sorts of costs to people other than the armed forces and other than the government that aren't counted in. You have youngsters who go to college in order to stay out of the armed forces who otherwise would not do so. You have draft-induced fathers. You have draft-induced ministers. You have people who flee to Canada in order to get out of it. Now, all of those ought to be charged up in a proper accounting as costs of a conscripted army. If you made your accounting right, there isn't any doubt that a volunteer army costs less than a conscripted army.

BLACKS

Review: Some Senate liberals—Kennedy and Bayh among them—have charged that under a volunteer army you would have a much higher percentage of blacks than we now have. I understand some senators voted against the amendment to the Military Procurement Bill last year—which would have established the basis for an all-volunteer force—on that basis. You have been quoted in the Chicago Daily News as saying that under no circumstances could a radical change in the racial composition of the armed forces be brought about under an all-volunteer system. How do you reconcile these two views?

Friedman: Well, Senators Kennedy and Bayh are simply wrong; they have not done their homework and looked at the facts. But there are two separate issues. One issue is what would happen, and the second issue is let's suppose you did get an increase in blacks, is that necessarily bad.

On the first issue of what would happen, the facts are very simple. Of the present armed forces, in the first place, the percentage of blacks is slightly lower than the percentage of blacks in the population—roughly the same, but a little lower. Second, of the present armed force something over 60 per cent are true volunteers. I use the words "true volunteers" in order to distinguish between the people who volunteer only to avoid the draft—the draft-induced volunteers—and the others.

Now, all men who are in their second term of service are true volunteers, because nobody has to re-enlist to avoid the draft. Most officers are true volunteers. Of the men in the first term of service, we have had some extensive studies which suggest that about one-half the people who volunteer are true volunteers, and one-half are draft-induced. If you add up these categories, you find that over 60 per cent of the armed forces now are true volunteers. Well, shifting to an all-volunteer force can only affect the other 40 per cent. Even if it makes a drastic change in 40 per cent, it cannot change drastically the character of the armed forces.

Now, if you look at the 40 per cent, we have made many studies and looked at whatever evidence we could, and it seems as if with an all-volunteer armed force you'd get roughly the same ratio of blacks and whites as you now do. Let me point out that improving the pay of the first-termers will raise the attractiveness of the armed force to whites more than it will to blacks. The reason is that whites now have better opportunities on the outside than blacks; hence, a raise in pay would mean more to the whites.

It might be that you would get a slight increase in the fraction of blacks. It might go from its present 10 to 12 per cent to 13, 14 or 15 per cent. But there cannot be anything like an all-black army; it is a figment of the imagination of Senators Kennedy and Bayh.

But in the second place, let's suppose you did have an increase in the fractions of blacks. Is that a bad thing? Not at all. Why would you have such an increase? Because blacks regard this as a better opportunity than other things you have. Now, it's always been a mystery to me how you help the blacks by preventing them from taking what they regard as a better opportunity. . . . We ought not to deny blacks an opportunity. . . . It's bad if you force them to do it, but it's not bad if they do it voluntarily.

So, I would say that Kennedy and Bayh are wrong about the facts. But they are equally wrong on their philosophy.

MERCENARIES

Review: Another fear that was voiced in regard to an all-volunteer army was that it would be an army of mercenaries, operating not on the basis of patriotic duty but on the basis of pecuniary reward, and that this would increase the threat of military supremacy in this country. Is this a legitimate fear?

Friedman: No, it is not. During the course of the Gates Commission hearings a high Army official made the statement that he did not want an army of mercenaries. I said to him, "General, would you rather have an army of slaves?" He drew back and said, "I don't like to hear our men referred to as slaves." And I said, "Well, I don't like to hear patriotic volunteers referred to as mercenaries."

Let's go to the fundamentals. Is there any reason to believe that shifting to an all-volunteer force would increase the influence which the military can have? The answer to that is, as I've already said, that 60 per cent of the armed forces are now volunteers, and the overwhelming bulk of the officers are volunteers. It's the officers who exert influence, not the enlisted man. The idea that the foot soldier in his first two years somehow has some effect on protecting the country from military influence is nonsense.

Moreover, if you look at historical experience, it's tragic. As you know, there is an army junta which is now in dictatorial control of Greece. Do you suppose the armed forces of Greece are raised by conscription or by volunteers? By conscription. The same thing was true in Italy and Germany. The same thing was true under Napolean in France.

In the course of our work for the Gates Commission, we had the research staff make a study of all South American countries and classify them according to whether they had volunteer or conscripted armed forces, and according to the number of military coups they had had. And it turned out that the countries with conscripted forces had somewhat larger numbers of coups than the countries with volunteer forces.

Britain, Canada and the United States have had volunteer armed forces over long periods of time. These are all countries in which the military has been subservient in the political system, and there has been no serious threat. So, I think that the fear that shifting to a volunteer force would be politically harmful is, again, a figment of the imagination.

NIXON

Review: President Nixon has stated that we could have an all-volunteer army after the Vietnam war has ended, and in statements you have made, you've stated that we should have had a volunteer force "yesterday." What with the recent House vote extending the draft, are you satisfied with the Administration's lack of forcefulness on the issue?

Friedman: Well, the House vote is very good from the point of view of the volunteer armed force. In the first place, the House came within two votes of passing only a one-year extension. It finally passed a two-year extension; every previous draft extension has been a four-year extension.

Second, the President recommended a substantial increase in first-term pay as a way of getting to a volunteer force. The House not only accepted that, but tripled the amount of money that he recommended. So if what passed the House gets through the Senate, I think we are well on our way to a volunteer armed force in the next year or two.

Now, to go back to the President's position, President Nixon has always been a proponent of a volunteer armed force. Once again, this goes back to your very first question. He's been in the tradition of Bob Taft and the true liberal Republican view. He appointed the Gates Commission, and that Commission recommended essentially a policy of increasing first-term pay and changing other conditions in such a way to get to a volunteer force. The President has not been pushing it as fast as the Commission would like, and the main reason for that has been the budgetary problem. But I think the proposal as it now stands does not require our being out of Vietnam before we have an all-volunteer force. And I think that if what is now before Congress is passed, we will probably have an all-volunteer armed force within a year.

Review: On a more theoretical basis, as a long-time advocate of less governmental in-

terference with individuals, what, in your opinion, are the ethical questions involved in the whole idea of conscription?

Friedman: The fundamental ethical question is under what circumstances, if any, is a nation justified in compelling physical servitude from an individual. Now, on that ethical issue, let me say that I could accept such conscription in time of major war, such as World War II, where there is an overwhelming national survival problem.

I may say that even under these conditions, I would prefer to do without conscription, and I do not believe we had to have conscription during World War II. . . . My own personal individual feeling would be against a draft even under such circumstances, because I believe that if, in fact, the survival of the nation were at stake, there would be no problem in getting the great bulk of people to volunteer to serve . . . I do not believe the government has the right to compel individuals to perform designated physical services as a condition of citizenship.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois is recognized for not to exceed 15 minutes.

THE STRENGTH OF THE AMERICAN DOLLAR

Mr. PERCY. Mr. President, once again the world has been faced with the threat of an international monetary crisis. Once again, the strength of the dollar has come under attack.

The immediate cause was the suggestion last Monday by four German economic research institutes that the German mark be allowed to float and find a new level of parity vis-a-vis the dollar. This led to a speculative surge into marks, forcing the German Bundesbank on Tuesday alone to buy $1 billion worth of dollars to try to support the dollar at the official minimum exchange rate of $1 to 3.63 marks. When the Bundesbank could no longer keep up with the demand, the German Government ordered the Bundesbank to suspend its foreign exchange transactions until today. Other countries followed suit and suspended foreign exchange transactions.

Over the weekend, following an emergency meeting of the Common Market finance ministers, the West German Government decided to "float" the mark, which will temporarily make it a more expensive currency. The government of the Netherlands also reacted by going to a floating rate for its guilder. Switzerland and Austria revalued their currencies upward.

Mr. President, the current monetary crisis may have been resolved—although that is by no means certain—because of the action of these European governments. But the fundamental reasons for its existence remain, and I believe it is imperative that we examine them carefully and take prompt action to forestall new attacks on the dollar.

The underlying cause of the crisis of confidence in the dollar is the massive balance-of-payments deficits the United States has been accumulating in recent years, coupled with national economic policies which are not responsive to our current priorities.

Let us look first at national economic policy. We must take steps to curb inflation, increase employment and make U.S. industry competitive in world markets.

Both management and labor must exercise genuine restraints on wage and price increases. Further escalation of wages and prices will only prolong inflation, hurt the consumer and destroy America's ability to compete in world markets.

We must provide incentives for American industry to modernize and become more efficient. This means that economic inducements must be employed.

For that reason, I endorse wholeheartedly the proposed Treasury regulations for more realistic depreciation allowances.

They would allow American business to invest in more modern equipment, thereby increasing productivity, increasing employment, reducing inflation, and helping the United States to become more competitive in international markets.

A tax reduction or a speed-up in the reductions contained in the Tax Reform Act of 1969 would be ill-advised when we face a $15 to $20 billion deficit in the budget this year. Rather, we should take steps to reduce Federal outlays so that expenditures can be brought back in line with revenues.

And, in that regard, we must also strive to make the Government more efficient. It has been estimated, for example, that implementation of the President's Executive Reorganization Plan could save $5 billion a year, in addition to making the Government more responsive to the unmet needs of the American people.

Second, it is clear to me that if we are to restore stability to our economy, we must reassess our national priorities, our national interests, and our national security requirements.

We must move more boldly to end American participation in an Asian land war which has already cost this Nation more than 50,000 lives and $121.5 billion by the Department of Defense's own estimate. It is a war which has never been in our national interest and which actually militates against our national security by squandering our military manpower, depleting our military inventories, diverting money and energies from urgent domestic needs, dividing our people and weakening our national spirit.

To put our economic house in order, we must reevaluate the enormously expensive, new weapons systems which—if all are continued—will further enlarge the defense budget even after we have withdrawn from Vietnam. Choices must be made. We can afford only those weapons systems which are absolutely essential to our national security.

Last year the United States spent more than $2.5 billion for the anti-ballistic-missile system and the Poseidon. Minuteman III missiles cost $589 million, and DOD has asked for another $839 million for these missiles in fiscal 1972. The F–111, grounded again for safety reasons, cost $666 million last year and represents a total investment of $8 billion. The C–5A, another problem plane, cost $621 million. Millions upon millions are spent on F–4's, F–14's, F–15's, SRAM's, SAM's and ULMS. Somewhere we must define limits to such spending.

We must be more creative and constructive in the strategic arms limitation talks. We should seek zero-level ABM a freeze on all offensive systems where they are, and talks in a European forum toward reducing forward-based systems. Only with such initiatives can we hope to stop the arms race at a time when the United States and the Soviet Union are poised again on the threshold of a new level of weaponry escalation that is at once both destabilizing and staggeringly expensive.

Third, it is time for all of the industralized countries of the Western World to begin to carry a larger share of the responsibility for the economic health of the free world.

Japan spends less than 1 percent of its gross national product for national defense, and West Germany spends only about one-half the percentage of its GNP for defense that the United States does. The United States absorbs a large share of the costs for the defense of both of these nations.

At the same time, these countries, which are protected by the U.S. military umbrella, impose restrictions on U.S. trade exports. Japan has many restrictions on U.S. exports at the same time that the United States has an open market for Japanese exports. The Common Market—including Germany—has a tariff system designed to decrease American agricultural exports. The situation is aggravated by the restrictions these countries impose on each other's products, which put even more pressure on the U.S. market.

The Common Market places 71 restrictions on products coming into the European market from Japan. The United States has only one restriction against Japan. This means that the great economic growth in Japan is putting great pressure on the American market.

Yet Japan continues to close the door on American capital and American manufactured goods coming into Japan. The most ludicrous example is automobiles. Japan wants unlimited access to the American market for its steel. And the steel goes into automobiles. Yet, Japan restricts these same automobiles, built with Japanese steel, from entering the Japanese market, believing they will disrupt the Japanese economy.

At the same time, Japan enjoys the prestige and power of an industrial nation, one that is expected to surpass American production by 1972 if it continues at the present rate.

A country such as Japan cannot have it both ways. It cannot expect the treatment accorded a developing nation at the

same time it enjoys the prestige and power of an industrialized nation. It cannot hover under the umbrella of American protection and restrict American exports, and simultaneously demand unrestricted access to the American market.

Japan, Germany, and other industrialized countries must assume a greater and fairer share of the cost of maintaining the economic and military strength of the Western World.

Fourth, let us examine the American balance-of-payments gap, which has contributed so significantly to the loss of confidence in the dollar. On an official settlements basis, the United States had a record $9.8 billion balance-of-payments deficit in 1970.

It is instructive to see where and how this deficit came about.

The trade balance fell on the plus side of the ledger by over $2 billion. Thus, the American private sector actually helped contribute to an improvement of the U.S. balance-of-payments position.

Worldwide military financial transactions resulted in a balance-of-payments deficit of nearly $4 billion in 1970. Approximately $1.4 billion of this military deficit was due to the U.S. commitment to NATO, and $640 million of the deficit was attributable to our military commitment to Japan. Thus, the United States suffered a balance-of-payments deficit of over $2 billion for protecting rich and prosperous NATO and Japan.

Mr. President, we must reassess our military commitments abroad. For 3 years, I have been urging greater European financial assistance for U.S. forces in Europe. I have made it clear in discussions in the Economic Committee of the NATO North Atlantic Assembly that unless the European members of NATO make their rightful financial contribution to the defense of Western Europe, there is a strong likelihood that the Congress of the United States will vote to reduce American troop strength on the Continent.

There are specific ways in which we can cut down on our NATO expenditures and transfer them to the budgets of European countries. Many of these countries and their parliamentarians have agreed in principle this should be done.

We should have NATO countries assume the costs for:

One, salaries of the 74,000 local nationals employed by U.S. forces. Of these 62,000 are in Germany and about $250 million annually is paid in dollars to hire foreign nationals to work in the common defense for Europe, as well as this country.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. PERCY. I am glad to yield to the majority leader.

Mr. MANSFIELD. Is it not true that until recently dependents of Americans were forbidden to work in these American installations in Europe?

Mr. PERCY. That is absolutely correct.

Mr. MANSFIELD. Some of the dependents, wives and children, can work doing KP in American installations, but the Europeans are doing us a favor by allowing that.

Mr. PERCY. The majority leader has pointed out the ludicrous situation we face.

Mr. MANSFIELD. As I have pointed out time and time again $14 billion from our defense budget is spent in Western Europe.

Mr. PERCY. And it is going up.

Mr. MANSFIELD. Now we find the German mark, and the Netherlands guilder being allowed to float to achieve an appropriate position because of the tremendous influx of American dollars. For the same reason the Austrian schilling and Swiss franc were revalued.

Mr. PERCY. Absolutely; which is presenting us with a crisis.

Mr. MANSFIELD. Why do we not try to find a proper floating level in reverse, perhaps, for American troops and dependents in Europe, and start some of this $14 billion back toward this country?

Mr. PERCY. These expenditures add to inflation, our deficit, and the pressure placed on the dollar. They also create a military balance-of-payments deficit for NATO of $1.5 billion annually and this is what is helping contribute to the crisis we are now facing.

The second specific way to cut down our NATO expenditures would be to stop paying in dollars for roadways, buildings and other facilities that we obviously cannot bring back to this country Those costs should be paid for by European nations for the defense of their countries.

Third, NATO countries should assume the cost for materials and equipment purchased in the local economy for use in those countries. Why should we be paying in American dollars for those things to be used in Germany for the common defense? All of those expenditures should be paid for by NATO countries.

Fourth, our European allies should be paying the cost for transportation, power, and various other services for transporting NATO troops around. We are actually paying the German Government in American dollars for these costs because the German Government owns these particular enterprises. Various other services could be paid for by the European countries.

Fifth, the infrastructure expenses, such as runways, should be paid for by the European nations.

These five items would save American taxpayers about $1 billion a year, and one-half of that would be in Germany alone.

In addition, we should not have to pay many of the taxes in Europe we currently pay, such as real property taxes, local and municipal taxes, business and trade taxes, excise taxes, and import taxes.

We do not pay taxes to local communities and States for our installations here and yet we pay European Governments taxes on property we maintain over there.

The European nations that were putting great pressure on the dollar last week are the same nations that, year after year, have refused to bear their fair share of NATO military expenditures. The United States has been the one NATO country that has lived up to all of its commitments. As a result, this country has been forced to pay an unfair portion of the expenditures for NATO defense and suffer a disproportionate share of the balance-of-payments deficit associated with that expenditure.

But of even greater consequence, in my judgment, is the balance-of-payments deficit which resulted last year from our military activities in Southeast Asia—about $2 billion.

Our tragic involvement in Indochina has not only brought human misery to the peoples of that part of the world, spent the blood of our young manhood, and precipitated more internal conflict than any event since our Civil War, but it also has contributed to the dollar crisis.

Other U.S. Government grants and loans supporting international programs cost this Government $5.5 billion in foreign exchange in 1970.

In summary, then, we had a military balance-of-payments deficit in 1970 close to $4 billion on top of a deficit from all other U.S. Government international transactions of about $5.5 billion.

Once the groundwork had been laid for the current shift into marks and away from dollars, it was further fueled and deepened by the actions of multinational corporations, which protected themselves by jumping on the bandwagon and buying up stronger currencies. In trying to protect themselves, they sold dollars and bought other currencies—further increasing the pressure on the dollar. A part of the current crisis can be attributed to these shifts of corporate funds, which have limited economic justification but great significance. The corporate treasurers involved may well be responsible for the close scrutiny that will be given to the operation of multinational corporations.

Mr. President, I have no doubt but that we will survive the present dollar crisis. But if we are to restore international confidence in the dollar quickly, we will have to take steps to improve our general economic health. And that will require determination, sacrifice, and hard decisions.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore (Mr. METCALF). Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with a limitation of 3 minutes on each Senator being recognized.

RESOLUTION OF COMMENDATION FOR ACTION TAKEN DURING RECENT DEMONSTRATIONS

Mr. CURTIS. Mr. President, I send to the desk a resolution and ask that it be read and immediately considered.

Mr. MANSFIELD. Mr. President, I reserve the right to object to the request for immediate consideration. I do so not that I am against the resolution, because I am a cosponsor. I would assume the resolution has been cleared on the Senator's side; however, I think there should be a quorum call so that we will be on as solid ground as possible when the measure is considered.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 119) to commend the Chief of the Metropolitan Police Department of the District of Columbia, Jerry V. Wilson, all officers and members of his department, and all other officers and members of other units, for their consistent, just, calm, and efficient action under strenuous conditions during the recent demonstrations in the Nation's Capital.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that prior to the vote on the resolution submitted by the Senator from Nebraska there be printed in the RECORD an editorial entitled "Lessons From May Day Rallies," published in the Christian Science Monitor of Saturday, May 8, 1971.

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

LESSONS FROM MAY DAY RALLIES

Nothing was gained on any side by the sorry spectacle of the May Day rallies in Washington this week.

Contrasted with the impressive protest by the Vietnam veterans two weeks earlier, the obstructionism and vandalism by milling thousands can only have set back the cause they espoused.

Sit-downs in the streets, sleep-ins on the Mall, and nudity on the Capitol steps are hardly the stuff on which conscientious protest against government policy are made. Many Americans, whose doubts about the Vietnam involvement may have been deepened by the veterans' protest, may have had second thoughts after the May Day debacle.

On the government's side, one must be grateful that the lessons on police violence at Chicago and Kent State University were largely well learned. Guns stayed in their holsters. Night-sticks got some exercising, but mainly against legs rather than heads. And while tear gas may have ridden too heavily on the raw spring winds, it is better to have spilt tears than blood.

This said, we also are disturbed about the way in which more than 12,000 persons were swept off the streets by police. Casual passersby, on their way to jobs or classes, found themselves grabbed by police, loaded onto buses, and put into jails or open-air stockades, without regard for usual arresting procedures.

A correspondent of this newspaper watched a long-haired lad, walking peaceably along a street, picked up and led off by police in what our writer describes as "a hit or miss" arrest. Similarly a Los Angeles Times reporter recorded the random arrest of citizens, the only apparent on-scene selectivity being based on length of hair and style of dress.

So many dragnet arrests were made that the District of Columbia's public defender, Mrs. Barbara A. Bowman, brought suit in Superior Court against police, asking them to show cause why all charges should not be dropped against all who were arrested. A court of appeals later upheld Mrs. Bowman's objection to dragnet arrests, but not to dropping of all charges. The American Civil Liberties Union agreed with Mrs. Bowman, and charged the police with not making plans for prompt and humane processing of persons arrested.

It is tempting to underline some of the ironies in the situation. Demonstrators who were indiscriminate in harassing Washington workers are now protesting indiscriminate arrest; demonstrators who sought to suspend the process of law and impose anarchy on Washington are now demanding the protection of law.

Despite these ironies, it is the obligation of a democracy to offer justice both to those who treasure it and those who abuse it.

Mass arrests and abandonment of due process have no place in American society. They are repugnant to all who hold police power to be subordinate to individual constitutional rights.

Perhaps this week's sorrry affair need not be a total loss if citizens learn from it that mass action, aimed at violating others' rights by obstructionism, is self-defeating; and if the police realize the need of further refining control techniques in handling mass protests.

Mr. MANSFIELD. Mr. President, is there objection to the immediate consideration of the resolution?

The ACTING PRESIDENT pro tempore. The Chair hears no objection.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CURTIS. Mr. President, I shall not take time for a lengthy discussion. The resolution speaks for itself. It commends Chief Wilson of the Metropolitan Police Department, the Capitol Police, the military, and all other components that assisted in maintaining order in recent days when protesters were in Washington. The first purpose of government is to maintain order. Without order, government itself falls.

A splendid job was done by the police and the other units that assisted them, and I believe the Nation is grateful to them. They acted in a most professional way. No lives were lost, and the injuries were minimal and rather insignificant.

Mr. President, without further comment, I ask for a vote on the resolution.

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

Mr. CURTIS. I yield.

Mr. MANSFIELD. I would like to read from the Christian Science Monitor editorial which I had asked to be printed in the RECORD, and for which permission was granted:

It is tempting to underline some of the ironies in the situation. Demonstrators who were indiscriminate in harassing Washington workers are now protesting indiscriminate arrest; demonstrators who sought to suspend the process of law and impose anarchy on Washington are now demanding the protection of law.

Despite these ironies—

And this is the important part—

it is the obligation of a democracy to offer justice both to those who treasure it and those who abuse it.

Mass arrests and abandonment of due process have no place in American society. They are repugnant to all who hold police power to be subordinate to individual constitutional rights.

Perhaps this week's sorry affair need not be a total loss if citizens learn from it that mass action, aimed at violating others' rights by obstructionism, is self-defeating; and if the police realize the need of further refining control techniques in handling mass protests.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. CURTIS. Mr. President, may I ask for a vote on the resolution?

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution. [Putting the question.]

The Chair votes "no."

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas the Chief of the Metropolitan Police Department of the District of Columbia, Jerry V. Wilson, and the officers and members of the Metropolitan Police force serving under him, together with the officers and members of the United States Park Police force, the Executive Protective Service, the Capitol Police, the United States military personnel, and all others involved in assisting the aforementioned, have continually distinguished themselves by consistent, just, calm, and efficient action under strenuous conditions during the recent demonstrations in the Nation's Capitol;

Whereas Chief Wilson and the others engaged in law enforcement have handled a

difficult and potentially extremely dangerous situation with exemplary professionalism;

Whereas the leadership displayed by Chief Wilson has been a primary reason that disorder and damage to public and private property was held to a minimum, and stands as an inspiration to his own men and the men of other units assigned to maintain order; and

Whereas the community of the District of Columbia and the Nation as a whole owe Chief Wilson and the others a deep debt of gratitude: Now, therefore, be it

Resolved, That the sense of the Senate of the United States is, that Chief Jerry V. Wilson and the officers and members of the Metropolitan Police Department, as well as the other officers and members of other units, including military personnel, involved in handling the situation arising out of the aforementioned demonstrations, should be highly commended for their service to the District of Columbia and to the United States of America.

The ACTING PRESIDENT pro tempore. Is there further morning business?

OVERSEAS MILITARY FORCES AND THE STRENGTH OF THE DOLLAR

Mr. GRAVEL. Mr. President, I found the statement of the Senator from Illinois (Mr. PERCY) most interesting and most timely, and I should like to associate myself with that statement. He makes a very compelling case to the point that we not only place our troops in Europe for the defense of Europe, and in Japan for the defense of Japan, but we also pay for those troops.

The discussion thus far has centered primarily on the cost of the troops. To me, that is not the paramount point. If we talk only in terms of cost, what we are saying is that American boys are mercenary, and that these mercenaries are around the world.

I can only liken that situation to that of the Hessian mercenaries who came to this country under the monarchists, because they could put them out to work. But at least they had the wisdom to put them out and make money on their troops, and thus enrich their own coffers. In this instance, we do not even have the wisdom to make money with our mercenaries; we put them out and pay the tab also.

I commend the Senator from Illinois, because I think he has made a very fine case about the course that this Nation has taken in its apparent desire to bankrupt itself. I hope his comments will come to the attention of many people.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Congress Rebelling At Size Of Military," written by George C. Wilson and published in this morning's Washington Post, which I think makes an excellent case, among other things, on this very point, in demonstrating rather accurately that in the Army alone we could trim down the fat and reduce our forces by 250,000 American boys. Based on the statement I heard earlier that 100,000 men represents a cost of about a billion dollars, we could save, just with the stroke of a pen, $2.5 billion this year were we to require a discipline that would enforce efficiency and trim away the fat.

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

CONGRESS REBELLING AT SIZE OF MILITARY

(By George C. Wilson)

Senate Majority Leader Mike Mansfield (D-Mont.) said in an interview yesterday that he will move soon to cut the number of American troops in Europe by half—giving reasons that are fueling a new congressional rebellion on Pentagon manpower policies.

"We've got too much over there," Mansfield said. "Too much logistics; too many generals; too many colonels; too much headquarters. Too much. The 525,000 servicemen and their dependents could be cut by half, and they would probably be twice as effective."

He said the $14 billion-a-year cost for American troops and equipment, either actually in Europe or set aside for use there, cannot be justified economically or as "a matter of principle. The weakness of the dollar fits into it. It has been a quarter of a century since the war ended."

Mansfield said he "definitely" will offer an amendment to "cut in half" the 4⅓ Army divisions in Europe—meaning down to about two divisions. The only question in his mind, he said, is whether to propose the amendment as part of the draft extension bill now before the Senate or wait for another bill later on in the session.

Even without the Mansfield amendment, the bill of the Senate floor signifies a new challenge to Pentagon manpower policies—a challenge which goes beyond the specific question of whether to extend the draft another two years.

For the first time, Congress in the bill tells the Pentagon how many men and women it can have in the Army, Navy, Marine Corps and Air Force. (Congressional committees through appropriations exert control on force sizes, but do not authorize specific levels.)

In deciding how big the services should be, the Armed Services Committee served notice on the Pentagon that it could not count on fattening up its other forces with men from Indochina. The committee, noting the troops were coming out of Vietnam at an accelerated rate, cut the active duty strength of the Army by 50,000; the Navy and Air Force by 3,000 each. The Marines got what they requested—an average active duty strength of 209,846 for the fiscal year ending June 30, 1972.

As for the NATO forces which Mansfield will try to slash, Committee Chairman John Stennis (D-Miss.) indicated that he—like the Senate majority leader—believes there are far too many men in rear-area jobs compared to those who would actually fight in a European war. He suggested to the Pentagon that our NATO force remain under authorized strength. Any additional soldiers sent to Europe should be offset by equal reductions in the support force, Stennis said.

The fact that the Pentagon's manpower policies are under attack by some of its best friends in Congress, members of the Senate Armed Services Committee, makes the job of the Pentagon's usual critics that much easier. The federation of national organizations known as the Coalition on National Priorities and Military Policy is in that latter camp. The group is lobbying for a big cut in the Pentagon budget.

Manpower is where the money is. The Pentagon figures 53 per cent of its total budget is spent on people—more than on military bases, tanks, airplanes or ships. This makes the manpower account the biggest single target for budget cutters inside and outside the Pentagon. Any general cuts imposed by the Congress this year will have to be absorbed largely by cutting civilian or military personnel.

In short, pressure is coming from several different sources for a restructuring of the Defense Department's personnel. Again because it is the biggest target, the Army stands to be reshaped the most. And some Army officers, if not the top brass, contend it is high time to put the service in fighting trim.

"If there is serious interest in reducing defense manpower costs," argues Army Lt. Col. Edward L. King (ret.), "the present armed forces combat and support concepts cannot continue to be tolerated.

"If the armed forces were required to streamline, reduce the number of duplicative headquarters and commands—and bring support doctrines within the bounds of national priorities and austere combat requirements," he said, "they could provide more combat capability with less overall power."

King, a combat veteran of the Korean War and former planning officer on the Joint Chiefs of Staff, resigned from the Army in 1969 and is writing a book in hopes of prompting manpower reforms. He gives this arithmetic in decrying the overhead in today's Army:

The Army wants 942,000 men and women (strength at end of fiscal 1972) to field 13⅓ combat divisions. Yet a division (including augmenting forces is only 16,350 men. Multiplying those two figures—23⅓ times 16,350—gives a total of 218,000 men.

Allowing two divisions to sustain each of the 13⅓ on the line, as under present Army doctrine, adds another 436,000. Adding together the combat divisions and those assigned to sustain them—218,000 men plus 436,000 men—gives a total of 654,000 men.

What, asks King, is the Army doing with the 288,000 men outside that division structure but still within the requested total of 942,000 personnel?

After Examining an individual Army division of 16,350 men job by job, King said "no more than 7,500 soldiers aim, load or fire on the enemy in combat. This means," he said, that the other "8,000 or so soldiers in each combat division are engaged in noncombatant, administrative or sustaining roles in addition to the 32,700 soldiers" in the two divisions backing up the one in battle.

"Broken down to basic combat terms," King said, "this means that out of the 49,050 soldiers required to put a present day U.S. Army division into the field (16,350 plus 32,700), less than 25 per cent finally deliver fire on the enemy. This is very little return for the costs involved."

Another field grade officer who is still in the Army, who specializes in manpower and who has had recent combat experience in Vietnam complained:

"The Army has gotten so heavy that we could never go to a place like Vietnam again without sending the engineers in two years ahead of the combat troops to build a base. And every time you put a fancy piece of equipment on the ground it takes two men to guard it and another three to maintain it.

We ought to bite the bullet all the way through and build a realistic force. That would be no more than two heavy divisions in Europe, a paring down of division structure elsewhere and formation instead of light, fast and hard-hitting brigades. Then we could get down to around 60,000 men where a voluteer army begins to make sense. We should just admit this is the era of blue water diplomacy, build a force which everyone could accept as necessary for the job in the next 10 years."

Defense Secretary Melvin R. Laird himself wanted to pull out some support troops from Europe last year, with 20,000 one figured discussed. The idea was rejected in the White House where the decision has been made to keep American forces in place

unless Russia agrees to a mutual troop withdrawal along the NATO front. The Army top leadership favors the status quo, too.

Roger T. Kelley, assistant secretary of defense for manpower, is the Pentagon official who has to try to hold the line on manpower and adjust military forces if Congress imposes cuts.

He said in an interview that the Army is not lopsided with support forces given how many men it takes to keep modern military equipment combat ready, citing the helicopter as one example, and the peculiar manpower pressures of the Vietnam War.

He said an extra-long logistical tail has grown in Vietnam partly because the Vietnamese forces, as well as our own had to be supported in battle.

Also, the decision to keep American draftees in Vietnam for only one year requires a constant amount of training, Kelley said, meaning large support forces in the form of training units.

"Forty-two per cent of the total general support force is in training," Kelley said.

"Given the nature of the problem we inherited," said Kelley, "we think we are progressing toward efficiency levels at a rapid rate—we are getting the support ratio in a better balance."

"What we're trying to attack," said Kelley, "is the total utilization factor" in trying to improve the "performance capability of the forces. Just attacking the logistical tail is not the answer to the problem."

As for King's figures on how comparatively few men load, aim or fire a weapon in combat, Kelley said such comparisons are misleading because they do not take into account the extra punch of modern weaponry.

A ship, he said, does take a lot more men to keep its complicated equipment operating. But at the same time the ship is a much more powerful weapon because of that complicated equipment.

On the specific question of where are the 288,000 missing men under King's calculations, Pentagon manpower specialist mentioned men in training; on travel or sick. But critics contend the bulk of the "missing" men are in staff and support jobs that are difficult to justify.

Sen. Birch Bayh (D-Ind.) who sponsored the amendment last year giving Congress the power to set the manpower levels of the services, said he is not satisfied with Pentagon explanations to date on how it is deploying and using its personnel. He is preparing a speech on the subject, and a fresh demand for more detailed justification is anticipated.

Inseparable from the argument over how many men the military services need is the question of how the United States expects to fight the next war.

In Europe, for example, the NATO allies are stockpiling for a much shorter war than is the United States; so short, according to some Pentagon planners, that American reserves could never arrive from the United States to back up combat divisions already on the ground.

If the NATO allies will not prepare to fight for 90 days or more, goes the argument, than why spend billions of dollars on American reserve forces which could never take the field before the war was decided or went nuclear?

Not only is the Pentagon's manpower program and strategy for using it under challenge in Congress, but the NATO defense ministers later this month will examine the same questions for alliance as a whole in meetings in Brussels, Belgium and in Garmisch, Germany.

STRENGTH OF MILITARY IN 1972

This is how many men the Senate Armed Services Committee approved for average active duty strength for fiscal 1972 by the services. The numbers requested, already approved by the House are shown for comparison.

	Senate	Requested
Army	947,309	1,024,309
Navy	613,619	616,619
Marines	209,846	209,846
Air Force	755,635	758,635

NATIONAL PROSPERITY DOES NOT DEPEND ON LOCKHEED

Mr. AIKEN. Mr. President, we have been told that there will soon be submitted to this Congress a bill designed to bail out the Lockheed Aircraft Co. and indirectly the British Rolls Royce Co.

I understand that this bill has not yet been completely drafted.

I am making this statement today for the purpose of making my own position clear.

The administration proposal to bail out the SST failed.

Although no Member of this Senate is more concerned for adequate research which will add to our knowledge in the field of aviation, including the stratosphere, and for the development of outer space and even interplanetary travel, I could not and did not vote for the SST.

I was not persuaded to vote as I did by those who feared that the future of humanity would be jeopardized by sonic booms or pollution of the stratosphere, for to prevent such disasters should surely be among the main purposes of the proposed research and development work as well as reducing the time for intercontinental travel.

I voted against the SST for very simple and very important, down-to-earth reasons pertaining to the present day needs of 200 million people.

National prosperity does not depend upon a few giant corporations which have got into trouble because their management was shortsighted, inefficient or, in some cases, worse.

National prosperity depends upon the thousands of businesses, large and small, which give employment and incentive to millions—not thousands—of workers.

I voted against SST because at the very time we were being asked to bail out a few industries—some with international aspects—funds appropriated by the Congress which would have furnished work and income for a far greater number were being impounded or withheld by administration officials.

Agriculture alone provides work for probably thirty percent of our gainfully employed people and yet agriculture was shoved into the background by the SST.

I trust that the administration will not again make this same mistake in seeking special legislation for Lockheed.

I know I am not qualified to propose specific legislation, but I do know that unless any recovery bill—and that is what it really is—is equally considerate of those businesses employing 10, 100, or 1,000 persons in hundreds of communities in the United States—at least on a standby basis—I will not be able to support legislation designed to bail out a single corporation even though Government itself may be largely to blame for its existing difficulties.

SALUTE TO AGRICULTURE DAY

Mr. DOLE. Mr. President, last Friday was "Salute to Agriculture Day" at the White House. It was a day when President Nixon and his administration led a special tribute to the industry whose productivity has made the United States the best-fed Nation in the world and which has played a major role in feeding the populations of the world for a hundred years.

I believe it is time that America's farmers were recognized for what they are—a unique breed of men and women who have increased the productivity of the land beyond the wildest imaginings of any person of even 50 years ago.

We hear much of the farmers' problems these days—and we recognize that those problems are real and must be solved.

But we hear all too little of the farmers' accomplishments, of what each one has done to build America and to preserve America.

That is what the President's salute to agriculture was all about.

This was the first salute of its kind—at least here in Washington, I hope it will not be the last.

Mr. GRIFFIN. Mr. President, last Friday President Nixon and his administration paid a unique tribute to American agriculture and the American farmer.

Representatives of farm groups were invited to the White House. An agricultural display was set up on the White House lawn. Nice things were said about this major industry.

Such things have happened before, although not necessarily involving agriculture, and it is easy for some, especially some members of the media, to be cynical about them.

But I believe, Mr. President, that Friday's "Salute to Agriculture" was different.

I believe this was more than just a one-time event designed to mollify the farmer. Instead, I believe this was symbolic of the esteem in which this administration holds the farmer.

I am confident that Friday's salute was just the beginning of a new and brighter period for agriculture. That is what the President intends and that is what I am confident lies ahead.

DEMONSTRATION PLANNED IN NORTH VIETNAM

Mr. DOLE. Mr. President, reported in today's issue of Monday, which is a publication of the Republican National Committee, is a statement by the convicted riot leader and new leftist, Jerry Rubin, who states that recent demonstration activities in Washington were planned in North Vietnam.

The article quotes Mr. Rubin as follows:

"This demonstration in Washington is a conspiracy and it was planned in North Vietnam and I don't think we should be ashamed

of that," Yippie leader Jerry Rubin told University of Wisconsin students April 28 at the Parkside Campus in Kenosha. "This is a Viet Cong flag I'm wearing, by the way," he explained. "It's amazing no one knows the flag of the enemy. . . . I support the National Liberation Front" (the Communists). Rubin's statement that the demonstrations were planned by the Communists was carried by television station WISN in Milwaukee. Monday has heard the broadcast and confirmed the quotes.

QUORUM CALL

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

THE AMCHITKA BLAST

Mr. GRAVEL. Mr. President, I compliment the Senator from Kansas on his statement with respect to the disposal of atomic wastes in his fine State of Kansas, and about his request to have a study made and as I understand—and I am sure the Senator will correct me if I am wrong—to report back to the President and Congress after its completion.

I have supported the Governor of my own State of Alaska who has requested that a hearing be held in Alaska concerning the proposed 5-megaton blast at Amchitka. I hope that at some appropriate time my colleague from Kansas will join me. Since I am sure he has as deep an affection and concern for Alaskans as human beings as for the people of Kansas as human beings, I am sure that, at an opportune time, not only as the Senator from Kansas but also as the titular head of the Republican Party, he would be willing to join me in my efforts to secure a hearing to determine the safety and the impact of shooting off a 5-megaton bomb within the confines of the State of Alaska.

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

Mr. GRAVEL. I am happy to yield to the Senator from Kansas.

Mr. DOLE. I appreciate the Senator's comments, and would certainly be willing to help in any way that I can. There is much consternation in Kansas about the proposed nuclear repository, to be the first of its kind. On the one hand, we are talking about a $25 million project, and on the other, the safety of Kansas residents.

So it is a very delicate matter. We recognize the need to dispose of nuclear wastes but we do not want to become involved unless we are assured that it can be done in complete safety.

What I have suggested is that the President, in addition to all the studies that have been made and all the commissions which have reviewed the disposal of atomic waste, appoint a high-level council which would offer guidance, not just to Kansas, but to other States, such as Alaska, as well.

I find it difficult to understand how the AEC can be both the promoter of the site and the judge and jury. We do not quarrel with the AEC. We just suggest that perhaps additional steps and safeguards are needed.

We have asked the Environmental Protection Agency and the Environmental Quality Council also to review the problems involved and to give us their assistance.

Mr. GRAVEL. I cannot thank the Senator from Kansas enough for those assurances, because I have been at it since 1969, asking that we have such an investigation, to determine the efficacy of having an agency prosecute the goals of Atomic Energy and at the same time policing its effort. I think that is too much to ask of any human being.

I look forward to a close working relationship with the Senator from Kansas in this regard.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENT, ETC.

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

PROPOSED SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1971 (S. DOC. NO. 92–17)

A letter from the President of the United States transmitting proposed supplemental appropriation request for the fiscal year 1971 in the amount of $13 million for the Department of Defense (with accompanying paper); to the Committee on Appropriations.

PROPOSED SUPPLEMENTAL APPROPRIATION FOR THE SECURITIES AND EXCHANGE COMMISSION FOR FISCAL YEAR 1971 (S. DOC. NO. 92–14)

A letter from the President of the United States transmitting a proposed supplemental appropriation for the fiscal year 1971 in the amount of $84,000 for the Securities and Exchange Commission (with an accompanying paper); to the Committee on Appropriations.

PROPOSED SUPPLEMENTAL APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA AND OTHER AGENCIES FOR FISCAL YEAR 1971 (S. DOC. NO. 92–13)

A letter from the President of the United States, transmitting proposed supplemental appropriations for the District of Columbia and other agencies for the fiscal year 1971 in the amount of $45,121,000 in budget authority, and $30,185,000 in proposals not increasing budget authority (with accompanying papers); to the Committee on Appropriations.

PROPOSED SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE FOR FISCAL YEAR 1971 (S. DOC. NO. 92–15)

A letter from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1971 in the amount of $6 million for the Department of Health, Education, and Welfare (with an accompanying paper); to the Committee on Appropriations.

PROPOSED SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE FOR THE FISCAL YEAR 1971 (S. DOC. NO. 92–16)

A letter from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1971 in the amount of $65 million for the Department of Agriculture (with an accompanying paper); to the Committee on Appropriations.

REPORT OF LOAN TO NORTHERN MINNESOTA POWER ASSOCIATION OF GRAND RAPIDS, MINN.

A letter from the Administrator, Rural Electrification Administration, United States Department of Agriculture, reporting, pursuant to law, approval of a loan to the Northern Minnesota Power Association of Grand Rapids, Minn., in the amount of $4,184,000 for the financing of certain transmission facilities; to the Committee on Appropriations.

REPORT OF LOAN TO UNITED POWER ASSOCIATION OF ELK RIVER, MINN.

A letter from the Administrator, Rural Electrificiaton Administration, United States Department of Agriculture, reporting, pursuant to law, approval of a loan to the United Power Association of Elk River, Minn., in the amount of $3,589,000 for the financing of improvements to existing transmission and generation facilities and completion of previously loaned facilities; to the Committee on Appropriations.

REPORT OF CONCLUSION OF PROCEEDINGS IN DOCKET NO. 190, INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on the final conclusion of judicial proceedings regarding Docket No. 190, the Cherokee Nation, Plaintiff, versus the United States, Defendant (with accompanying papers); to the Committee on Appropriations.

PROPOSED LEGISLATION TO PROVIDE FOR THE PROCUREMENT AND RETENTION OF JUDGE ADVOCATES AND LAW SPECIALIST OFFICERS FOR THE ARMED FORCES

A letter from the General Counsel of the Department of Defense, submitting a draft of proposed legislation to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces (with accompanying papers); to the Committee on Armed Services.

REPORT OF ACTUAL PROCUREMENT RECEIPTS FOR MEDICAL STOCKPILE OF CIVIL DEFENSE EMERGENCY SUPPLIES AND EQUIPMENT PURPOSES

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment for the quarter ending March 31, 1971; to the Committee on Armed Services.

REPORT ON PURCHASES AND CONTRACTS MADE BY THE U.S. COAST GUARD OF THE DEPARTMENT OF TRANSPORTATION

A letter from the Assistant Secretary for Administration, Office of the Secretary of Transportation, reporting, pursuant to law, on the purposes and contracts made by the U.S. Coast Guard of the Department of Transportation under section 2304(a)(11) during the period November 1, 1970, through April 15, 1971 (with accompanying papers); to the Committee on Commerce.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the savings available through reduced use of air parcel post shipments by the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements pertaining to insurance operations of the Federal Housing Administration, Department of Housing and Urban Development, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the savings available under the program for relocating roads and bridges at the Auburn Dam and Reservoir in California, as administered by the Bureau of Reclamation, Department of the Interior (with an accompanying report); to the Committee on Government Operations.

PROPOSED AMENDMENT TO S. 958, ATOMIC ENERGY ACT

A letter from the Chairman, Atomic Energy Commission, submitting a draft of a proposed amendment to the bill (S. 958) to authorize appropriations to the Atomic Act of 1954, as amended (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A joint resolution of the Legislature of the State of California; to the Committee on Aeronautical and Space Sciences:

"SENATE JOINT RESOLUTION No. 11

"Memorializes the President, the Congress, and the National Aeronautics and Space Administration to permanently locate the launch and reentry facilities for the space station shuttle ship project in California.

"Whereas, The hub of NASA's future space plans is the earth-orbited manned space station, from which interorbital ferries and planetary expeditions will depart, and hopefully, it will prove to be the precursor for the module that will eventually carry men to Mars and back; and

"Whereas, In order to support the station and its subsequent additions, an earth-to-orbit shuttle is required; and

"Whereas, Together, the space station and shuttle are the keystones to the next major accomplishments of the nation's space program; and

"Whereas, California's year-round climatic conditions are ideal for the earthside operations of the so-called "shuttle ship" to the future United States space station; and

"Whereas, California has a tremendous reserve of highly trained engineers and technicians experienced in aerospace; and

"Whereas, California's aerospace industry presently has unused capacity and the capability to supply all project components at the lowest cost; and

"Whereas, California offers a variety of launch and recovery sites in clear weather areas; and

"Whereas, California offers the necessary open space to allow for a launch area 7,000 miles long free of any population and not crossing over any foreign country, or miles of dry lakebed areas for recovery; and

"Whereas, California has available, in place, most of the operating facilities required; and

"Whereas, California's vast unemployment problem would be greatly alleviated with the employment that would be generated by locating the space shuttle project here; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States, and requests the National Aeronautics and Space Administration, to permanently locate the launch and reentry facilities for the space station shuttle ship project in the State of California; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the National Aeronautics and Space Administration."

Two joint resolutions of the Legislature of the State of California; to the Committee on Commerce:

"SENATE JOINT RESOLUTION No. 4

"Memorializes the President and Congress of the United States to amend the Clean Air Act to allow California to enforce and adopt aircraft emission standards that are feasible and stricter than Federal standards for aircraft operated in the State

"Whereas, Under Section 233 of the Clean Air Act, as amended by the Clean Air Amendments of 1970, the federal government has preempted the regulation of emissions of air pollutants from any aircraft or engines thereof; and

"Whereas, The preeminence of California in the control of air pollution is recognized by the federal government, as exemplified by Section 209 of the Clean Air Act, which authorized California, upon approval of the Administrator of the Environmental Protection Agency, to adopt standards stricter than federal standards for motor vehicle emissions; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to exempt California from the present federal preemption of the regulation of emissions of air pollutants from aircraft by amending Section 233 of the Clean Air Act to allow California to continue the enforcement and adoption of its own aircraft emission standards that are feasible and stricter than federal standards for aircraft operated in the state; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Administrator of the Environmental Protection Agency, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

"SENATE JOINT RESOLUTION No. 5

"Memorializes President and Congress to expand proposed Railpax system to prevent elimination of certain California passenger trains

"Whereas, The federal government has announced its proposal for the operation of a network of intercity passenger trains by Railpax, relieving those carriers who elect to join Railpax of their individual responsibility for the passenger lines they presently operate; and

"Whereas, The basic Railpax network, as currently planned, does not provide for the maintenance of certain intrastate passenger trains operating along some very heavily traveled and vital routes within this State; and

"Whereas, A vigorous and attractive rail passenger system is considered to be of the highest importance to the interests of the people of California, particularly in view of the congestion and delays being experienced in air travel; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States to expand the proposed Railpax system to prevent elimination of passenger service in California and, if necessary, to increase the funds available for Railpax in order to provide adequate matching funds for state and local cost sharing; and be it further

"Resolved, That the Secretary of the Senate transmit 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 concurrent resolution of the Legislature of the Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO TAKE IMMEDIATE ACTION TO PROVIDE FREE AND FAIR INTERNATIONAL TRADE IN THE POWER TRANSFORMER INDUSTRY

"Whereas, The future of America's power transformer industry is threatened by the apparent unfair trade practices of competing foreign manufacturers and;

"Whereas, These practices present an imminent danger to the American technology base in vital electrical equipment; and

"Whereas, The manufacture of power transformers in Berkshire county, Massachusetts provides employment for more than three thousand citizens of the commonwealth; now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States and the President of the United States to take immediate action to eliminate unfair international trade practices in the power transformer industry and to provide free and fair trade in these products; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Commerce:

"SENATE JOINT RESOLUTION No. 30

"Memorializing the Congress and the National Railroad Passenger Corporation to reevaluate the service being proposed for Nevada and provide service to Las Vegas

"Whereas, The National Railroad Passenger Corporation has issued its final route selections for railroad passenger service; and

"Whereas, The route selection has failed to provide passenger service to that best-known and one of the most frequently visited cities in the nation, Las Vegas, Nevada; and

"Whereas, Such an omission is not only seriously damaging to the economy of Nevada but eliminates one of the best potential sources of passenger customers; and

"Whereas, This legislature believes that a proper evaluation of the needs and desires of railroad passengers would result in providing service to Las Vegas; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Congress of the United States and the National Railroad Passenger Corporation are hereby memorialized to reevaluate the decision to omit rail passenger service to Las Vegas, Nevada, and to include that city in the proposed rail passenger network; and be it further

"Resolved, That copies of this resolution be prepared by the legislative counsel and transmitted forthwith to the President of the Senate and the Speaker of the House of Representatives, to the Secretary of the Department of Transportation, to the chairman of the board of directors of the National Railroad Passenger Corporation and to members of the Nevada congressional delegation."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION No. 49

HOUSE CONCURRENT RESOLUTION

"Whereas, there is mounting concern throughout the nation over the failure and

inability of the existing public welfare programs to furnish the basic needs and assistance to those who are unable to provide for themselves; and

"Whereas, great disparities exist among public welfare programs currently in effect in the several states, resulting in serious inequities to recipients of such programs as well as disproportionate burdens upon the states in financing of such programs; and

"Whereas, the staggering welfare burden, with some 13.5 million citizens throughout the country dependent upon public assistance, at a total cost of approximately $15 billion annually, is swiftly propelling state and local governments toward the brink of financial disaster; and

"Whereas, the President, in recognition of the growing financial plight of state and local governments, has proposed a system of revenue-sharing, in addition to a proposal for welfare reform; and

"Whereas, recent decisions of the Supreme Court of the United States striking down state residency requirements for welfare purposes, and other state imposed restrictions, have stripped state and local governments of their last vestiges of effective control and have placed the entire problem upon the shoulders of the federal government which alone has both the power and resources at its command to attack the problem with any possibility of successful and rational solution; and

"Whereas, the total assumption by the federal government of all welfare costs through nationalization of the public welfare system offers the only hope for immediate and meaningful financial relief to state and local governments; now, therefore,

"*Be it resolved* by the House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1971, the Senate concurring, that the Congress of the United States be and is hereby respectfully urged to enact legislation necessary to enable the federal government to assume full financial responsibility for all welfare programs the costs of which are now jointly shared by the state and federal governments; and

"Be it further resolved that Congress, in enacting such legislation, create a Uniform National Public Welfare System with categories covering aid to the aged, aid to the blind, and aid to the permanently and totally disabled to be administered by the Social Security Administration and with a category covering aid to families with dependent children to be administered by the states under federal laws and policies which would require the states to initiate and supervise work and training programs to promote self-support and self-care and to strengthen family life; and

"Be it further resolved that duly authenticated copies of this Concurrent Resolution be forwarded to the presiding officers of the House of Representatives and the Senate of the Congress of the United States and to the members of the Hawaii delegation in Congress."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Interior and Insular Affairs:

"SENATE JOINT RESOLUTION No. 12

"Urging the Congress of The United States to adopt certain legislation concerning the recreational values of public lands

"Whereas, The 56th session of the Nevada legislature recognizes the great value of public lands for recreational purposes; and

"Whereas, Such recreational value is demonstrated by the large number of citizens who use the public lands for a variety of recreational pursuits; and

"Whereas, The recreational value of the public lands is threatened by the lack of federal legislation to protect, develop and enhance such recreational value; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the 92nd Congress of the United States is hereby memorialized to adopt legislation, embodying the provisions of Senate Bill 3389 of the 91st Congress of the United States, which will provide a basis for the protection, development and enhancement of the outdoor recreational value of the public lands:

"1. Within the framework of the multiple-use management consistent with 16 U.S.C. §§ 4601—4601–3; and

"2. In conformity with the statewide, outdoor recreational plans developed under 16 U.S.C. §§ 4601–4 and 4601–11; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Speaker of the House of Representatives, the President of the Senate and the members of the Nevada congressional delegation."

A resolution adopted by the Common Council of the City of Buffalo, N.Y., in support of legislation to assure equal protection to all people having need of insurance coverage; to the Committee on Commerce.

A resolution adopted by the Lawrence Development and Industrial Commission of Lawrence, Mass. in support of the enactment of a revenue-sharing program; and

A resolution adopted by the Board of Education of Jericho, Long Island, N.Y., urging the major priority to be the needs of education; to the Committee on Finance.

A resolution of the National Society of the Daughters of the American Colonists in commendation and support of President Nixon's Vietnamization policy; to the Committee on Foreign Relations.

A resolution of the National Society of the Daughters of the American Colonists urging that the birthday of George Washington be observed on February 22d;

A resolution of the National Society of the Daughters of the American Colonists urging that police officers be given respect and cooperation by all citizens;

A resolution of the National Society of the Daughters of the American Colonists in appreciation of the work of the FBI and in support of J. Edgar Hoover; and

A resolution of the National Society of the Daughters of the American Colonists pledging to honor the flag, the Federal Government, and the Nation with renewed dedication; to the Committee on the Judiciary.

A resolution of the National Society of the Daughters of the American Colonists urging that the Federal Government exercise its fullest powers to protect the Nation and its institutions from those who would destroy them; to the Commitee on Rules and Administration.

A resolution of the National Society of the Daughters of the American Colonists in appreciation; and

A resolution of the National Society of the Daughters of the American Colonists paying tribute to the late Senator Richard B. Russell; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SCOTT (for Mr. PROUTY), from the Committee on Rules and Administration, with amendments:

S. Res. 112. A resolution to permit the appointment of Senate pages without discrimination on account of sex (Rept. No. 92–101).

Mr. McCLELLAN, pursuant to Senate Resolution 337, 91st Congress, 2d session, submitted a report on bills referred to the Special Subcommittee on Criminal Laws and Procedures, of the Committee on the Judiciary, which was ordered to be printed (Rept. No. 92–100).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. MANSFIELD, for Mr. FULBRIGHT, from the Committee on Foreign Relations:

E. Ross Adair, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia;

Bernard Zagorin, of Virginia, to be the representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador; and

Frank Stanton, of New York, reappointment; Hobart Lewis, of New York, vice Thomas Van Husen Vail, term expired; for a term expiring January 27, 1963; and James A. Michener, of Pennsylvania, vice Palmer Hoyt, term expired, for a term of 3 years expiring January 27, 1974, to be members of the U.S. Advisory Commission on Information.

Mr. MANSFIELD. Mr. President, for the Senator from Arkansas (Mr. FULBRIGHT), from the Committee on Foreign Relations, I also report favorably sundry nominations in the Diplomatic and Foreign Service which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk appear at the end of the Senate proceedings of March 25, 1971.)

By Mr. CANNON for Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Nathaniel Pryor Reed, of Florida, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, vice Leslie Lloyd Glasgow, resigned.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. McGOVERN:

S. 1806. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating and other type loans, and for other purposes. (An original bill introduced on May 7, 1971, during the adjournment, by order of the Senate of May 6, 1971. Order placed on calendar.)

By Mr. CANNON:

S. 1807. A bill to provide that recipients of old-age assistance, aid to the blind, or aid to the permanently and totally disabled, will not suffer reductions in the amount of such aid or assistance because of future increases in monthly benefits under title II of the Social Security Act. Referred to the Committee on Finance.

By Mr. MOSS (for himself, Mr. CANNON, Mr. CHURCH, Mr. CRANSTON, Mr. FONG, Mr. HUGHES, Mr. McGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. PELL, Mr. THURMOND, Mr. WILLIAMS, and Mr. BIBLE):

S. 1808. A bill to amend the Federal Aviation Act of 1958 in order to authorize certain reduced-rate transportation to individuals who are 65 years of age or older. Referred to the Committee on Commerce.

By Mr. MOSS:

S. 1809. A bill for the relief of Angela Chan. Referred to the Committee on the Judiciary.

By Mr. McGEE:

S. 1810. A bill for the relief of Dorothy G. McCarty; and

S. 1811. A bill for the relief of Erma P. Curry. Referred to the Committee on Post Office and Civil Service.

By Mr. TOWER:

S. 1812. A bill to establish within the Department of State a U.S. Passport Service. Referred to the Committee on Foreign Relations.

By Mr. MANSFIELD:

S. 1813. A bill for the relief of Rita Lorraine Springer, Ramona Lee Springer, Richard Allan Springer and Robert Ronald Springer. Referred to the Committee on the Judiciary.

By Mr. HARTKE (for himself and Mr. THURMOND):

S. 1814. A bill to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code. Referred to the Committee on Veterans Affairs.

By Mr. HARRIS:

S.J. Res. 93. A joint resolution to authorize the President to proclaim July 14, 1971, as "Woody Guthrie Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CANNON:

S. 1807. A bill to provide that recipients of old-age assistance, aid to the blind, or aid to the permanently and totally disabled, will not suffer reductions in the amount of such aid or assistance because of future increases in monthly benefits under title II of the Social Security Act. Referred to the Committee on Finance.

Mr. CANNON. Mr. President, I rise at this time to introduce a bill to insure that recipients of old-age assistance, aid to the blind, or aid to the permanently and totally disabled will not suffer reductions in their payments because of future increases in monthly social security payments. I ask unanimous consent for the printing in today's RECORD of my bill in order that my colleagues may review this proposal. Rather than waiting for social security legislation to reach the Senate floor, I am offering my bill at this time so that the Senate Finance Committee may study this proposal along with similar bills under consideration. Essentially, I am offering a proposal which would require the States to disregard all future social security benefit increases in determining need for public assistance.

Many retired citizens have pointed out to me that the social security increases authorized by the Congress are offset by State action which reduces old-age assistance payments in proportion to the social security increase. In other words, the retired citizen may receive no benefit at all as the social security increase is taken away by a reduction in State assistance. My bill attempts to resolve this inequity by requiring the States to disregard social security benefit increases authorized by the Congress when determining their income need figure for public assistance. This proposal will not place any great financial burden upon the States, but it will help ease the economic crisis facing many of our retired citizens.

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

S. 1807

A bill to provide that recipients of old-age assistance, aid to the blind, or aid to the permanently and totally disabled, will not suffer reductions in the amount of such aid or assistance because of future increases in monthly benefits under title II of the Social Security Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 2 (a) (10), 1002 (a) (8), 1402(a) (8), and 1602 (a) (13) and (14) of the Social Security Act, each State, in determining need for aid or assistance under a State plan approved under title I, X, XIV, or XVI of such Act, shall disregard (and the plan shall be deemed to require the State to disregard), in addition to any other amounts which the State is required or permitted to disregard in determining such need, any amount (or any portion thereof) paid to an individual under title II of such Act (or under the Railroad Retirement Act of 1937 by reason of the first proviso in section 3(e) thereof) if—

(1) for the month preceding the first month that monthly insurance benefits payable under title II of the Social Security Act are increased by reason of the enactment of a social security benefits increase law (as defined in subsection (b))—

(A) such individual received aid or assistance under such State plan; and

(B) such individual was entitled (on the basis of an application filed in or before such month) to monthly insurance benefits under section 202 or section 223 of the Social Security Act; and

(2) such amount (or portion thereof) is attributable to the increase, in monthly insurance benefits payable under title II of the Social Security Act, resulting from the enactment of such law.

(b) The term "social security benefits increase law" means an Act (or a provision of an Act) enacted after the date of enactment of this Act which provides a general increase in the amount of the monthly insurance benefits payable under title II of the Social Security Act.

By Mr. MOSS (for himself, Mr. CANNON, Mr. CHURCH, Mr. CRANSTON, Mr. FONG, Mr. HUGHES, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. PELL, Mr. THURMOND, Mr. WILLIAMS, and Mr. BIBLE):

S. 1808. A bill to amend the Federal Aviation Act of 1958 in order to authorize certain reduced rate transportation to individuals who are 65 years of age or older. Referred to the Committee on Commerce.

REDUCED AIRLINE FARES FOR SENIOR CITIZENS

Mr. MOSS. Mr. President, I am today introducing, for myself and Senators CANNON, CHURCH, CRANSTON, FONG, HUGHES, MCGOVERN, METCALF, MONDALE, MONTOYA, PELL, THURMOND, WILLIAMS, and BIBLE, a bill to provide reduced fares for senior citizens on airlines. This is the same bill introduced in the 91st Congress which enjoyed the cosponsorship of many of my colleagues.

My bill would amend section 403 of the Federal Aviation Act of 1958 to authorize reduced rate transportation on U.S. airlines for individuals 65 years and over. At the present time ministers of religion are the only group of our citizens who enjoy reduced air fares by statute, although the CAB does allow reduced fares for young people through the age of 21.

I am fully aware of the fact that airline revenues have been lower this past year than anticipated, and that this has necessitated a fare increase. I am also aware that promotional fares are in some disrepute with some members of the CAB because they argue airlines have not used them to attract new riders into the market but to take passengers away from competitors. It is contended that this practice has aggravated the economic problems of the airlines.

Despite these developments, I still feel that the bill I am introducing today should be placed before the Senate. It could be justified, simply by the fact that we provide the luxury of reduced-fare travel for our youth, and surely our Nation is not so youth-oriented that we do not want to provide the same benefits to our elderly. They are in similar financial straits—our youth because their earning capacities have not yet been developed, and our elderly because theirs, for the most part, have been depleted.

My reasons, however, are based on economics as well as on justice to our older Americans.

Few of us, Mr. President, I am sure are aware of the fact that only 1 percent of our 20 million elderly crossed a State line last year. Some of us realize the severe income squeeze they face with over 25 percent of them finding themselves with income placing them below the poverty line.

Another fact of interest is that those senior citizens who can afford to travel make up only 5 percent of current airline passengers. The conclusion must be reached that older Americans do not travel much because of their reduced incomes. When they do travel they look for the most inexpensive way. More senior citizens would undoubtedly fly if fares were reduced.

It seems to me that senior citizens constitute the ideal target group for a promotional fare. I do know, for example, that the reduced fares for seniors announced in New York subways during offpeak hours increased ridership by 26 percent in the first year of operation. I expect the same kind of acceptance of a program geared to air travel.

What I have in mind is an up to 50 percent discount for seniors with a reserved seat during the Monday through Thursday slack periods when load factor hovers around the 40 percent mark.

To me it is significant that some airlines would like to establish this kind of promotional fare program. I believe that the elderly and the airlines would mutually benefit from this proposal. I am simply asking that we make jet travel

available to those who made the jet age possible.

By Mr. TOWER:

S. 1812. A bill to establish within the Department of State a U.S. Passport Service. Referred to the Committee on Foreign Relations.

U.S. PASSPORT SERVICE

Mr. TOWER. Mr. President, I would like to introduce today a measure which is intended to improve substantially the capacity of the Passport Office of the Department of State to meet the greatly increased demands for its services and, consequently, to serve more citizens in a better, faster manner.

The problem of insufficient passport facilities in the country has been brought to my attention, particularly because of the absence of such an office in Texas, which has heavy international traffic out of Houston and Dallas. Texans and other adjacent-State citizens currently have to utilize the New Orleans office to obtain passports. Passport offices now exist in Chicago, Honolulu, Los Angeles, Miami, New Orleans, New York, Philadelphia, San Francisco, Seattle, Boston, and Washington, D.C.

Frances G. Knight, Director of the Passport Office, discussed the pertinent statistics of passport issuance in testimony presented to the House Foreign Affairs Committee on April 28, 1971.

In 1959, the Passport Office issued and renewed 732,038 passports. In 1969, the office issued 1,759,286 passports, representing a 140 percent increase in issuance alone.

This "does not take into consideration the vast increase in citizenship work, the great increase in official and diplomatic travel, all of which has more than doubled." With more people traveling every year, the prospect is for an ever increasing workload, which will cause an increasing delay period and inconvenience to those persons who travel abroad. The increase in applications is estimated to continue at around 15 percent or more per year for the foreseeable future.

The Passport Office has been assisted in processing by State and Federal courts, but the workload of the courts is too heavy for many of the courts to continue this practice. In Houston, for example, the courts have had an average of two phone calls for every application accepted, and for a yearly workload of 15,000 or so applications, that amounts to a very heavy burden on court time.

This bill would provide for the Passport Office to be made a separate division of the State Department, to be designated the U.S. Passport Service, "which shall have as its purpose the administration of the laws relating to the nationality, documentation, and protection of nationals of the United States engaged in travel outside the United States and relating to the control of travel outside the United States by such nationals."

The need for this improvement in the status and authority of the Passport Office has been brought about by greatly increased international travel volume and by the unresponsiveness of existing Government machinery to meet these volume pressures. Under this bill, the Passport Service would be better able to cope with its volume problems by dealing with the State Department and the Congress on a more authoritative basis.

The bill would also provide that the Service would have the authority "to establish, staff, and maintain passport agencies and Passport Service offices at such locations in the United States as the need for efficient and convenient public service may require." This authority is needed in order that the Service may establish several much-needed additional offices around the country, which have been blocked in the past by action, or lack of action, of the State Department and the House of Representatives. I cannot in good conscience continue to watch my State continue to suffer inadequate passport service in deference to the long-standing prejudice of various Government officials against the full and proper expansion of the Passport Office to meet greatly increased international travel volume.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

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

S. 1812

A bill to establish within the Department of State a United States Passport Service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established with the Department of State the United States Passport Service (hereinafter referred to as the "Service"), which shall have as its purpose the administration of the laws relating to the nationality, documentation, and protection of nationals of the United States engaged in travel outside the United States and relating to the control of travel outside the United States by such nationals.

SEC. 2. (a) The Service shall be under the control and supervision of a Director, who shall be appointed by the Secretary of State. The position of Director shall be placed in grade GS–18 of the General Schedule under section 5332 of title 5, United States Code, and included within the number of positions for such grade authorized by section 5108 (a) of that title.

(b) The Director shall supervise Foreign Service officers and employees who are engaged in carrying out the laws and regulations administered by the Service.

SEC. 3. (a) There are transferred to the Director all the functions of the Secretary of State carried out through the Passport Office of the Department of State, and such office shall lapse upon such transfer.

(b) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred under this Act are transferred to the Director. Any personnel not under section 5337 of title 5, United States Code, shall be transferred without reduction in classification or compensation for one year after such transfer.

(c) In order to carry out the provisions of this Act, the Director is authorized—

(1) to adopt, amend, and repeal rules and regulations governing the operations, organization, and personnel of the Service, and the performance of the powers and duties granted to or imposed upon him by law;

(2) to appoint and fix the compensation of passport agents and such other officers and employees, and prescribe their functions and duties, as may be necessary to carry out the provisions of this Act;

(3) to establish, staff, and maintain passport agencies and passport service offices at such locations in the United States as the need for efficient and convenient public service may require;

(4) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(5) to acquire by purchase, lease, condemnation, or in any other lawful manner, any real or personal property, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the same; and to sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary or appropriate;

(6) to construct, operate, lease, and maintain buildings, facilities, and other improvements as may be necessary.

(7) to enter into contracts or other arrangements or modifications thereof, with any government, any agency or department of the United States, or with any person, firm, association, corporation, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) or any other provision of law relating to competitive bidding;

(8) to make advance, progress, and other payments which the Director deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

SEC. 4. (a) Passport agents and such other officers and employees as the Director designates may administer oaths, affirmations, affidavits, and depositions in connection with their official duties.

(b) Passport agencies and passport service offices established under section 3 (c) (3) shall be funded initially with money from the Passport Service Fund. If, at the end of any fiscal year, any such agency or office is determined, under regulations prescribed by the Director, not to be self-sustaining financially, such agency or office shall be closed within sixty days after such determination. Upon the closing of any agency or office, its assets shall be liquidated and the money received from such liquidation shall be paid into the fund in accordance with the provisions of section 5(c).

SEC. 5. (a) There is established within the Treasury a Passport Service Fund (hereinafter referred to as the "fund"), which shall include and be valued at—

(1) $15,000,000, which is hereby authorized to be appropriated to carry out the provisions of this Act; and

(2) any unexpended balances of appropriations, the inventories and other physical assets of the Service (exclusive of buildings occupied and land) as of the date of enactment of this Act, such inventories and other physical assets to be evaluated at their fair market value.

(b) The fund shall be available without fiscal year limitation for financing the costs and expenses of operating and maintaining the Service, and any obligations, commitments, and liabilities transferred to the Service on the date of enactment of this Act.

(c) All amounts received for services performed by the Service, and all other amounts received by the Service from whatever source derived, including all proceeds arising from the disposition of any property or other assets acquired or held by the Service, shall be paid into the fund. At the end of each fiscal year, any amounts in the fund in excess of the total amount authorized under subsection (a) on the date of enactment of this Act shall be deposited into the general fund of the Treasury as miscellaneous receipts.

SEC. 6. In accordance with the provisions of existing law—

(1) there shall be prepared and submitted annually a budget program for the Service;

(2) there shall be installed and maintained in the Service an integrated system of accounting, including proper features of internal control, which will (A) assure adequate control over all assets and liabilities of the fund, (B) afford full disclosure with respect to the financial conditions and operations of the fund according to the accrual methods of accounting, and (C) supply on the basis of accounting results the date for the annual budget of the Service will respect to the last completed fiscal year. The system of accounting shall conform to principles and standards prescribed by the Comptroller General of the United States so as to accomplish the purposes of this section, and shall be subject to such review by the Comptroller as may be necessary to assure its conformance with the principles and standards prescribed and its effectiveness in operation; and

(3) the financial transactions, accounts, and reports of the fund shall be audited on a periodical basis by the General Accounting Office and a copy of each report or audit shall be furnished promptly to the President and the Congress.

SEC. 7. The section numbered 1 of the Act of June 4, 1920 (41 Stat. 750; 22 U.S.C. 214), is amended by striking out the figures "$2" and "$10" wherever they appear and by inserting in lieu thereof the figures "$3" and "$12", respectively.

By Mr. HARTKE (for himself and Mr. THURMOND):

S. 1814. A bill to authorize the Administrator of Veterans' Affairs to sell, at prices which he determines to be reasonable under prevailing mortgage market conditions, direct loans made to veterans under chapter 37, title 38, United States Code. Referred to the Committee on Veterans' Affairs.

DIRECT LOANS TO VETERANS

Mr. HARTKE. Mr. President, I am quite disturbed by the elimination of direct loans which have been caused by budgetary restraints placed on the Veterans' Administration by the Office of Management and Budget.

The direct loans are made to veterans living in rural areas where private capital for guaranteed loans is not generally available. Since the program's inception, almost $3 billion has been loaned directly to over 309,000 veterans. During the last fiscal year, 8,500 veterans were aided by direct loans totaling over $114 million. Recently, however, the Veterans' Administration stopped making direct loans and has been referring all applications to the private sector for placement. While it may be true that certain mortgage money may be more readily available today, there is no guarantee that this will continue or even that there presently exists sufficient capital in nonmetropolitan areas. An increase in the general demand for mortgage money may well exhaust what funds do exist. It is significant that the Veterans' Administration reports that applications for guaranteed loans have jumped 50 percent in the past 2 months.

Nevertheless, Donald Johnson, the Administrator of the Veterans' Administration, has recently testified before our Veterans' Affairs Committee that no veteran will go without financing if the restriction presently in force on his authority to sell direct loan paper is removed. Presently, the Administrator is restricted by section 1811(g) of title 38, United States Code, from selling direct loan paper at less than 98 percent par. As he noted in his testimony on April 26, 1971, this is "the only paper in the Government of a similar type which has a limitation factor."

The legislation which I introduce today will vest the Administrator with discretionary authority to establish reasonable prices at which he may offer and sell direct loan paper. Of course, any sale of direct loan paper will have to be approved by the Secretary of the Treasury. According to Administrator Johnson, this will free approximately a half billion dollars in loan paper currently subject to limitation for the revolving fund from which direct loans are made.

The Administrator has assured the committee that no qualified veteran will be denied housing financing for the coming year if this legislation is enacted.

Mr. President, I thus introduce this legislation and urge its prompt enactment so that he may keep that promise.

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

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

S. 1814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1811 (g) of title 38, United States Code, be amended to read as follows:

"(g) The Administrator may sell, and shall offer for sale, to any person or entity approved for such purpose by him, any loan made under this section at a price which he determines to be reasonable under the conditions prevailing in the mortgage market when the agreement to sell the loan is made; and shall guarantee any loan thus sold subject to the same conditions, terms, and limitations which would be applicable were the loan guaranteed under sections 1810 or 1819 of this title."

Mr. HARTKE. Mr. President, I ask unanimous consent that a statement by the Senator from South Carolina (Mr. THURMOND) on this bill be printed in the RECORD at this point.

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

STATEMENT BY SENATOR THURMOND

Mr. President, I am pleased to join the Senator from Indiana (Mr. Hartke), Chairman of the Committee on Veterans Affairs, in introducing legislation to assist our veterans in purchasing homes.

This legislation is something that should have the early consideration of this body. It is badly needed, particularly in many states that do not have large cities that contain readily available home loan banking institutions with a sufficient amount of funds, for mortgage purposes. Mr. President, if we are to keep our word to the young Americans who have been bearing the brunt of battle in Southeast Asia, thousands of whom have returned to take up their position in business, getting married and raising a family, we must take immediate steps to help them to find a home.

In February of this year, the Veterans Administration received 61,000—repeat, 61,000—home loan eligibility requests, the highest in any month since July, 1967, and an 86 percent increase over February, 1970.

In March of this year, veterans' requests jumped to 86,000—repeat, 86,000—the highest monthly total in ten (10) years. There is every indication that this trend will not only continue, but very likely will increase for the simple reason that young veterans are now being released at the rate of about 82,000 per month.

Mr. President, it is certainly reassuring from a standpoint of restoring the confidence of the American people in the future of our country, in its institutions, and in its economy, to know that these thousands are returning to take up their places as heads of families, as home owners and as concerned citizens in communities all over the United States.

We all remember the dividends gained as a result of the G.I. Bill following World War II and the Korean conflict. One of its outstanding provisions made it possible for the returning veterans to get the money needed to buy a home at little or no money down, with a generous long-term mortgage.

No greater incentive can be given to assure the stability, peace and tranquility of our communities across the nation than to have these young men establish their own homes. In effect, we would be giving them the opportunity to become shareholders in America by obtaining ownership in their native land for which they fought and for which they made such great sacrifice.

Mr. President, the Senate Committee on Veterans Affairs has been assured by the Veterans Administration that early passage of this legislation will go a long way towards setting the stage for a sound economy, a decade of peace and happiness, the kind of peace and happiness that can best be achieved by a Nation of families—fathers, mothers, and children—living in their own homes.

This is a self-supporting program which will cost the Federal Treasury nothing. The record of our war veterans in paying off their mortgages is excellent. Mr. President, I urge prompt consideration and passage of this bill.

By Mr. HARRIS:

S.J. Res. 93. A joint resolution to authorize the President to proclaim July 14, 1971, as "Woody Guthrie Day." Referred to the Committee on the Judiciary.

WOODY GUTHRIE DAY

Mr. HARRIS. Mr. President, Clifton Fadiman wrote in a book review for the New Yorker in the early 1940's that—

Some day are going to wake up to the fact that Woody Guthrie and the ten thousand songs that leap and tumble off the strings of his music box are a national possession Like Yellowstone and Yosemite.

The life of Woody Guthrie was tragically cut short by Huntington's disease in 1967, but through his songs and his writings, his compassion, his love of the land, his joy in life's variety live on. Like Yellowstone and Yosemite, many of his songs are a part of our country's heritage.

"This Land Is Your Land," "So Long, It's Been Good To Know You," and "Hard Travelin" are some of the favorities among the thousand folk songs Woody Guthrie wrote. Woody's autobiography, "Bound for Glory," written in 1943, was a best seller and prompted Orville Prescott of the New York Times to say that the book had "more triple-distilled essence of pure individual personality in it than anything in years."

Woody Guthrie obviously possessed great musical talents. Although often described as having a "wispy, raspy voice," Woody said that he had "rather sound like the ash cans of the early morning, like the cab drivers cursing at one another, like the longshoremen yelling, like

the cowhands whooping, and like the lone wolf barking."

Woody was born in my home State of Oklahoma in a small community, Okemah, located in what was once Indian territory. In Okemah, Woody was influenced by the cultural mix of three races, Indian, black, and white. The depression and the dust bowl days in Oklahoma influenced much of his earlier work, as did his move to California along with many other Oklahomans. He traveled to New York and then to the Pacific Northwest. He traveled from "California to the New York island; from the Redwood Forest to the Gulfstream waters."

He sang in boxcars, in waterfront taverns, in hobo jungles, to the upper classes in town hall, to the workingmen in Madison Square Garden, and to workers constructing power facilities on the Grand Coulee and Bonneville dams.

Woody gave up wealth for his travels, travels which brought a lot of happiness and hope for the people of this land at a time when both were greatly needed. He said:

I am out to sing songs that will prove to you that this is your world and that it has hit you pretty hard and knocked you for a dozen loops . . . no matter what color, what size you are, how you are built, I am out to sing the songs that make you take pride in yourself and in your work . . . I hate a song that makes you think you're not any good. I hate a song that makes you think you are just born to lose . . .

The significance of the work of Woody Guthrie has not gone unnoticed. In 1966, Secretary of Interior Stewart L. Udall awarded him the Conservation Service Award and called him a "poet of the American landscape." An electric power substation in the Pacific Northwest has been named after Woody for the 26 songs he wrote of the area while working for one of the power companies—"Roll on Columbia," "Grand Coulee Dam," and "Pastures of Plenty" being a few of the more familiar songs.

Woody has been called the "best folk ballad composer whose identity was ever known," and it has been said of him that he represented the essence of the "American spirit."

July 14, 1971, will be Woody's 59th birthday. I and others are planning a special day of recognition for Woody to be held in Oklahoma. Oklahoma can proudly claim his birthplace, but Oklahomans and all Americans can claim his music, because they are the inspiration behind the music. I, therefore, think it appropriate for all Americans to honor Woody Guthrie on July 14.

Mr. President, in recognition of the life of Woody Guthrie and the contribution he made to our country, I am introducing a joint resolution to authorize the President to proclaim July 14, 1971, as "Woody Guthrie Day." I ask that it be appropriately referred.

ADDITIONAL COSPONSORS OF BILLS

S. 485

At the request of Mr. GRIFFIN, for Mr. GOLDWATER, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 485, a bill to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

S. 835

At the request of Mr. HARRIS, the Senator from New Hampshire (Mr. McINTYRE) and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 835, the Alaska Native Claims Settlement Act of 1971.

S. 1064

Mr. HARRIS. Mr. President, I ask unanimous consent that the name of the junior Senator from Indiana (Mr. BAYH) be added as a cosponsor of S. 1064, the Youth Participation Act of 1971. I am honored to have his name among the cosponsors, particularly in view of the decisive role which he played in obtaining the right to vote for American youth between he ages of 18 and 21.

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

S. 1310

At the request of Mr. HANSEN, the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Utah (Mr. Moss), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1310, a bill to amend the Internal Revenue Code to encourage an increase in production of coal.

S. 1315

At the request of Mr. HARRIS, the Senator from New Hampshire (Mr. McINTYRE,) the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Rhode Island (Mr. PELL), the Senator from Texas (Mr. TOWER), the Senator from Oregon (Mr. HATFIELD), the Senator from Indiana (Mr. HARTKE), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 1315, the Ocean Mammal Protection Act of 1971.

S. 1485

At the request of Mr. RIBICOFF, the Senator from Massachusetts (Mr. KENNEDY), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1485, to establish a Department of Education.

S. 1580 THROUGH S. 1591

At the request of Mr. PERCY, the Senator from Ohio (Mr. SAXBE) was added as a cosponsor of S. 1580, a bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes; S. 1581, a bill to provide for the conduct, within the Public Health Service, of a training program of State inspectors of long-term health care facilities; S. 1582, to provide for grants for the training and retraining of nurses aides and orderlies; S. 1583, to train certain veterans to serve as medical assistants in long-term health care facilities; S. 1584, to assist in the provision of housing for the elderly; S. 1585, to provide for coverage under part A of title XVIII of the Social Security Act of certain drugs which are prescribed and furnished by generic name; S. 1586, to provide for the development of more uniform standards for determining eligibility for assistance provided under Federal programs to facilities for long-term health care; S. 1587, to provide for the conduct of a study and investigation of care to individuals in long-term health care facilities; S. 1588, to provide financial assistance for senior citizens' community centers; S. 1589, to authorize grants to rehabilitate elderly patients of long-term health care facilities; S. 1590, to permit the deduction of all expenses for medical care of a taxpayer after age 65; and S. 1591, to provide certain transportation services to elderly persons.

S. 1631

At the request of Mr. McGOVERN, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 1631, the Emergency Transition Allowance Act of 1971.

S. 1774

At the request of Mr. TOWER, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 1774, a bill to furnish assistance to farmers in emergencies caused by natural disasters.

SENATE RESOLUTION 120—SUBMISSION OF A RESOLUTION RELATING TO REGULATIONS ISSUED UNDER THE FOOD STAMP ACT OF 1964

Mr. McGOVERN. Mr. President, last April 29, the Department of Health, Education, and Welfare released a long overdue national nutrition survey. While I have many questions about the survey, it did at least, reconfirm the existence of widespread malnutrition among America's poor.

That same day, in which must rank among the all-time ironies of governmental actions, the Department of Agriculture announced that its new food stamp regulations were going to eliminate a minimum of 340,000 persons from the food stamp program and reduce food benefits to another 1.75 million persons.

These dual and contradictory announcements were comparable to saying that an epidemic existed but that innoculations were being discontinued.

The fact that so many needy persons were going to be hurt by the new regulations published in the Federal Register on April 16, probably would not have come to light except for a hearing by the Senate's Select Committee on Nutrition and Human Needs.

Expert witnesses at the committee's hearing first reported that such a large number of persons, amounting to about 20 percent of all those participating in the program, were going to be disadvantaged. One witness, Mr. Ronald Pollack, Director of the Food Research and Action Center, said the number of persons hurt might be as high as 4 million.

The director of the food stamp program in New York City, Mr. Arthur Schiff estimated that 500,000 to 600,000, or 50 to 60 percent, of New York's 1 million food stamp recipients would drop out of the program.

On their face, the new regulations would appear to have the following effects.

Most of the aged, blind, and disabled in 10 States, including California, Connecticut, Illinois, Massachusetts, Nebraska, Nevada, New Hampshire, South Dakota, Vermont, and Washington would be rendered ineligible for food stamps by reasons of new income guidelines.

Most welfare recipients in New York, New Jersey, and Connecticut would receive severely reduced benefits because of the income guidelines.

Hundreds of thousands of other welfare recipients, including many aged and temporarily unemployed persons in such States as Colorado, Iowa, Louisiana, Minnesota, Nevada, South Carolina, and Texas would be prohibited from participating because of an arbitrarily low limitation of $1,500 on outside resources.

Additional hundreds of thousands of persons would be eliminated from the program by a new definition of what constitutes a household, essentially aimed at banning hippie communes, but also knocking out any household containing a nonfamily member.

Finally, the new regulations would create an administrative nightmare by requiring welfare recipients to be individually recertified regardless of whether they have been receiving benefits previously.

Mr. President, when I first heard that the new regulations would have these effects, I was incredulous. After all the work of the past years, I could not believe we were taking such drastic steps backwards.

Whatever else may be said about the new Food Stamp Act passed by Congress last year, I think we all believed that its overall purpose was to expand participation, to help feed more people, not less.

I am aware that the Department of Agriculture believes that about 1.7 million persons, living in the poorer States, will be made newly eligible for the program by the setting of a national standard of $4,320.

I hope this is so. But, as an editorial in the Washington Post stated so well just last Thursday:

It is fine that more of the poor in some states will now get much needed food, but what about the two to four million whose tables will now be stripped clean? What have they done to be ignored so suddenly? Is hunger and malnutrition in New York City, for example, easier on the stomach than in Sunflower County, Mississippi? If this strange decision by the Agriculture Department is a try at saving money, then it is assuredly a direct reversal of the President's intention "to put an end to hunger in America itself for all time."

The reaction to the publicity surrounding the new regulations has been swift—and distressing. Letters and telegrams have poured into the select committee. As an example, I would like to quote from one of these letters sent by an elderly lady living in California:

DEAR SENATOR MCGOVERN: I am writing this letter with a great deal of worry and anxiety in my heart. Someone is kindly typing it for me. I am an elderly widow, diabetic, and partially blind. I reside in California and have lived here for the past eight years. I am now on a very meager fixed income (Social Security) augmented by aid from OAS, Medicare and MediCal, and, thankfully, food stamps.

In last night's newspaper I was told there is an article indicating that interpretation of the Agriculture Department's revised food stamp legislation can eliminate the old and disabled from the program entirely. It is hard for me to see how I could go on without the extra economic aid of food stamps. Why must the elderly poor and the disabled live in a constant state of worry over their futures? My husband worked hard during his life and died prematurely of cancer. Do we have to be left to starve, or to slowly die from worry over trying to balance a budget that becomes increasingly burdensome because of rising food costs? Cannot the administration see that someday they, too, may be old and poor and ill? Are our votes really that meaningless? Please remember us and our needs.

Mr. President, because of my concern regarding the new regulations, I wrote Agriculture Secretary Clifford Hardin requesting a 30-day extension on the comment period. I felt this extra time, from May 17 to June 16 was vital to allow the public at large to learn about the regulations and to write the Department of Agriculture regarding them.

I received a reply from Assistant Secretary Richard Lyng last Thursday, stating that the Department was denying the request for an extension. Mr. Lyng stated, in part:

In view of the attention which has been given to the proposed regulations we believe an extension of time for comments would not significantly increase the number of people who will comment.

I must say that I disagree strongly with this viewpoint. In fact, if there is one thing of which I am sure, it is that, given more time, hundreds of more persons would comment on the regulations.

It is for this reason that I am proceeding today with the submission of this Senate resolution calling on Secretary Hardin to extend the period for comment on the regulations from May 17 to June 16.

Joining me in cosponsoring this resolution, which I now send to the desk, are Senators CRANSTON, KENNEDY, HART, MONDALE, NELSON, HOLLINGS, MAGNUSON, HARTKE, RIBICOFF, CHURCH, BAYH, HUMPHREY, PASTORE, TUNNEY, MCGEE, MUSKIE, EAGLETON, BROOKE, FULBRIGHT, RANDOLPH, GRAVEL, HARRIS, HUGHES, and WILLIAMS.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The resolution will be received and appropriately referred.

The resolution (S. Res. 120), which reads as follows, was referred to the Committee on Agriculture and Forestry:

S. RES. 120

Whereas, the Congress of the United States in 1970 revised the Food Stamp Act of 1964 for the purpose of providing every needy American with an adequate nutritional diet; and

Whereas, the Secretary of Agriculture was given the responsibility of issuing regulations to implement the purpose of the Food Stamp Act of 1964 as so revised by the Congress; and

Whereas, the Secretary of Agriculture issued such regulations on April 16, 1971, and provided a period of only 30 days for public comment on such regulations; and

Whereas, the effect of such regulations would appear to be to eliminate at least some 340,000 persons from the food stamp program and to reduce the food benefits under the program to another 1.7 million persons or more; and

Whereas, the aged, blind, and disabled in 10 States, including California, Connecticut, Illinois, Massachusetts, Nebraska, Nevada, New Hampshire, South Dakota, Vermont, and Washington would be rendered ineligible for food stamps by reason of the income guidelines under the new regulations; and

Whereas, most welfare recipients in New York, New Jersey, and Connecticut would receive severely reduced benefits by reason of the income guidelines under the new regulations; and

Whereas, hundreds of thousands of other welfare recipients, including many aged and temporarily unemployed persons, in States such as Colorado, Iowa, Louisiana, Minnesota, Nevada, South Carolina, and Texas would be prohibited from participating in the program by reason of an arbitrarily low limitation of $1,500 on outside resources; and

Whereas, for these and other reasons the new regulations appear to run counter to the avowed purpose of Congress to provide adequate nutrition to more, not fewer, persons: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should, and is hereby urged and requested to extend for a period of 30 days, from May 17, 1971, to June 16, 1971, the time within which interested persons, including Members of Congress, may submit their views and comments on the proposed food stamp regulations.

Mr. MCGOVERN. Mr. President, I have scheduled a hearing of the Select Committee on Nutrition for this Friday, May 14, and invited Assistant Secretary Lyng, as well as other members of the Agriculture Department to testify on the impact of the new regulations.

I ask unanimous consent to have printed in the RECORD a Washington Post editorial on the new regulations and Assistant Secretary Lyng's letter denying my request for an extension of time for public comment on the regulations.

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

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 5, 1971.

Hon. GEORGE MCGOVERN,
Chairman, Select Committee on Nutrition and Human Needs, Washington, D.C.

DEAR SENATOR MCGOVERN: We acknowledge receipt of your letter of May 3 in which you express concern that we have allowed insufficient time for comment on the proposed regulations for the food stamp program.

To delay for thirty days the implementation of the new program as you suggest, would be to delay substantially increased benefits to a large number of currently ineligible families.

We are pleased to have your comments. They will be considered along with the others we are receiving. All comments postmarked before midnight May 17 will be given consideration in the regulations we adopt.

In view of the attention which has been given to the proposed regulations we believe an extension of time for comments would not significantly increase the number of people who will comment. We must, therefore, respectfully deny your request to extend the period of comment until June 17.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

FOOD STAMPS AND THE HUNGRY

The intent of the 1970 Food Stamp Reform Act was to attack hunger and malnutrition by including more people in the food stamp

program and by providing more generous benefits. The regulations were hailed by President Nixon and by millions of the hungry themselves. Among its reforms, the new law replaced the uneven standards set by the states; for example, in one state, a family of four could have an income of $4,000 and qualify for food stamps, while in another, a family earning $2,000 could not qualify. The 1970 act pushed that aside and set one national standard—a maximum of $4,300 for a family of four. A second feature was that the approximately 12 million citizens on welfare were automatically eligible for food stamps. Since this group had already submitted once to the ordeal of administrative paperwork, why make them and the food stamp officials go through it again to establish eligibility standards?

While this reform was far from the ideal way of getting food to the hungry and poor, it surpassed previous methods and was seen as a constructive move. Now, however, the Agriculture Department has proposed new food stamp regulations which, if given final approval by officials, will be a major source of agony to large numbers of the poor. The new regulations propose, in effect, to make more people eligible for stamps in the South and scattered states—where the eligibility requirements are now especially severe. A trouble with this is that from two to four million of the poor in industrial Northern and Western states will lose their present benefits or see them reduced.

It is fine that more of the poor in some states will now get much needed food, but what about the two to four million whose tables will now be stripped clean? What have they done to be ignored so suddenly? Is hunger and malnutrition in New York City, for example, easier on the stomach than in Sunflower County, Mississippi? If this strange decision by the Agriculture Department is a try at saving money, then it is assuredly a direct reversal of the President's stated intention "to put an end to hunger in America itself for all time."

The proposed food stamp regulations are not scheduled to go into effect until May 17. Until then, concerned citizens and their political allies in federal, state and local governments have the opportunity to protest the plan. The grossness of taking food *away from people* should not require long reflective thought in order to reach a decision.

Mr. RIBICOFF. Mr. President, today I am cosponsoring the resolution authored by the distinguished chairman of the Select Committee on Nutrition and Human Needs, Senator McGOVERN, to extend the period for public comment on the new food stamp regulations proposed by the Department of Agriculture.

At present the food stamp program provides assistance to less than half the Nation's poor and it does so at inadequate nutrition levels. The regulations under consideration would decrease or eliminate food stamp benefits for at least 2.1 million of the 10½ million program participants, according to the Department of Agriculture's own estimate.

The national eligibility standards proposed to implement the 1970 Food Stamp Act would, among other things, virtually eliminate the food stamp program in urban States such as Connecticut, New York, and New Jersey through the imposition of unduly severe eligibility requirements.

In Connecticut, participation would drop so dramatically that it would not be worthwhile to continue the food stamp program. Over 120,000 of Connecticut's poor would face the increased likelihood of a life of malnutrition, welfare, and sickness as a result of these cutbacks. The Connecticut Nutrition Programs Coordinator, Albert R. Science, has commented in a letter to me that the regulations "do a great disservice to the people in Connecticut."

It is a cruel irony that the food stamp regulations limiting benefits were followed so closely by a Government nutrition survey indicating that at least 25 percent of America's poor are so anemic or lacking in essential vitamins that they need medical attention. Senator McGOVERN and others have observed that the nutrition survey seriously understates the dimensions of the problem.

If we are going to commit ourselves to eradicating poverty, we must begin to coordinate our efforts. We cannot, on the one hand, promise a welfare program designed to get more people off the welfare rolls into jobs while, on the other hand, cutting back food benefits, thus assuring that malnutrition and its effects will keep our welfare rolls filled.

Providing inadequate food or cash benefit programs for the poor in the name of fiscal responsibility is, at best, pennywise and pound foolish. What we save in costs by cutting back food benefits will be dwarfed by the inevitable consequences of that neglect—a lifetime of welfare assistance to compensate for malnutrition.

While we debate economies in the Federal budget, millions of Americans are going hungry and actually starving to death in this land of milk and honey.

We should be increasing our commitment to aiding those in America who are undernourished, not decreasing it. Our resolution will not solve this problem by itself, but I am hopeful that the increased time made available for comment on the USDA regulations by our resolution will provide an opportunity for Congress and the American public to raise their voices in protest against a proposal that will provide adequate nutrition for fewer people less of the time.

Mr. PERCY. Mr. President, I, too, am distressed by the new food stamp regulations recently proposed by the Department of Agriculture. For while I think the Department should be commended for expanding coverage of the food stamp program, I can only deplore the elimination of any present recipient from the same program, especially when the majority of those are estimated to be the elderly. The Congress clearly did not intend this result.

Furthermore, I am deeply concerned by what appears to have been, in several instances, misinterpretations of the will of Congress. No one as yet has estimated the actual effect of these sections, but they strike me as being restrictive and narrow. I am particularly concerned by the unusual definition of "household," by the setting of "maximum" rather than "minimum" national standards of eligibility, and by the too limited variable purchase requirement. For these reasons I have today joined by my distinguished minority colleagues on the Select Committee on Nutrition and Human Needs—Mr. COOK, Mr. DOLE, Mr. BELLMON, Mr. SCHWEIKER, and Mr. TAFT—transmitted our comments and recommendations to the Secretary of Agriculture.

Since the proposed regulations do not become final on May 17, but only after the Department has considered all the public comment heard during the 30-day period it granted for debate, I personally feel that the constructive tenor of our letter is the most effective method by which to bring about the kind of adjustments in the regulations which I would like to see.

While I am never opposed to providing sufficient time for the public to comment on any issue, I do not think that an extension in this case is really necessary. In fact, I find it difficult to believe that additional time for public comment will bring forth any more compelling evidence to change the regulations that I personally have heard in just the last 3 weeks alone. I ask unanimous consent at this time to have the letter to Secretary Hardin printed in the RECORD.

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

U.S. SENATE, SELECT COMMITTEE,
ON NUTRITION AND HUMAN NEEDS,
Washington, D.C., May 10, 1971.

HON. CLIFFORD M. HARDIN,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: In response to Assistant Secretary's Lyng's letter of April 16, 1971 to Senator Percy concerning the proposed revisions of the Food Stamp Program regulations, we have taken the opportunity of his kind invitation to comment on those regulations. As Minority Members of the Select Committee on Nutrition and Human Needs, we all join in this constructive effort.

We believe that the Department should be fully commended for its thorough and diligent revision of the entire regulations. It was a job that was completed in slightly more than three months; and, in addition, one which generally demonstrates the determination of the Department in its continuing effort to seek solutions to the problem of hunger in America.

We understand your request to work with the Department "toward the goal of improving the nutritional level of all needy people" to be an attempt to gain our critical comments on the actual substance of the proposed regulations. We have, therefore, undertaken this particular course of detailed response because we believe that this will be the most effective contribution that we can make in this matter. Let us make clear that we will not join Senator McGovern in his resolution to extend for 30 days the time for public comments on the proposed regulations.

We realize that in drafting regulations pursuant to any act of Congress, the respective delegee is usually given wide latitudes of discretion and limited ministerial powers. It is difficult for anyone to substantially counter these acts. And with regard to them we can only raise questions that seek an answer or necessitate an interpretation. Yet, these are areas of regulation-making which depend not so much on discretionary powers but more on the interpretation of the law and the intent of Congress. It is these areas with which we are primarily concerned at this time and which we desire to rectify through our mutual efforts.

As we have previously stated, there is much that is commendable in the new proposed regulations. The "certification of household" procedures under § 271.4 of the proposed regulations are an excellent example of the positive workable elaboration

of the law. What is, in effect, an initial attempt at "self-certification" for public assistance families is a step in the right direction [§ 271.4(a)(1)]. So, too, are the provisions which permit certification continuation for migrants and others [§ 271.4(a)(3)], and simplication and standardization of the procedure of recertification [§ 271.4(a)(4)].

One particular aspect of the proposed regulations that relies heavily on the intent of Congress—and thereby in this instance fulfills the will of Congress—is Section 5(c)(b) of Public Law 91–671 which deals with acceptable minimum wages for suitable work. The applicable section states that no able-bodied adult person shall be eligible if he "has refused to accept employment or public work *at not less than* (i) the applicable State minimum wage, (ii) the applicable Federal minimum wage, (iii) the applicable wage established by a valid regulation of the Federal Government authorized by existing law to establish such regulations, or (iv) $1.30 per hour if there is no applicable wage as described in (i), (ii), or (iii) above." However, the proposed regulations indicate that no employment shall be considered suitable unless the wages offered are *"less than the highest of . . ."* the four categories designated in the law, [§ 271.3(d)(3)]. The Department has apparently looked to the explanation contained in the Report of the House Committee on Agriculture (*Report* No. 91–1402, page 11) in reaching their interpretations since there it is stated that "it is the clear intent of the committee that no work should be required at wages less than the higher . . ." of the same four categories. In this instance where interpretation is necessary, the Department has looked to the intent and will of Congress which is within the valid exercise of its delegated powers.

In addressing ourselves to those sections of the proposed regulations which we feel ought to be re-interpreted in light of Congressional intent, we shall attempt to recite Congressional language which we believe supports our interpretation and will thereby aid you in ultimately revising the regulations.

1. *Definition of Household.* Section 3(e) of the law provided a definition of "household" which meant ". . . a group of related individuals . . . or non-related individuals over age 60 who are not residents of an institution or boarding house, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common." The intent of Congress in redefining household in this manner was already contained in the Conference Report (*Report* No. 91–1793, page 8). There the Conferees stated that "the conference substitute includes language which is designed to prohibit food stamp assistance to communal 'families' of unrelated individuals." As Senator Ellender pointed out on the floor of the Senate (*Congressional Record*, 91st Cong., 2nd Sess., vol. 16, pt. 33, p. 44431), this definition of the provision was "designed to exclude households consisting of unrelated individuals under the age of 60 (such as hippy communes)."

It appears that the so-called "anti-hippie commune" provision was to deny food stamp eligibility to unrelated individuals only. Yet the Department in § 270.2(dd)(1) of the proposed regulations adds that "when all persons in the group are under 60 years of age, they (must be) all related to each other. . . ." This added requirement would have the effect of eliminating from eligibility families who might happen to have "taken in" a friend out of kindness. Certainly, this was not the intention of Congress. Even the Supreme Court of the United States has indicated in an analogous situation pertaining to the effect of the "man-in-the-home" rule that "Congress must have intended that the children in such a situation remain eligible for AFDC assistance notwithstanding their mother's impropriety." (*King* v. *Smith*, 392 U.S. 309, 1967)

Therefore, we suggest that "household" be redefined to meet the intent of Congress. Perhaps, the related members of a household might remain eligible or become eligible on their own merits by "fractionation." Or perhaps the Department might broaden the definition of "affinity" in § 270.2(kk) to include for eligibility a household that contained a related family unit and an unrelated individual. In any event, the Congress did not intend to make ineligible anyone more than "unrelated individuals."

2. *Uniform Standards of Eligibility.* Section 5(b) of the law provides that the Secretary of Agriculture, in consultation with the Secretary of Health, Education, and Welfare, shall establish uniform national standards of eligibility for particaption and that no plan of a State "shall be approved unless the standards of eligibility *meet* those established by the Secretary." In interpreting this provision, the Department has set "the maximum allowable monthly income standards for determining eligibility." (*Notice*, FSP No. 1971–1).

Congress stated only that the standards be uniform, but Senator Ellender indicated in the Senate that while national eligibility standards were not specified as in the Senate bill he had ". . . every expectation that this will be set by the Secretary of Agriculture at the Federal poverty level, as was done with the national school lunch program. This national eligibility level should permit millions more to take part in the program." (*Congressional Record*, 91st Cong., 2nd Sess., vol. 16, pt. 33, p. 44433. And the dissenting views of Congressmen Foley and Lowenstein in the Report of the House Committee on Agriculture stated that the effectiveness of uniform eligibility standards ". . . is diminished by the failure of the Committee to define a specific and adequate income amount *below* which the States cannot go . . ." (*Report* No. 91–1402, page 30).

Both the Senator and the Congressmen appear to have viewed the national standards as a floor rather than a ceiling on eligibility. Senator Ellender envisioned a level above which the States could go as they do in the National School Lunch Program. And, the Senate bill to which he referred included language that ". . . in no case shall the minimum income level prescribed by the Secretary *be less* for any household than the equivalent of $4,000." (S.2547, 91st Cong., 1st Sess., Section 8, page 5). The two Congressmen, while decrying the failure of the Committee's bill to establish a specific income level, quite naturally assumed that such a level would be a floor rather than a maximum amount. Finally, the language of the law itself provides that the eligibility standards of State plans *"meet"* those established by the Secretary. The use of "meet" implies the process of "coming into conjunction with" (*Webster's Seventh New Collegiate Dictionary*) and therefore indicates that, at a minimum, those standards should simply conjoin those set by the Secretary. This language clearly did not intend to prohibit a state from setting its standards above those uniform minimum standards established by the Secretary. The intent of Congress was positive here, as Senator Ellender has indicated, in both bringing new people within the national eligibility standards and also in maintaining those already eligible and above that floor.

3. *Variable Purchase Requirement.* Section 7(b) of the law provides that the Secretary shall afford eligible recipients a "reasonable opportunity . . . to elect to be issued a coupon allotment having a face value which is less than the face value of the coupon allotment authorized to be issued . . .". Although the regulations [§ 271.6(d)(3)] appear essentially to reflect the language of the law by permitting variable purchase of quartile portions of an authorized monthly allotment, the Department's subsequent explanations of this regulation do more harm than the limited advances the regulation seems to have accomplished. Both in the Department's press release issued with the regulations (Press Release, USDA 1215–71, page 3) and in the publication of the Food and Nutrition Service of the Department (*Food and Nutrition Newsletter*, USDA No. 9, April 15, 1971, page 2) it is indicated that "if a family chooses less than its full allotment during any purchase period, *it would not be permitted to return later for the balance*, for that period." This interpretation would have the effect of allowing a family to purchase one-fourth of their allotment during the first half of the month but to forego entirely the remaining portion of that allotment.

Variable purchase first appeared in the House passed version of the law, and the Agriculture Committee Report indicated that "this change is recommended so as to facilitate participation of households who are paid on other than a monthly basis and find it difficult to amass sufficient cash to purchase their entire monthly authorization." (*Report* No. 91–1402, page 16). On the Senate side, Senator Ellender explained that this section "permits household(s) to purchase at each issuance date *all or any part* of its monthly allotment *not previously purchased*." (*Congressional Record*, 91st Cong., 2nd Sess., vol. 16, pt. 33, p. 44433). It would appear that these statements reflect an attempt to provide an eligible household a true right of election in regard to variable purchase, rather than the election "out" after an initial variable purchase that the Department has mandated.

In this instance we do not believe that the Department's interpretation is in harmony with the clear intent of Congress. Variable purchase means that an eligible household may purchase any quartile of its allotment at any time of issuance within a particular month. We do not presume to advise the Department on how to establish administrative procedures for the implementation of the variable purchase requirement, but it strikes us that if provision for issuance of one-quarter, one-half or three-quarters of an allotment can be made, then the issuance of the remainder of that allotment should not be too difficult to conceive and execute.

These are the three basic provisions of the proposed regulations which we believe the Department has both misread and misinterpreted to varying degrees in terms of the intent of the Congress. In addition, we are concerned about three other subjects of the proposed regulations which are to be found more within the parameters of discretion and the area of ministerial duty that we discussed earlier.

A. The proposed regulations clearly indicate, as was the intent of Congress, that a student over eighteen years of age who is not living at home but "who is claimed as a dependent for Federal income tax purposes by a member of a household which is not certified as being eligible for food assistance shall be ineligible to participate in the program . . ." [§ 271.3(c)]. The important question, though, is the status of a student who is over eighteen, living away from home, and claimed as a dependent but whose family is eligible for assistance under the Food Stamp Program. Is such a student eligible then on either the grounds of an inverse reading of § 271.3(c) or on the merits of his own eligibility?

B. The proposed regulations indicate that income will include "scholarships, education grants (including loans on which repayment is deferred until completion of the recipient's education), fellowships, and veterans' education benefits" [§ 271.3(b)(1)(i)(h)]. We question, first of all, whether this provision

pertains to the family of a student recipient living within his parental household and/or to the family of a student recipient living away from home. Regardless, we believe that the inclusion of these items is a new departure by the Department and one which places it in direct conflict with the "exclusion from income" provisions contained in the Administration's proposed Family Assistance Plan (HR 1, 92nd Cong., 1st Sess., Section 443(b)(7), page 146) and the existing Internal Revenue Code (Section 117 of the *Internal Revenue Code* of 1954). We would hope that the Department will be able to adjust this provision in order to bring it into conformity with other relevant existing statutes and regulations. After all, such an inclusion in income would work a hardship that would force an otherwise eligible family to make the impossible choice between food and education.

C. Finally, we are interested and concerned about the Department's immediate plans to establish the "special standards of eligibility and coupon allotment schedules" for Puerto Rico, Guam, and the Virgin Islands which were mandated by Section 5(b) of the Food Stamp Act of 1964, as amended. We believe that the most rapid implementation of this provision to expand the umbrella of the Food Stamp Program will bring some relief to the conditions of poverty and hunger and also extend the equal protection of the laws of the United States as was the intention of Congress.

We greatly appreciate this important opportunity to comment on the proposed regulations of the Department. It is an opportunity which permits the Congress to further amplify and interpret its own will and intent for the benefit of the Department of Agriculture in revising its regulations, especially in those instances where the Congressional language itself has been either unclear or confusing. We do not pretend to infringe on the rightful discretion of the Secretary in these matters, but only to aid him within the bounds of his kind invitation and the prerogatives of Congressional powers. We fully understand the pressures of promulgating such regulations, and strongly reiterate our praise for the great progress that has been achieved by this Administration in closing the hunger gap in America. We understand also that any further changes or clarifications on the Food Stamp Program beyond those revisions which we have strongly urged must come from the Congress itself.

We thank you for this unique opportunity and hope that we can continue to work together for a better Food Stamp Program.

Sincerely,

CHARLES H. PERCY,
MARLOW W. COOK,
ROBERT J. DOLE,
HENRY L. BELLMON,
RICHARD S. SCHWEIKER,
ROBERT TAFT, Jr.

Mr. KENNEDY. Mr. President, I feel it is vitally important for the Senate to take this opportunity to consider recent action announced by the U.S. Department of Agriculture because of the deleterious effects that action will have on hungry Americans.

As a result of the efforts of the very able chairman of the Select Committee on Nutrition and Human Needs, my attention and that of others in this Senate has been focused on new regulations affecting the Federal food stamp program proposed by the Department of Agriculture. According to a notice published in the Federal Register, April 16, the Department intends to lower the level of the maximum income allowed for participation in the food stamp program. And presumably, the purpose of this move is to save money. Yet, the tragic effect of the new rules will be to eliminate thousands of hungry citizens from the rolls of the food stamp program.

It seems that the new rules stand in defiance of the President's intention to bring an end to hunger in America for all time. The Department's plans would wipe out the assistance now received by hundreds of thousands who receive benefits in those States that have struggled to meet the requirements for nutritional adequacy among the poor. The new rules, as I understand them, will extend benefits to some families that have never shared the benefits of food stamps. No one denies that this is a proper goal for us to seek. But, this in no way provides a reasonable justification for removing from the rolls, other families that now share in the program's benefits.

As the Washington Post editorialized last Thursday, it is as if "hunger and malnutrition in New York City, for example, is easier on the stomach than in Sunflower County, Mississippi."

The effect of this move penalized not only needy recipients but also the actions of concerned officials in those States that have struggled to reach a level of adequacy for their needy residents. Unbelievably, States with the highest levels of assistance payments, are the States in which hungry people will be stripped of assistance. Thus, in Massachusetts, a majority of the elderly, blind, and disabled recipients of public assistance will be cut off from the food stamp program. I wrote the Secretary of Agriculture protesting the new rules because I find it difficult to explain why 30,000 elderly Massachusetts residents who, until now, have been eligible for participation in the food stamp program, under the new rules, will be denied this vital assistance.

At the same time, I want to know why all of the 3,100 public assistance recipients in Massachusetts who are blind and the 20,000 residents of my State who are permanently disabled have to be cut off from a program that can deliver the essentials of a good diet for them.

We know that across this country about 2 to 4 million people will be denied assistance because of this new regulation.

What have they done to be ignored so suddenly? And it makes sense to ask that question, because the Department's action ignores the persistent demand to do something that will end hunger for all who are needy. Yet, the Department's latest action is not responsive to the continuing demands for guaranteeing a minimum level of adequacy for those who are deprived.

Not only will the new rules cause people to be directly dropped from the rolls; the rule change will force off others who find it too expensive to purchase foodstuffs under the new purchase limit.

A four-member family living in Massachusetts receiving a monthly assistance payment of $300, now spends $76 of that to buy $106 worth of food in the stamp program. The new regulations will force that family to spend $7 more to gain only $2 in added benefits. I am anxious to learn what explanation makes that kind of administrative change justifiable. If indeed it is solely for the sake of saving money then its effect can only be justified by a grossly distorted sense of national values.

I am convinced that if this Government can move to guarantee the existence of a failing aircraft company, it must move to insure subsistence for its hungry citizens.

For that reason, Mr. President, I strongly endorse the resolution offered by my able and skillful colleague who serves as chairman of the Select Committee on Nutrition and Human Needs. I have worked diligently with him throughout the life of this committee to bring help to those who have needlessly been denied quality diets and healthful living conditions. I firmly believe in the committee's mandate to uphold maximum efforts in the fight against hunger.

And, that is why we are urging the Senate to approve this resolution which will allow more time for the public and the Congress to respond to the Department's proposals concerning revisions to the Federal food stamp program.

SENATE RESOLUTION 121—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF THE 1970 ANNUAL REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION

Mr. TALMADGE. Mr. President, I submit for appropriate reference a resolution authorizing the printing of the 1970 Annual Report of the National Forest Reservation Commission as a Senate document. This has been done through the years in order that the report may be available to official libraries for the use of students and other interested parties.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). The resolution will be received and appropriately referred.

The resolution (S. Res. 121), which reads as follows, was referred to the Committee on Rules and Administration.

S. RES. 121

Resolved, That the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1970, be printed with an illustration as a Senate document.

SENATE RESOLUTION 122—SUBMISSION OF A RESOLUTION REFERRING S. 1728 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

Mr. MATHIAS submitted a resolution (S. Res. 122) to refer the bill (S. 1728) to the Chief Commissioner of the Court of Claims.

The resolution (S. Res. 122), which reads as follows, was referred to the Committee on the Judiciary:

SENATE RESOLUTION 122

Resolved, That S. 1728 entitled "A bill for the relief of George Wise" together with all accompanying papers is hereby referred to the chief commissioner of the Court of Claims pursuant to Sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. GRIFFIN, for Mr. CASE, the Senator from Indiana (Mr. HARTKE) and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of Senate Concurrent Resolution 21, calling for suspension of military assistance to Pakistan.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 79

Mr. BYRD of West Virginia, for Mr. WILLIAMS, submitted an amendment (No. 79) intended to be proposed by Mr. WILLIAMS 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 was ordered to be printed and to lie on the table.

AMENDMENT NO. 81

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY. Mr. President, in Vietnam, our Nation has been pulled into a quagmire in which more than 54,000 young Americans have died.

Many were draftees, plucked from the campus and the assembly line to forfeit their lives in distant rice marshes.

The vast majority were in their teens or early twenties.

They died in defense not of American shores or interests or liberties, but in an effort to sustain a far-away military oligarchy—an effort that has spanned 17 bloody years.

Well, that war must be brought to an end.

And so should the sacrifice of young men called by our draft.

Therefore, I am submitting an amendment to the Military Selective Service Act. Specifically, it will prohibit draftees from serving in any combat zone without prior congressional authorization.

This amendment will be a major step toward American disengagement from the war in Southeast Asia.

It will be a major step toward restoration of congressional authority over decisions of war and peace.

It will be a major step toward preventing administrations from launching expeditionary forces into foreign wars.

It will be a major step toward reducing the anxiety of our young that their lives will be wasted in a futile and foolish war.

It will be a major step toward ending the tensions now dividing our Nation.

Finally, it will be a major step in supporting two other amendments that will restrict the draft and bring it within rational limits.

One is by Senator BIRCH BAYH and would limit extension of the draft to 1 year.

The other is by Senator EDWARD KENNEDY and would give Congress sole authority to increase the draft quota beyond a ceiling of 150,000 men each year.

To me, these amendments make sense. They permit the Nation to wind down the draft as the war in Vietnam winds down.

I would support one more amendment to the draft—the Hatfield-McGovern amendment that would do what most Americans want: end American involvement in Southeast Asia by the end of this year.

LICENSING OF INCOME TAX RETURN PREPARERS—S. 1527—AMENDMENT

AMENDMENT NO. 80

Mr. RIBICOFF submitted an amendment (No. 80) intended to be proposed by him to the bill (S. 1527) to amend the Internal Revenue Code of 1954 to provide for licensing of income tax return preparers, which was ordered to be printed and referred to the Committee on Finance.

NOTICE OF HEARINGS OF THE SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. RIBICOFF. Mr. President, the Subcommittee on International Trade of the Senate Finance Committee will hold its first round of hearings on major foreign trade issues facing the United States and the world from May 17 through May 21. The subcommittee has agreed on the need for the presentation of a broad spectrum of views. I believe the witness list, which is now complete, accomplishes this objective.

During the first day of hearings, we will receive testimony from Treasury Secretary John B. Connally, who may wish to comment on the implications of the current monetary crisis and its effects on the United States.

I ask unanimous consent to have printed in the RECORD the statement announcing the hearings. This statement includes three late additions, Secretary of Commerce Maurice Stans; George Shultz, Director, Office of Management and Budget; and Deputy Under Secretary of State for Economic Affairs, Nathaniel Samuels.

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

PRESS RELEASE ANNOUNCING HEARINGS

WASHINGTON, D.C., May 10.—Senator Abe Ribicoff, chairman of the Subcommittee on International Trade of the Senate Finance Committee, announced today he will conduct hearings during the week of May 17 through May 21 on world trade and investment issues.

Lead-off witness will be Treasury Secretary John B. Connally, who will testify at 10 AM Monday, May 17 in Room 2221 of the New Senate Office Building.

Senator Russell B. Long, Chairman of the Finance Committee, created the Subcommittee on International Trade in March, appointing Senator Ribicoff as Chairman and as members Senators Herman Talmadge, Gaylord Nelson, Paul J. Fannin, and Clifford P. Hansen. Senators Long and Wallace F. Bennett are ex-officio members of the Subcommittee.

The chairman said the hearings will explore the significance of changes underway in the structure of the world economy as they affect the U.S. economy and American foreign policies.

Subjects to be examined include changing political and economic relationships around the world, the emergence of an enlarged European economic bloc, the rapid ascendancy of Japan and Eastern Asia in the global economy, the prospects for increased East-West trade and the adequacies of national trade policies and international rules and institutions for coping with the changing conditions in the world economy.

The Chairman said the changing conditions of world trade and production are related to the problems and economic prospects of the developing nations. The hearings, he said, therefore will include preliminary consideration of the implications of tariff preferences for the products of less developed nations.

The hearings will also cover the rapidly changing patterns of world agriculture production and consumption, with special attention to the so-called "Green Revolution" for both the developing nations and the U.S.

In addition, the Subcommittee will examine existing impediments and distortions to world trade and the recent tendency toward retaliatory trade policies.

Senator Ribicoff said that the witnesses who have been invited to testify represent a broad range of views of foreign trade policies and problems. The witnesses and the days they will testify are:

MAY 17

John B. Connally, Secretary of the Treasury.

Joseph Wright, Chairman, Zenith Corporation.

Dr. N. R. Danielian, President, International Economic Policy Association.

MAY 18

George Meany, President, AFL–CIO.

Maurice Stans, Secretary of Commerce.

Heindrick Houthakker, member, Council of Economic Advisors.

Ely R. Callaway, President, Burlington Industries.

MAY 19

George Ball, former Under Secretary of State.

Nathaniel Samuels, Deputy Under Secretary of State for Economic Affairs.

Sam Pisar, international attorney, Paris.

Senator Fred R. Harris (D-Okla.).

MAY 20

Clarence D. Palmby, Assistant Secretary for International Affairs and Commodity Programs, U.S. Department of Agriculture.

D. W. Brooks, Chairman, Goldkist, Inc.

Orville Freeman, President, Business International Corporation, and former Secretary of Agriculture.

MAY 21

Fred J. Borch, Chairman, General Electric.

Kenneth Davis, former Assistant Secretary of Commerce for Domestic and International Business.

Roger S. Ahlbrandt, President, Allegheny-Ludlum Industries.

George Shultz, Director, Office of Management and Budget.

The Chairman said the Subcommittee wishes to obtain a broad range of views and welcomes the submission of written statements for the record. These statements should be typed, double spaced, and have a summary. Five copies should be filed with Thomas Vail, Chief Counsel, Senate Committee on Finance, Room 2227 New Senate Office Building, Washington, D.C., 20510 by June 15. These statements will be considered by Subcommittee members.

Subsequent hearings by the Subcommittee will focus on specific issues and problems facing the U.S. in international trade. Persons interested in a particular trade problem can participate in the Subcommittee's oversight review at later hearings.

Senator Ribicoff also announced that the Subcommittee at its first executive session agreed to request the Executive Branch to undertake the studies which the full Committee had directed in the Trade Act of 1970, legislation which was not enacted into law.

Attached are texts of Senator Ribicoff's letters to Peter Peterson, Assistant to the President for International Affairs, and to Dr. Glenn Sutton of the Tariff Commission.

APRIL 21, 1971.

DEAR MR. PETERSON: As you know, the Committee on Finance determined in its deliberations over the Trade Act of 1970 that the Executive branch and the Tariff Commission should undertake a number of comprehensive studies in the field of foreign trade. The studies requested of the Executive are listed below:

(1) The most-favored-nation (MFN) principle and the exceptions thereto; their effect of MFN exceptions on intra-regional and extra-regional trade where common markets and free trade areas are concerned;

(2) The GATT provisions and interpretations on export subsidies and border taxes, the rationale underlying the differing treatment of "direct" and "indirect" taxes insofar as border tax adjustments are concerned, and the U.S. negotiating position on border tax adjustments;

(3) The adequacy of GATT provisions dealing with agriculture;

(4) The adequacy of the balance of payments exceptions in Article XII of GATT;

(5) The GATT provisions on unfair trade practices, fair international labor standards, and relief from injurious imports;

(6) The GATT provisions on "compensation" and "retaliation";

(7) The quantitive restrictions that remain in effect in many countries such as Japan;

(8) The common agricultural policy of the EEC;

(9) The border tax-export rebate system of the EEC, and the reasons why indirect tax rebates on exports are not considered "bounties or grants" within the meaning of the countervailing duty statute as interpreted by Supreme Court cases;

(10) Discriminatory government procurement policies;

(11) The probable effects of British entry into the Common Market on U.S. trade and balance of payments;

(12) The effect of foreign exchange-rate changes on United States trade and tariff concessions; and

(13) An analysis of whether or not greater flexibility in foreign exchange rates would serve in the interests of United States and world trade;

(14) The nature and extent to which other countries subsidize their exports, directly or indirectly;

(15) A comparative analysis of various proposals to extend tariff preferences to the products of less developed countries with particular emphasis on the effects on U.S. trade and investment patterns and on U.S. labor;

(16) The various agency responsibilities within the executive branch for handling all U.S. foreign trade matters, and the means by which policy coordination is achieved.

The Subcommittee on International Trade of the Finance Committee met in executive session on April 20 and agreed to request the Executive and the Tariff Commission to undertake these studies as soon as possible. I am writing to the Chairman of the Tariff Commission requesting the separate studies which the full Committee requested from that organization.

Your office appears to be well equipped to coordinate the Executive branch's effort in completing the studies requested by the Finance Committee last year. The Subcommittee believes that the results of these studies could lay the foundation for a trade policy adequate to the needs of the 1970's. We would hope that you would provide the Committee with in-progress reports and analyses on these issues as they are completed, rather than waiting until all the studies are completed.

APRIL 21, 1971.

DEAR MR. COMMISSIONER: (SUTTON)

As you may know, the Committee on Finance determined during its deliberations of the Trade Act of 1970 that the Tariff Commission should undertake a number of studies dealing with crucial issues in the field of foreign trade. These studies are listed below:

(1) The tariff and nontariff barriers among principal trading nations in the industrialized countries, including an analysis of the disparities in tariff treatment of similar articles of commerce by different countries and the reasons for the disparities;

(2) The nature and extent of the tariff concessions granted in trade agreements and other international agreements to which the United States is a party by the principal trading nations in the industrialized countries.

(3) The customs valuation procedures of foreign countries and those of the United States with a view to developing and suggesting uniform standards of custom valuation which would operate fairly among all classes of shippers in international trade, and the economic effects which would follow if the United States were to adopt such standards of valuation, based on rates of duty which will become effective on January 1, 1972; and

(4) The implications of multinational firms on the patterns of world trade and investment and on United States trade and labor.

The Subcommittee on International Trade of the Senate Finance Committee met in executive session on April 20 and agreed to request the Tariff Commission to proceed to study these issues and report to the full Committee as it completes various phases of its work. We would hope that the Commission could supply the full Committee with the results of its findings on these issues on a timely basis together with supplementary materials which may aid the Committee in its oversight review of U.S. foreign trade policies.

NOTICE OF ADDITIONAL HEARINGS ON PROGRAMS FOR OLDER AMERICANS

Mr. CHURCH. Mr. President, the U.S. Senate Special Committee on Aging has conducted 5 days of hearings in Washington, D.C., on an "Evaluation of the Administration on Aging and the White House Conference on Aging." In conjunction with that inquiry, several individual members of the committee are planning to conduct hearings during or soon after State conferences on aging are conducted in their home States during May or June.

Thus far, the following hearings have been scheduled:

Senator EDWARD J. GURNEY will preside at a committee hearing in the Park Plaza Hotel, Orlando, Fla., at 10 a.m., Monday, May 10, 1971. This session will be open to the public.

Senator JACK MILLER will preside at a committee hearing in conjunction with the Iowa State Conference on Aging in the Veterans Auditorium, Des Moines, Iowa. The hearing will begin at 2 p.m., Thursday, May 13, 1971, and will also be open to the public. The conference is scheduled to begin at 9 a.m. that same day.

I will preside at the committee hearing to be held at the YWCA in Boise, Idaho, at 2 p.m., Friday, May 28, 1971. All interested parties will be invited to attend.

NOTICE OF HEARINGS ON RAILROAD RETIREMENT INCREASE

Mr. CRANSTON. Mr. President, for the information of Senators, I wish to announce that the Subcommittee on Railroad Retirement of the Committee on Labor and Public Welfare has scheduled public hearings on a proposed 10-percent increase in railroad retirement benefits. The hearing will commence at 1:30 p.m., in room 4232, New Senate Office Building.

The distinguished Senator from Wisconsin (Mr. NELSON) announced this hearing on my behalf last Thursday, May 6, 1971. This additional notice is to specify the time and place of the hearing, which were not certain at the time of the previous notice.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRAVEL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders under the standing order, the distinguished Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of Senators under orders previously entered, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of morning business tomorrow, the unfinished business be laid before the Senate.

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

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that

during the debate on the unfinished business, H.R. 6531, the distinguished junior Senator from Alaska (Mr. GRAVEL) be allowed up to, but to exceed three members of his personal staff on the floor at any one time, with the exception of during rollcall votes. In justification therefor, I offer the fact that the junior Senator from Alaska is the leader of the opposition forces to the bill.

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

LEAVE OF ABSENCE

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator from Maryland (Mr. BEALL) be granted a leave of absence from the Senate for a period of 2 weeks because of illness.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

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

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

The legislative clerk proceeded to call the roll.

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

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

ADDITIONAL STATEMENTS

LIFE, LIBERTY, AND THE PURSUIT OF VIOLENCE

Mr. BYRD of West Virginia. Mr. President, the Washington Sunday Star of May 9 published an editorial which summed up the results of last week's demonstrations in our Nation's Capital. The editorial was entitled "Life, Liberty, and the Pursuit of Violence."

The editorial noted that the demonstrations failed in their "avowed purpose of stopping the war or stopping the Government," but added that the judicial branch of our Government "was briefly reduced to near chaos." This, the editorial rightly notes, had the effect of making "the Mayday tribes the chief victims of their own disruptions."

Mr. President, the Sunday Star concedes that the tactics used by police resulted in the arrest of some innocent persons and in the temporary violation of the constitutional rights of a number of demonstrators. However, the editorial states that "given the extraordinary circumstance on May 3—the police had no practical alternative."

This is my feeling exactly. On occasions during the disruptions, I contended that the civil rights of a mob must never be placed above the civil rights of innocent, law-abiding citizens.

The editorial in the Sunday Star of May 9 articulates that position in a most incisive, cogent, lucid, and forthright manner.

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.

LIFE, LIBERTY AND THE PURSUIT OF VIOLENCE

By the week's end, it was hard to believe that it had really happened.

The quiet, orderly crowd's were back by Friday, strolling down the streets that, four short days before, had been something close to a battleground, driving over the bridges that had been lined with troops, posing for photographs on the Capitol steps where, two days earlier, those who came in anger had gathered by the thousands for inevitable confrontation and arrest.

The abrupt return to normal has already bathed the thunderous events of the past week in the diffused light of unreality, much as the terror of a nightmare begins to fade with the dawn. But this nightmare was real. Helicopter-borne troops did land on the Washington Monument grounds. Our streets were filled with debris, with tear gas, with rage and with repression. Some 12,000 American citizens were rounded up and carted away by the busload to detention centers. They were held, for periods ranging up to 48 hours, in conditions described by a judge as "cruel and inhumane."

It has been said—and acknowledged by some of the protest leaders—that the demonstration failed. Certainly it failed in its avowed purpose of stopping the war or stopping the government. But it should be noted that one branch of government was briefly reduced to near chaos. The judicial branch was overwhelmed by the size and the vehemence of the protest. Due process of law was the sole governmental casualty, making the Mayday tribes the chief victims of their own disruption.

The hoisting of the engineers of chaos on their own petard is more than a mildly sardonic joke. It is a practical lesson in the nature of society. It is a lesson that all of us—and particularly those who advocate extremism in pursuit of their peculiar view of virtue—must study with care.

There is, at present, a lively debate under way over the tactics used by police to control the disorders. The civil libertarians, and particularly the lawyers among them, view the law enforcement procedures that were employed as an outrage. They argue that innocent men and women were swept up in the dragnet and jailed for no cause other than youth, length of hair and style of dress. They contend that police procedures violated the requirements established specifically for dealing with mass disorder; that, in a high percentage of cases, the arrests were illegal, based on a supposition of intent to commit a crime and not on specific criminal acts; that prisoners were, in many cases, never advised of their rights, and were detained too long under atrocious conditions.

Those of us who believe that the police, for the most part, acted properly cannot deny the technical validity of these arguments. A number of those detained were innocent. Many, probably a large majority, were improperly arrested and deprived of their constitutional rights. But it is our conviction that, given the extraordinary circumstances on May 3—the orchestrated plan of disruption, the widespread vandalism, the clear and present danger of mass violence—the police had no practical alternative. To have employed the prescribed street-arrest procedure at the height of the disorder would have tied authorities' hands securely in red tape and guaranteed the success of the Mayday plan. The city had two choices: Capitulation or the imposition of de facto martial law. It made the right decision.

In reality, though, the argument over the propriety of the police action is meaningless. Debating points, legalisms and constitutional niceties are quite beside the point. The overriding fact is that the basic drive of society is self-preservation; that governments, like individuals, react to threats with an instinct for survival. It is a lesson that has been repeated throughout history.

Government, in the crunch, always has the right, indeed the duty, to take whatever steps are necessary to prevent anarchy and dissolution.

The shrill assertion by the Mayday leaders that the reaction of the District demonstrates the fascist nature of the American government is patent nonsense. The man who reacts to protect himself against physical attack is not guilty of assault. The government that reacts to violent disorder with a temporary curtailment of individual rights is not guilty of fascism. Both have been forced by events they did not originate to take actions that are foreign, even abhorrent, to them.

It must be recognized, however, that the waiving of traditional rights carries with it the real danger that the rhetorical prophesies of the radical left can become self-fulfilling. All too easily, as history has shown, expediency can be substituted for necessity, lawful protest can be confused with insurrection, dissent mistaken for treason. Repression of liberty must never be lightly accepted. It must be seen for what it truly is: A tragic, temporary defeat inflicted on this society by those who would destroy it.

If this country ever abandons its incomparable heritage of freedom, it will come about not through the efforts of the far right or because of any natural gravitation to totalitarionism. If liberty is lost, it will be abandoned in panicked reaction of the majority to the excess of the left. That is a fact to be pondered by those thousands who came to the city intent on creating anarchy in the forlorn belief that disruption could force instant peace in Indochina. It is a fact that is fully appreciated by those among the radical leadership who see the peace issue only as a means to their expressed end of the destruction of the system, a lever by which the government can be moved to permanent repression, by which society's divisions can be widened until there is no middle ground, and the goal of self-destructive polarization is achieved.

Those of us who believe in freedom must resolve never to become the unwitting agents of those revoluntionaries who demand freedom for themselves, and who seek to silence all who oppose them. We must not be pressured into intolerance or a casual acceptance of repression. We must never lose sight of the obligation to defend the rights of those with whom we may differ, whether they be ex-soldiers demanding an immediate end to war or civilians clamoring for military victory in the name of Christanity. Dissent and legal protest are not annoyances to be tolerated; they are fundamental rights that must not be diminished.

The illegal protest, the demonstration specifically planned to break the law and designed to threaten the rights and the safety of the majority, also makes demands on society. There is an obligation to end the disturbance, to control it promptly, applying a minimum of force. If, in order to meet those obligations, due process must be temporarily suspended, it must be restored at the first possible moment.

The Mayday leaders have announced their intention to return this summer, and to spread the policies of disruption to other major cities around the country. There is no reason to question their sincerity.

Those in authority, here and elsewhere, would do well to use the brief breathing spell

to search for a more orderly means of containing the coming deluge. Provision should be made for the detention of large numbers in something other than subhuman conditions. Consideration should be given to establishing a procedure for a declaration of emergency by the civilian authority of the city, whereby demonstrators could be removed from the streets and held in protective custody, without formal charges, for the duration of the disturbance. Jails and prison records would then be reserved for those caught committing crimes on the scene. The police would be freed of the obligation of bending, stretching and occasionally breaking the law in order to restore the peace. And the radical leadership would be deprived of a new store of rhetorical ammunition in its assault on the citadels of individual human freedom.

ADDRESS BY SENATOR SMITH AT RICKER COLLEGE

Mrs. SMITH. Mr. President, editorial reaction to a recent address of mine—the commencement address at Ricker College in Houlton, Maine, on April 24, 1971—gives special meaning to me of the old saying of "Beauty is in the eyes of the beholder."

The Brunswick, Maine, Times-Record characterized my address as "spouting strange doctrine that seems to be saying—or at least strongly implying—that one of the best ways to preserve democracy in America is to destroy a large part of it."

In contrast the Bangor, Maine, Daily News commended me as "knowledgeable and perceptive" and said of my address that it was "a recipe for closing the generation 'gap' " and that "in these days of bull-horn bellowing" I had "quietly contributed words of wisdom that will be applauded by most Americans." I am grateful for the applause of the Bangor Daily News.

It is not my custom to place my addresses in the RECORD. But I make an exception this time because these two widely contrasting reactions may cause some curiosity as to just exactly what I did say. Consequently, I ask unanimous consent that this address of mine be printed in the RECORD.

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

ADDRESS OF SENATOR SMITH

Mr. President, Trustees, Members of the Faculty, Graduates of 1971, Parents and Friends of Ricker College:

I deeply appreciate the honor that Ricker College does me—you give me courage and at a time when it is most welcome, for never have I seen our people more disturbed and disunited.

We lament the lack of communications with each other, but too many of us want to shout and not listen to the other fellow.

It is high time that we stop, look and listen, whether we are old or young, black or white, Asian or American, Democrat or Republican—in or out.

In these turbulent times, when basic concepts, mores, patterns and values are being so keenly and even violently challenged, our greatest national need is "UNITY." When we determine priorities let us put Unity first, even ahead of individual liberty that too many piously cloak over acts of violence and nihilism.

What about this "UNITY" that we so greatly need, individually and collectively, for ourselves, our society and our nation? We know what it is—but how do we even try to achieve it?

The first thing is to start being civil to each other—and speaking of civility, historians point out that while it takes centuries to create civilization it takes only a generation, yes, even as little as a year, to destroy it.

After we start being civil to each other—then we had better start communicating with each other. But in that process of communicating with each other in order to make it effective, productive and meaningful, we need to establish a high degree of credibility. In short, we had better—each and every one of us, old and young alike, start being civil, communicative and credible.

The desired "UNITY" should start right back in the home and with the family.

We must unite mature counsel with young ideas if we are to achieve unity, we elders must recognize that some of the so-called "wild" initiatives of Youth have produced some greatly needed reforms and remedial actions from Legislative Chambers and Executive Offices. This has so effectively been pointed out by Doctor Ariel Durant, the distinguished historian.

But like communication, in order for unity to be achieved it must be a two-way process. Young people must learn to listen as well as to speak. We of the older generation must realistically recognize and give proper credit to the imaginative innovations of youth just as youth should not discount the values of traditions.

We of the older generation must not dampen the ardor of experiment advocated and practiced by youth—just as youth should not disregard the valuable experience that we elders can contribute.

The unity we must strive for is the fusion of youthful experiment with older experience.

Finally, in achieving desperately needed unity for ourselves, our people and our beloved nation let us not forget and let us recognize that we are the most fortunate people in the history of the world in being citizens of the greatest nation in the history of the world.

In these troubled times when we read and hear so much of the shrill and violent degradation of our way of life and "see no evil, hear no evil, speak no evil," may seem to have been replaced in vogue with a new creed of "see no good, hear no good, speak no good."

Let us recognize that no people in the history of the world have enjoyed as much freedom and liberty and unabridged exercise of the right of dissent as today's Americans.

WELFARE REFORM

Mr. TALMADGE. Mr. President, the May issue of Nation's Business magazine contains an excellent discussion of proposed welfare reform, written by Senator RUSSELL B. LONG, of Louisiana, the distinguished chairman of the Committee on Finance.

The Finance Committee has worked long and hard on welfare legislation that has been proposed by the administration and various Senators. I wish to commend Chairman LONG for the outstanding leadership he has given the committee and the Senate on this complex and controversial issue. His interview with Nation's Business is one of the finest discussions of some of the problems involved that I have seen. I bring it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

WELFARE COSTS: SKY-HIGH OR DOWN TO EARTH

The Congressional spotlight is focusing this year on committees dealing with such crucial domestic issues as welfare reform, revenue sharing and health insurance.

A center of attention is the powerful Senate Finance Committee and its chairman, Russell B. Long (D.-La.).

Of the three big issues, the first the Senate Finance Committee will tackle after House passage will be a plan for reshaping the welfare system.

While there is little controversy over the plan's goal of putting able-bodied welfare recipients to work, Congress is in round two of the great debate over proposals to commit the federal government to the concept of a guaranteed annual income.

It was Sen. Long who last year blocked House-approved Administration proposals that would have more than doubled the relief rolls.

The Senator held then that the Administration approach did "not solve the problem" but just made "it cost $4 billion more" and contained "fantastic, illogical incentives for people to quit work."

He has promised he will give equally close scrutiny to this year's version of the welfare bill and insist that it contain enforceable, realistic work requirements.

The welfare issue has become of major concern at all levels of government and in all walks of life.

Costs have soared and programs to help the poor have gone wide of the mark. [See "Saving the States from Bankruptcy" by California's Gov. Ronald Reagan, page 56.]

The National Governors' Conference wants the federal government to take over all welfare costs.

The Administration proposed to Congress a minimum income maintenance program of $1,600 a year for a family of four, plus food stamps worth an additional $800 a year. States could supplement those benefits if they wished.

The recommendations were revised by the House Ways and Means Committee into the presently pending plan for a $2,400 cash payment without food stamps.

So-called "working poor" also would benefit. For example, an employed father with a wife and two children who makes less than $3,920, would receive a federal supplement to reach this level.

Another proposal by Sen. Fred Harris (D.-Okla.), would be more generous both to nonworking welfare recipients and to the "working poor."

Sen. Long, a staunch advocate of aid to the needy, talks in this interview with NATION'S BUSINESS about such proposals, about abuses in the welfare system and about his fears that welfare's costs could go out of sight.

Senator, how do yo feel about the federal government assuming all of the cost of Welfare?

It may well be that the government should take over the cost of providing income for the aged. We are doing most of that already under Social Security. But I am fearful of the government attempting to take over the program for the younger people.

The cost of that program has been increasing by 50 per cent a year.

I find that the principal limiting factor to welfare expenditures in the family area has been that the states do not have unlimited funds with which to match federal contributions, and this tends to hold the cost down.

Could you comment on the Administration's proposals in this area?

The Administration's suggestions would cause the cost of the program for families

with children to increase by 140 per cent in a single year. And you can be sure this will be regarded as inadequate. It will be implemented by more liberal suggestions that, in my judgment, could cost us more than $100 billion a year.

How do you arrive at such a figure?

Sen. Harris has a proposal, which has a great deal of support right now, to provide that we pay to all needy families enough income to bring them up to the government-defined poverty level. That would increase the number of people on welfare from 10 million to 59 million.

And that would cost how much?

According to the Department of Health, Education and Welfare the federal cost would increase from $3.9 billion to $12 billion a year. Now that's in the children category alone. But the more likely cost is $17 billion. That is what our staff has come up with and their estimates have proved to be far more accurate than those of HEW. We have found that HEW estimates of costs of important programs have oftentimes been as low as 10 per cent of what a program actually costs after a year or two.

Where does the rest of the cost figure in?

If this program were implemented—and more than 25 per cent of the people in the country were placed on welfare—it would set the stage for, and give major political backing to, the scheme of the National Welfare Rights Organization.

What is this plan?

It originally called for a minimum guaranteed annual income of $5,500 for a family of four without a working member. Benefits would continue on a reduced scale even if one or more members went to work—until earnings reached $11,000.

The plan would place 98 million people on welfare. HEW last year estimated it would cost an annual $56 billion. Our staff put that at closer to $70 billion. Now these costs should be projected.

Why do you say that, Senator?

Those people would not be satisfied with $56 billion. You would soon hear the question raised: How can a family of four live on $5,500? And soon every family of four drawing $5,500 would enthusiastically agree they could not live on $5,500, with the result that the payment would be increased beyond that figure.

In fact, the National Welfare Rights Organization only recently announced its support of a House bill to set a $6,500 guaranteed minimum.

So I think that in eight years we would be living at a welfare program level where aid to families with children would cost over $100 billion a year alone.

What effect would all this have on the cost of government?

Well, taken together with an equally liberal health program, it could double the cost of government. Keep in mind that this is not the end, and that we will be doing other things at the same time.

The federal government has done many things to increase the cost of programs without intending to do so.

For example?

A prime example is the placing on the payroll of thousands of so-called poverty lawyers—working for the Office of Economic Opportunity—who have undertaken to represent the poor. In some cases, these poverty lawyers are suing the federal government itself. Nobody in his right mind would hire a lawyer to file a lawsuit against himself. It is utterly ridiculous.

What effect has this had on existing welfare programs?

These poverty lawyers have had the greatest victories—at federal expense—in winning lawsuits against the states, forcing the states to do things that the federal government did not think the states should be required to do in the first instance.

For example, the law that Congress passed for aid to families clearly spelled out that a state was expected to have a residence requirement. The poverty lawyers won a case before the Supreme Court that the residence requirement violates the equal protection clause of the Constitution.

Has this led to abuses?

It certainly has. Without a residence requirement, it is within the capability of any person to get on welfare three or four different times in as many states. The state is powerless to inquire where the person lives or to insist that the person live in the state at any given period.

So this person I am talking about can very easily cross state lines and continue to draw a welfare check in the state from which he left and draw one also in the state to which he has moved. A person in New York could easily be on welfare rolls in New York, Pennsylvania, New Jersey, Connecticut and Rhode Island, and at very little expense to himself.

Is there any way of stopping this?

When we put Social Security into effect it never occurred to anyone that some people would seek more than one Social Security number for such a purpose. In Louisiana we are now discovering that some people have as many as five Social Security numbers and we are finding cases where people on welfare are collecting as many as five checks through a single welfare office.

Is this widespread?

It is impossible to know how much welfare cheating we have right now because there is no way we can check on one state's welfare rolls against another's to determine which people use multiple names and multiple Social Security numbers.

Hasn't the government claimed the extent of this fraud is negligible?

The Department of Health, Education and Welfare is spreading fraudulent propaganda about their welfare programs. They claim that only 1 per cent of their rolls reveal detectable fraud. That word "detectable" should be looked at carefully. It is perhaps the joker in the deck. Some studies that have been made show that as many as 79 per cent, in one extreme example, of people on family assistance rolls are receiving more than they are entitled to or even are totally ineligible.

Would you cite an example?

Here in the District of Columbia Sen. Robert Byrd (D.-W. Va.) made a study some years ago and found that 59 per cent of the welfare recipients were ineligible and another 20 per cent were being overpaid. That's a cumulative total of 79 per cent. And this program was completely under the administration of HEW.

Since then, the Department has liberalized its programs and the poverty lawyers have made many people eligible who were not eligible before.

What is the outlook for welfare in this country?

The program is being made so burdensome that states cannot possibly administer it. The states will call upon the federal government to take it off their hands. At that point those who favor vast increases in welfare will contend that everyone can have much greater benefits because of the federal government's theoretically unlimited resources.

Senator, what is your record on welfare?

I believe that I have been as liberal on the welfare program as anybody. Down through the years I have advocated amendments for the maximum possible increase in payments for the aged. I have supported amendments for increases for families. I have voted on practically everything of that sort until this Congress.

It is only these revelations that the program is loaded with fraud and that the so-called reformers would retain all the mischief of the existing program and double the size and cost of it without improving its efficiency that caused me to feel that I cannot support the program as it is being proposed by the Administration.

Work incentive tied in with welfare has been tried before. Has it been effective?

It has not worked because under the Johnson Administration, HEW used its best efforts to keep it from working. HEW actually called meetings to show how to keep the work incentive program from succeeding and how to frustrate the intention of the Congress.

We are still trying to find ways to improve on the work incentive program. The difficulty is that those people in HEW, who seem to stay there no matter who is President, have plans for the contrary. The logic of some of that scheming is almost beyond belief.

For example, some of those people in the Department feel welfare payments should be so high and eligibility should be so broad that a person would be assured of as much as $5,500 a year without working.

What do you mean, Senator?

The theory is that if a person were assured that much money without working, he would not take a job unless it paid a lot more than that, and the work was pleasant. So presumably a person would not take a job unless it was paying him at least $11,000 to do something he enjoyed doing.

The idea is that if you make your welfare payments high enough and easy enough for people to get for not working, then nobody would have to take anything but a good job.

It is hard for some of us to see who is going to do the work that someone has to do if society is going to continue to operate. Somebody has to pick up the trash if the streets are to be kept clean.

The Nixon Administration has proposed that 265,000 public service jobs be created under the President's welfare program. What is your view on that?

I favor it.

Is the Congressional climate better now to do this?

Yes, I think that it is likely to happen. But here's what I think we ought to do first: We ought to have federal programs in times of slack employment to try to provide the maximum amount of employment in the private sector. For example, if we have as much as 6 per cent of unemployment, which we have now, we ought to try to absorb perhaps 40 to 50 percent of those unemployed in the private sector.

Then when we reduce our unemployment to the extent that we reasonably can by private methods, we should provide marginal jobs in the public sector. Those marginal jobs—cleaning up the litter, beautification of communities, improvement of parks and playgrounds—could be made available to a lot of people who otherwise would be welfare recipients.

How about women with children where there is no husband support?

We ought to make every effort to require the husband to support his children—which is not being done now—before we require society to support those children.

As it stands today, the desertion of a child is only a matter of domestic law within a state. It is difficult to find the father, and if you find him, he moves somewhere else.

Is there a way to make these fathers shoulder their responsibilities?

We should require that the tax collector use the Social Security numbers, which are the same as the tax numbers, to find these fathers wherever they show up. We could have a federal law to accomplish this.

Then we could take some of these poverty lawyers and put them to work representing the federal government. They could file suit against fathers who decline to acknowledge, much less support, their own children.

Only when we have exhausted our remedy against those who have the first obligation

to support their children should the government assume the entire expense of trying to support mothers with children.

How much would that cost the government?

Some people want to make child care run as high as $2,500 per child per year. I hope it will not cost anything like that in the early stages. We should try to hold the cost down because here again is a federal program which could cost $10 billion a year for openers.

ADDRESS BY SWEDISH AMBASSADOR HUBERT DE BESCHE ON 250TH BIRTHDAY ANNIVERSARY OF JOHN HANSON

Mr. MATHIAS. Mr. President, some 200 distinguished Maryland citizens gathered in the Capitol recently and celebrated the 250th birthday anniversary of John Hanson, who was the first President of the United States in Congress Assembled under the Articles of Confederation. Among those who joined the celebration was Swedish Ambassador Hubert de Besche. One of Hanson's ancestors came to this country from Sweden in 1642 at the request of Queen Christina.

I ask unanimous consent that Ambassador de Besche's remarks on this occasion be printed in the RECORD.

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

REMARKS BY THE AMBASSADOR OF SWEDEN, HUBERT DE BESCHE, ON APRIL 14, 1971

Senator Mathias, Ladies and Gentlemen, I feel it a great privilege to have this opportunity of sharing with you all in the celebration of the 250th anniversary of the birth of John Hanson. John Hanson was the grandson of one of the first Swedish settlers in this country. In later waves of immigration to the United States the emigrants left their countries in Europe because of overpopulation and economic hardship and were seeking the promised land in the New World. But the group that was sent by the Swedish King to the Delaware Valley in 1638 to explore the possibilities of Swedish settlements in the New World included the very best representative of the Swedish Government and administration.

It is a great satisfaction to know that when we honor John Hanson it is just because his leadership so very much represented the same ideals of democratic Government to which Americans and Swedes are equally devoted.

We are very conscious in Sweden that if there is a good opinion of the Swedish people among the American people it is primarily due to men like John Hanson. We are of course perfectly aware of the fact that these men in the first place are Americans and citizens of their new country. At the same time we cannot but follow their fortunes with interest and sympathy and are happy to know that the Swedes have become good citizens in their new country.

I am therefore very glad to be here today and to join in celebrating this great American and great Swede, John Hanson.

SPORTS EVENTS SHOULD NOT BE CONTROLLED BY PROMOTERS ON CLOSED-CIRCUIT TELEVISION

Mr. RANDOLPH. Mr. President, the dangers and unfairness of allowing promoters to monopolize and control access to a sports event through closed-circuit television was forcefully brought to public awareness during the recent championship fight between Joe Frazier and Muhammad Ali. It is certain that the financial implications of that closed-circuit TV broadcast will generate increased activity by promoters to arrange similar closed-circuit viewing for other major athletic activities. If this practice is not restricted, we will come to the time when the home television audience will be deprived of the opportunity to view—to enjoy—important sports contests.

There was a time when the public service awareness of those organizations and individuals directly involved in a particular sport might have insured that the closed-circuit television threat would be controlled. But those groups and persons have long since abandoned the greater public interest and benefit for the profit motive. Clearly, the promoter will be guided by the dollar sign. Thus, the possibilities of self-policing or restraint within the sports world are negligible when such enormous profits are involved.

Mr. President, although the American public generally will suffer from the expansion of closed TV broadcasts, I think we should particularly consider the impact on the young people, the elderly, the sick or handicapped, and low-income families and individuals. They, too, enjoy sports events, but their access to them will be eliminated.

There are other implications involved in the closed-circuit broadcasting.

There will be no free trade in the athletic world—professional and collegiate.

Promoters will tie up certain events offering fantastic amounts of money but will only be able to program outlets for small numbers of persons who can afford to pay the price.

TV sponsors will be deprived of the opportunity to advertise on national and regional TV to large segments of the community.

There will be a deterioration in the existing competition to bring a sporting event to the people of our Nation and there very well could be the elimination of sports broadcasting on TV as we know it today.

Mr. President, on April 1, the able Senator from Illinois (Mr. STEVENSON) introduced S. 1435, a bill which prohibits the closed-circuit TV broadcast of any sports event to a paying audience outside the home, except when the Federal Communications Commission determines that it is not commercially feasible for the event to be broadcast on free TV.

I am a cosponsor of this measure which, I believe, if it becomes law, will assure the people of our Nation maximum access to sports events, in which the public has an interest.

THE EXECUTIVE REORGANIZATION PROPOSALS AND EMPLOYEE SECURITY

Mr. PERCY. Mr. President, the President's proposals to reorganize seven of the existing Cabinet departments and a number of other agencies into four new Departments of Community Development, Natural Resources, Human Resources and Economic Affairs would create a significant realinement of present offices and agencies and their personnel to the new departments. One result of this projected reorganization has been the apprehension that some existing jobs will be eliminated. This raises real human and organizational problems that we must seriously consider. No one wants to create needlessly an environment of insecurity and disorganization; this can result in demoralization and it can hurt the functioning of the existing agencies.

In his message to Congress transmitting the reorganization bills the President took note of this special problem. He said:

I would emphasize . . . that any reduction in the Federal work force attributable to this proposal would come by normal turnover; no civil servant should lose his job as a result of this plan.

To implement this policy each of the four departmental reorganization bills, S. 1430–33, contains a provision providing that each person transferred under any of the bills cannot be separated or reduced in grade or compensation for 1 year after he is transferred. These provisions in the bills should help reassure civil servants about the stability of their jobs.

An additional measure of the President's intent, however, is provided by his March 30 memorandum to heads of executive departments and agencies concerning employee security. In this memorandum, the President reiterates that "it is my intent that any subsequent reductions in staffing which may occur as a result of the reorganization be accomplished through normal turnover," and directs the Secretaries of the new departments to work closely with representatives of employees now covered by collective bargaining agreements.

Pursuant to the President's memorandum an inter-agency working group chaired by the Director of Personnel and Training for HUD was established to coordinate efforts to inform personnel of agencies affected by the reorganization bills.

It is expected that as the departmental reorganizations are implemented there will be opportunities for increasingly efficient operations and for cost savings. These savings have been approximately estimated by Roy Ash, chairman on the Council on Executive Organization to be as much as $5 billion. But, as the President indicated, it is his intention that such savings will result through better and more efficient management, not through the elimination of jobs.

I ask unanimous consent that the memorandum referred to above be printed in the RECORD.

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

COMMUNICATIONS WITH EMPLOYEES CONCERNING REORGANIZATION OF THE EXECUTIVE BRANCH

(Memorandum to heads of executive departments and agencies)

As proposed in the State of the Union address, I have presented to the Congress

legislation to reorganize several of the domestic departments of the Executive Branch. As you know, the reforms I have proposed will affect directly seven of the present Cabinet Departments and several independent agencies. These changes will not alter the role and purposes of the government; rather, they will improve the manner in which the government conducts its business and serves the people.

The ultimate success of this effort to achieve fundamental reform in the organization of the Executive Branch will depend in large part on your full support and cooperation and that of all Federal employees. I am confident that I may rely on such support and cooperation.

All employees of the Federal government and particularly those in the affected agencies and departments have a vital interest in the proposed reorganization. At the same time, I know that, as citizens and employees, they share my goal of making the Federal government a more effective institution in our society. This interest and commitment makes it imperative that all employees in the agencies and departments be informed of the provisions of the plan which most directly affect them and be kept informed of the progress of the reorganization proposals.

I am relying on you to see that your employees are so informed. It would be particularly appropriate to call their attention to the following policies associated with the reorganization effort:

The legislation creating the new departments will contain assurances that no civil servant will suffer loss of employment or reduction in compensation by virtue of the reorganization for a period of one year after the new departments come into existence.

Further, it is my intent that any subsequent reductions in staffing which may occur as a result of the reorganization be accomplished through normal turnover.

It is also my intent that the Secretaries of the new departments work closely with the representatives of those employees covered by existing collective bargaining agreements established under E.O. 11491 to minimize any possible impact on the constructive relationships that have developed.

We have an unprecedented opportunity to build a government in which civil servants and the public alike can take pride. Your support and cooperation will make that goal attainable.

THE 47TH ANNIVERSARY OF FBI DIRECTOR J. EDGAR HOOVER

Mr. BYRD of West Virginia. Mr. President, today marks the 47th anniversary of J. Edgar Hoover as Director of the Federal Bureau of Investigation—and, during these past 47 years, no man in government has made greater contributions to the Nation than has Mr. Hoover.

Born on January 1, 1895, in the District of Columbia, Mr. Hoover became acting Director of the politically-embroiled Bureau of Investigation on May 10, 1924. He moved immediately to take the Bureau out of politics, changing its direction so that today it serves the very real needs of the Nation. By setting educational requirements and a strict code of personal conduct, Mr. Hoover has made the Special Agent the most respected law enforcement officer in the world.

Mr. President, in the field of crime-fighting, Mr. Hoover's accomplishments are legion—a superior fingerprint identification process, the National Crime Information Center, and the National Academy at Quantico are just a few of his tangible contributions. His intangible contributions are just as great, and today the FBI stands as a living monument to his life's work.

Unfortunately, Mr. Hoover has been loudly criticized in recent weeks—both in the news media and on the floor of Congress. I think it is fitting, then, that Mr. Hoover be commended today for his outstanding abilities, unfaltering determination, and unquestionable loyalty, all of which have helped to make the FBI an outstanding agency of the Federal Government.

Mr. Hoover deserves the heartfelt gratitude of all Americans for his 47 years of service, not only to the FBI, but also to the Nation.

SALUTE TO AGRICULTURE DAY

Mr. CURTIS. Mr. President, last Friday was "Salute to Agriculture Day" at the White House.

It was a day in which the administration's increasing awareness of agriculture, its needs, and its contributions were clearly evident.

I think that awareness is becoming increasingly obvious throughout the Republican Party.

As an indication of that, I ask unanimous consent to have printed an editorial published in this week's Republican publication "Monday." The editorial, entitled "The American Farmer: President Nixon Cares," was written by the Republican National Chairman, the Senator from Kansas (Mr. DOLE), who is also a member of the Committee on Agriculture and Forestry, and who is keenly aware of the part that agriculture plays in America.

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

THE AMERICAN FARMER: PRESIDENT NIXON CARES

(By Senator DOLE)

Due to the President's success in controlling inflation and in winding down the war in Indochina, we can expect him now to be able to devote more of his time and energy to some strictly domestic issues. And, as evidenced by his recent radio address on agriculture, and by the "Salute to Agriculture Day" he hosted Friday at the White House, farming ranks high among the President's domestic concerns.

Speaking to Americans, President Nixon reported on "the success story of American agriculture," calling our country's "first industry" a "keystone not only for our economic strength but for our entire way of life." He did not, however, overlook the many challenges confronting the farmer, nor the need for farm incomes that are commensurate to those received in other segments of the economy.

President Nixon recognizes farm problems, and judging by some early results, is implementing the right kinds of programs to solve many of them. He was able to predict last week that the total income of American farmers will be higher this year than ever before in our history.

This Administration's policy to stimulate export markets is a major reason for the increase in farm income. In 1968, the President promised to increase farm exports (which in fiscal year 1968 actually dropped by half a billion dollars). Farm exports this year will be at an all-time high, reaching a value of at least 7.4 billion dollars. The President has delivered his campaign promise, and more. Farm exports are expected to break the $10 billion barrier by the next decade.

Another reason for agriculture's brighter future is the President's strong belief in the "free market system." In contrast to previous programs that emphasized supply management, the government-controlled view of commodity movements, this Administration's farm programs place the point of agricultural decision making as close to the individual farmer as possible.

Although, whenever possible, the President wants to place the onus of agricultural decisions on those who are directly affected, he does at the same time recognize the need for "government backup," especially when it can assist in alleviating the "cost-price squeeze."

Acknowledging the fact that "increases in total income are not always reflected in more farm net income," President Nixon explained that more than two-thirds of agriculture's gross income goes back out to pay for farm expenses.

In addition, he announced the following recommendations to help the farmer: $1 million more for the Foreign Agricultural Service; $100 million more this year for U.S. insured loans to rural water and sewer systems; $2 million more for fire ant and gypsy moth control and $7.6 million more to fight southern corn leaf blight, cattle ticks and other pests.

Because this Administration understands farming needs and appreciates its importance both here and abroad, our country can look forward to remaining "the best fed, the best clothed nation on earth," and now farmers can look forward to receiving improved compensation for their efforts.

ADDRESS BY DONALD COMER, JR., PRESIDENT, AVONDALE MILLS

Mr. ALLEN. Mr. President, Avondale Mills, with general offices at Sylacauga, Ala., but with a number of textile mills throughout Alabama and in Georgia, was founded some two generations ago by Hon. Braxton Bragg Comer, Governor of Alabama, 1907–11, and U.S. Senator from Alabama, March 5 to November 2, 1920.

Subsequently, Donald Comer, a son of the Governor, and J. Craig Smith, a grandson, each served as chief executive officer of the company, and Donald Comer, Jr., another grandson, is now president, treasurer, and chief executive officer of the firm, and J. Craig Smith is chairman of the board.

Avondale Mills is a good citizen in the areas where it does business and is a good citizen of the Nation. Its many thousands of employees are fine citizens of their respective communities who have contributed greatly to the success of Avondale Mills and of their communities. They are law-abiding, hard-working, God-fearing, loyal Americans, and it is their efforts and the efforts of other Americans like them that have made our country the greatest country in the world. I am proud of them and of their accomplishments.

Each year Avondale Mills brings to Washington for a visit some 30 employees who have been winners in what is called "Avondale Mills Zero Defects" program. On April 28, 1971, along with my senior colleague from Alabama (Mr. SPARKMAN) and other Members of the Alabama delegation, I had the pleasure of attending a luncheon in the Rayburn Building

given in their honor. At the luncheon Donald Comer, Jr., made a speech which I believe will be of intreest to the Members of this body and to the public generally. I ask unanimous consent that the speech be printed in the RECORD.

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

SPEECH OF DONALD COMER, JR.

A group of International Economists gathered in Bologna, Italy the middle of April. Sometimes it is very hard for me to understand economists, but it is not hard to get the sense of this meeting as reported in April to the New York Times by Leonard Silk. As a group, they were convinced that there is something seriously wrong with the International monetary system. They report that the first thing which is wrong is the United States balance of payments.

Last year we paid $10 billion more for goods and services produced out of this country than we received for our products and services for the largest deficit in our history. Some of our economists have been saying that in 1971 the payments deficit would shrink to perhaps $5 billion. Instead, the first quarter alone apparently produced a $5 billion deficit which of course is at the rate of $20 billion a year and growing rapidly. This fact may startle some, but the course we are following practically guarantees the result.

In this country we presently enjoy the highest standard of living in the world. All of us would like to see it higher. We pay ourselves wages that allow us to buy many things we could never afford before. In recent years we have increased our rate of pay more than our productivity. Under these conditions the prices of our products must go up. This we call inflation. If our answer to the higher priced product made with American labor is to buy the product made with cheap foreign labor then we close our plants because we certainly can't look for the foreign market to take on an increasing amount of our righer prices goods.

If what we do produces a higher priced product involuntarily—buying a cheap import does not solve the problem. We enlarge our welfare roles and even increasing welfare benefits doesn't work as you run out of people who are able to pay the bill.

Several years ago Henry Ford II made a talk in Birmingham. His answer to the import problem was to make your product in another country if you could make it cheaper and bring it back. This is fine for Henry if too many don't practice his theory. But if we all get on the wagon, there won't be too many buyers in America who can afford a Ford. Mayor Lindsay says the city of New York is out of money and is calling on the State for help. Governor Rockefeller says the State is running out of money and is calling for Federal help as he says he can't raise taxes, because businesses are already moving out of New York as a result of high taxes. Some of these businesses are moving to other States but some are moving to other countries. Somebody has got to stand still to pick up the check. There is no way to pay ourselves to make a $4,000 Ford in this country but buy our Ford from Japan for $2,000 without restraint.

Avondale Mills has been in business successfully since 1897. The people who have worked for Avondale have made this record possible. As long as I am President our efforts will be aimed at moving the products made by Avondale workers, but if world trade conditions that exist today continue in the future no one can guarantee our success. I would like to help someone in Hong Kong, but not at the expense of someone in America. And this we certainly do when we bring competitor goods from Hong Kong at a faster rate than our market grows.

I resent foreign goods that are manufactured under conditions that would be illegal and intolerable in this country coming in without restraint and putting 800 people out of work in Roanoke, Alabama, for example. We are the only country that would allow this to happen. We do it under a banner of free trade that is practiced nowhere in the world but here. It is evident our foreign friends have been and will continue flooding our markets as long as it is to their advantage.

My guess is the biggest deterrent to increased imports today is the owning of more U.S. dollars. It would be hard to feel completely at ease owning currency from a country that showed such little regard for its own well being. This undoubtedly is accounting for the growing world demand for our natural resources such as coal and lumber—our raw materials cotton and soy beans—all of which contain comparatively small amounts of U.S. labor. I am not for high tariffs or cutting out imports, but I am for regulating the flow in proportion to the growth of our market. Otherwise, there will be a growing concern about the soundness of our dollar and rightfully so.

J. EDGAR HOOVER'S 47TH ANNIVERSARY AS FBI DIRECTOR

Mr. McCLELLAN. Mr. President, today, May 10, 1971, marks the 47th anniversary of J. Edgar Hoover's service as Director of the Federal Bureau of Investigation. Our Nation owes a tremendous debt of gratitude to this man, whose life—since his appointment in 1924—has been devoted to making society safer and law enforcement the people's servant.

One of Mr. Hoover's greatest contributions has been his efforts to upgrade local and State law enforcement. In every possible way—for example, the conducting of police training schools—Mr. Hoover has sought to make local police more efficient and a more effective deterrent against all forms of lawlessness.

In 1935, the Director instituted the FBI National Academy, a police training school which, to date, has graduated more than 5,800 police officers from every territorial possession and State in the Union. These men have received the finest, scientific crime detection training in the world. Many of the academy's graduates have returned to their own departments as instructors and executive officials. In fact, the latest statistics show that 27.8 percent of its graduates now occupy executive positions with their respective agencies.

In this regard, I am proud to have sponsored the Omnibus Crime Control and Safe Streets Act of 1968, which provided more than $5 million to improve training facilities and programs at the Bureau's National Academy in Quantico, Va.

Mr. Hoover is the symbol of a public servant who has given unstintingly of his time, abilities and vision for the enhancement and improvement of America's law enforcement and its personnel. Our salute goes to this great man today.

IN TIMES LIKE THESE, WE NEED A STRONG AIR FORCE

Mr. GOLDWATER. Mr. President, to most Americans, the name "Jimmy Doolittle" is synonomous with the spectacular air raid on Tokyo in World War II. He remains an enduring symbol of the military and psychological effectiveness of air power.

Today, nearly 30 years later, he works as hard at his country's defense problems as he ever did—perhaps even harder, because America's defense problems are far more complex and involved than in World War II. During his career, General Doolittle often advanced theories which were not always readily accepted by the establishment. But because Jimmy Doolittle did his homework and stuck to those areas where he had unquestioned expertise, he was more often proved correct than not.

Recently, at the Florida convention of the Church League of America, held in Cape Canaveral, Fla., April 2, 3, and 4, General Doolittle warned:

It is obvious that we are not in as good a bargaining position (in the maintainance of world stability) as we were in 1962 and if our military retrenchment and Russia's increasing strength continue, as in the recent past, our relative position will deteriorate rapidly from now on . . .

We live in a troubled world and have serious national and international problems. To maintain our national security we must have the will and courage to use it if necessary. We must be strong on land, at sea and in the air.

I have known and admired Jimmy Doolittle for many years and believe his expert analysis of our air strength, and its ability to successfully defend our Nation and its international commitments, is worth of the attention of my colleagues especially at this time when we are making so many decisions affecting our long-range defense posture. I ask unanimous consent that Gen. Jimmy Doolittle's remarks, "In Times Like These, We Need a Strong Air Force," given April 3 at the Church League of America's convention, be printed in the RECORD.

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

WHY WE NEED A STRONG AND MODERN AIR FORCE

(By J. H. Doolittle)

The primary purpose of our military is to assist in carrying out national policy. Our armed forces must be capable of preserving the peace and security of the United States, providing for its defense, and overcoming any nation responsible for aggressive acts that imperil our peace and security. We must be prepared to fight and win any war if deterrence fails.

The mission of the Air Force is to provide:

Strategic aircraft and land-based, long-range missiles, hopefully as a deterrent force.

The primary aerospace forces for the defense of the United States against air and missile attack.

Land-based, tactical aircraft needed to establish air superiority, to interdict the enemy and to provide air support for ground forces in combat.

The primary airlift capability for use by all of the nation's military services and by other government agencies.

The Air Force also provides the major space research and development support for the Department of Defense and, in the interest of national economy, assists the National Aeronautics and Space Administration in conducting our nation's space program.

I think of our Military Establishment—Army, Navy, Marine Corps and Air Force—

as a team with each Service playing an important and necessary position on that team.

Competition is desirable and important. But competition should be constructive, not destructive. Competition for excellence, to do the best possible job, but not at the expense of, or damaging to, another Service.

It is to be hoped that our military strength will always be sufficient to deter war. This is the principal function of our Military Establishment. However, if war should be forced on us we must be able to prevail—hopefully and decisively.

I am not going to deal at length with the threat because I am sure that other speakers will cover this subject. I'll merely say—paraphrasing a talk given by General Ryan, Chief of the Air Staff, earlier this year—that in 1962 the United States had some four hundred ballistic missiles which could have struck the Soviet Union and Russia had thirty-eight ICBM's. This disparity was a powerful diplomatic tool for our President during the Cuban crisis. Five years ago they had about one-fourth as many ICBM launchers as we had and today they have some forty per cent more than we have.

They have an even greater advantage in megatonnage deliverable. This is reliably reputed to be more than twice ours. They are presently able to deliver twenty-five-megaton nuclear warheads. Such a warhead is about a thousand times more powerful than either of the A-bombs dropped over Hiroshima and Nagasaki. In addition to the continuing development of its aerospace power the Soviet Union maintains a large, well equipped, modern army and has developed a powerful navy. The recent appearance of their navy in various parts of the world indicates their desire and intention of expanding their sphere of influence—and reducing ours.

It is obvious that we are not in as good a bargaining position as we were in 1962 and if our military retrenchment and Russia's increasing military strength continue, as in the recent past, our relative position will deteriorate rapidly from now on. In the light of present national problems and policies we can only hope that they may slow down.

We would like to feel that we have striven for quality while they are going for quantity. The fact that they are presently doing some 20 per cent more research and development than we and that their R and D program is increasing at 10 to 15 per cent per year while ours is being further reduced each year, tends to belie this.

They, for example, have introduced a new fighter on an average of one every eighteen months. They now have in production a Mach 3 fighter which is significantly faster than any we have in operational use. Our latest Air Force air superiority fighter is the F–104 which went into production in 1956 and was retired from our service in 1968. (It is still being used by several foreign governments.) The last U.S. Navy fighter with an air superiority capability, the F–4, came out in 1960. It—in one of its several modifications—is being used by both the Navy and the Air Force. The Soviets are modernizing their strategic bomber force and are developing a new variable geometry wing, long-range bomber. We need a new air superiority fighter for home defense and for tactical use; to maintain control of the air over the battlefield.

Anyone who is realistic knows that we cannot negotiate successfully with the Soviets from a position of weakness.

Also we must not forget that China is rapidly developing a nuclear capability.

Let us first look at our deterrent force. Deterrence is primarily a role of the Navy and Air Force. The Navy is responsible for submarine-launched missiles. The Air Force is responsible for land-based, long-range missiles and long-range bombers. All are needed.

The submarine-launched missiles, as of now, provide mobility and relative invulnerability. The land-based missiles have a precisely known location and provide great accuracy, high state of alert (nearly 100%) and relative economy. The bomber provides flexibility—strategic options to meet varying conditions—reusability and the ability to recall after a period of consideration—up to several hours—should that be desirable, say to a false alarm or misunderstanding. With the missile it is all or none. The bomber gives the President a range of nuclear and conventional options designed to deal with situations short of an all-out nuclear exchange that are available with no other strategic system.

There wil be arguments that one of these systems is better than the others so why not have only that one at one-third the cost. This argument is specious for the following reasons:

1. We should never put all our eggs in one basket. This is a wise military—and business—precaution.

2. It would not cost less but more to achieve a deterrent capability equal to what we have with the three if we went to a single system.

3. It would be much easier and cheaper for an enemy to cope with a single system.

Let us deal with these three points in order.

First: If we have only one system technological developments on the part of the enemy might make that system so vulnerable as to lose its deterrent capability and we could be faced—at the very least—with nuclear blackmail. Possibly with nuclear destruction if we did not promptly meet the enemy's demands. We should never forget that the French depended—to their sorrow—on their supposedly invulnerable Maginot Line.

Second: If we had but one system it, to do its deterrent job, would have to be substantially larger than any one of the three systems and, to be reasonably invulnerable, it would have to have extensive support systems.

For example: In the case of submarine-launched missiles we must presume that the Russians have been carrying on extensive research on anti-submarine warfare. It is likely that they have been working all out to devise means of finding and destroying our submarines. Should they be successful much or all of the value of our submarine-launched deterrent would be lost and in any case large expenditures would be required on anti-anti-submarine warfare. It would mean huge expenditures in a crash technology program and in the acquisition of more attack submarines, ASW carriers and aircraft—or some new devices if these no longer sufficed. At the very least a nuclear submarine fleet would have to have nearly twice as many missiles to get the equivalent missile capability of a land-based system. This is because only part of our submarines are on station and ready for action at any one time. The rest are enroute, being refitted or in overhaul. This would mean a great increase in the number of submarines and missiles, a large increase in supporting boats and land stations and a tremendous increase in cost.

In the case of land-based missiles it would mean a very large expenditure for greatly increased hardening and/or dispersal and in much more ballistic missile defense. Some ballistic missile defense is now necessary and we should, to assure the survival of our present force, proceed promptly with the Safeguard Anti-Ballistic Missile program. This defense, with the four Safeguard sites and extensions of that development, coupled with increased hardness of Minuteman silos will go a long way in providing a continuing level of adequate security. This should assure that a large fraction of our Minuteman force would survive on initial surprise attack.

In the case of the strategic bomber much more sophisticated penetration aids, increased dispersal, possibly underground shelters and eventually a completely different type of craft would be required to meet the new threat.

At present that part of our bomber force which is on alert should survive an unexpected attack. This survivability is to some considerable degree a function of warning time, missile flight time and the reaction time of the bomber. We can, at present, cope very well with conventional missiles. Should the enemy develop a flat trajectory missile and deploy his submarines very close to our shores the threat to our bombers and, of course, to our Polaris subs in port and our cities would be substantially increased. Steps are being taken to cope with this threat. One is a new satellite warning system which is designed to provide warning during the boost phase. Another is shortening the bomber reaction time. By modifying the B–52's and KC–135's for quick starts and by placing the crews closer to their aircraft they should be able to escape an airfield attack in substantially shortened time. All of these steps are in the works.

At this point I should speak of the B–1. The proposed new strategic bomber.

While the old B–52's have done, and are doing, a great job, we badly need a modern replacement. The first B–52's were delivered to SAC in 1955. The earlier models have been phased out but the later and more capable models—the G's and H's—were delivered in the early 60's and so will be nearing 20 years of age in 1980. Eventually they will have to be replaced and we should start the replacement program now in order to be sure the replacement aircraft may be phased in in an orderly fashion. The B–1 will be a far more effective airplane than the B–52 and, due to increasing cost of continually updating and modifying the B–52, we will not save money by postponing the modernization program. The requirements for the new airplane are as follows:

"The replacement must be able to launch out from under a surprise first strike by the Soviets, carry a variety of weapons to intercontinental range, penetrate—predominantly at low altitude—Soviet defenses, to deliver weapons on military or, if necessary, on urban industrial targets and recover outside enemy territory." The airplane must have a much better survival capability in, say the 1978 era, than the B–52. It should be widely dispersible—able to use more available fields, have a faster launch capability, significantly greater range-payload, higher speed aloft and near the ground, more advanced penetration aids, reduced radar cross-section (RCS), a smaller infrared signature (IR) and greater accuracy of delivery; smaller CEP's. The proposed B–1 meets these requirements and I strongly recommend it to you.

Of course, the new bomber will also be useful—as has been shown by the B–52 in Viet Nam—for conventional warfare.

And third: It is obvious that if the enemy had only one system to deal with he could much more economically and efficiently direct his technology to cope. His defense against the threat would be much simpler and he could therefore effect very great savings in technology, production and operation.

At this point we have to consider the Counter Force and the Counter Value concepts. Attack on the enemy's retaliatory force or on his centers of industry and population—his cities.

It is to be hoped that the enemy's first strike, if it comes, will be against our counter force. This, however, is by no means sure. Were he to consider our counter force invulnerable or were he able to immobilize it and still not achieve his aims he might he might well attack our cities. In the latter stages

of World War II it is sure that Hitler would have attacked our cities if he had had the capability to do so. And remember, Germany was working on the atom bomb.

The best protection our cities can have is "deterrence"; the assurance that if the enemy attacks our cities we can, and will, destroy his. For this we must have an assured destruction capability even after an all-out surprise attack.

The President has expressed a desire to ". . . insure that all potential aggressors see unacceptable risks in contemplating a nuclear attack, or nuclear blackmail, or acts which could escalate to strategic nuclear war. . . ."

I strongly advocate the mixed force concept. An all sea, all land, or all airborne force would be less effective, more costly and possibly calamitous. We need submarine-based missiles, land-based missiles and long-range bombers.

Any defense is costly. We must reduce costs to the absolute minimum. We must get the most defense for the least expenditure. But we must be sure—or as sure as it is possible to be that we can deter—or prevail. No single system gives economy and assurance. Our national survival is at stake. Three baskets of eggs.

We all remember the "Gay 90's" and other famous eras. General Bruce Holloway, Commander in Chief SAC, at their 25th anniversary celebration in Omaha on 21 March, spoke of this present era as "the Perilous Seventies." The nomenclature is apt.

And now let us consider defensive forces.

At present, the primary objective of our continental air defense is to contribute to our over-all deterrence posture. By maintaining a strong air defense we discourage aggression and limit the options available to the Soviet war planners. If they felt their bombers could easily get through our defenses, they would be more inclined to attack and could divert missiles from some of their presently assigned targets on the assumption these targets could be knocked out by bombers.

Our air defense forces, although greatly reduced throughout the sixties, are still responsible for the defense of the United States against attacks from Soviet bombers. During this same period, the Soviets have maintained a force of nearly 200 heavy and 750 medium bombers and tankers. And, as mentioned earlier, we have evidence of their development and testing of a new supersonic bomber with a greater potential than our new FB–111A.

Our quantitative reductions, which were predicated upon the deployment of a more modernized and efficient air defense system, have left us in an inferior position to blunt a full force Soviet bomber attack. Qualitative improvements in our air defenses are needed if we are to deny the Soviet bomber force a virtual free ride in attacking its choice of targets in this country. Our air defense concept, sensitive to fiscal constraints and other military priorities, calls for a modest-sized force primarily oriented to area defense. The key elements in this force are the Airborne Warning and Control System (AWACS), Over-the-Horizon Backscatter radar (OTHB), and an improved interceptor—the F–15—to exploit fully the AWACS and OTHB systems' capabilities. The Airborne Warning and Control System and the Over-the-Horizon Backscatter radar are progressing satisfactorily but the problem of an improved interceptor has, unfortunately, not been resolved.

It should be pointed out that the AWACS will be equally effective and capable for both battle management in CONUS—Continental United States—air defense and in tactical combat operations. It will significantly improve the effectiveness of current as well as any improved interceptor or fighter/attack aircraft.

For strategic reconnaissance the Air Force has an excellent airplane; the SR–71. It has a speed of Mach 3—almost 2000 miles per hour—operates at up to 80,000 feet—over 15 miles straight up—and can accurately survey 60,000 square miles per hour.

Of course we never, in this imperfect world, have as many of anything as we want—with the possible exception of miseries.

Since before the end of World War II and until the present time, U.S. ground forces have fought with the tremendous advantage to our side of having complete air superiority. The advantage of air superiority has never been more dramatically demonstrated than in the Six Day War in the Middle East. Prompt success in this conflict also pointed up the supreme importance of accurate intelligence, secure and reliable communications and delegation of authority for tactical operations to the field commander. Because of the rapid advancement in fighter aircraft being made by the Soviet Union, the highest priority development for our tactical air forces is the F–15 counter-air fighter for the post-1975 time period. As previously mentioned our best present fighter, the F–4E, will be 15 years old in the mid-1970's and the new family of Soviet fighters, which are the forerunners of our potential opposition in that time period, give all indications of outclassing the F–4E in many important aspects.

The F–15 will be outstanding in maneuverability and acceleration. In fact, for close-in maneuvers, it will be superior to any aircraft in sight through 1980. The fire control and multi-weapon options for the F–15 will make this aircraft highly effective in the various counter-air missions.

It should be able to cope with the newest and best Soviet fighters and with their new supersonic bomber. I commend it to you.

Our retaliatory forces should continue to deter full-scale attack upon the United States as long as we maintain the unquestionable capability to inflict significantly greater damage upon the Soviet Union. For deterrence to be effective the Soviet leaders must expect heavy losses to themselves were they to initiate a full-scale exchange. War under these circumstances would produce large-scale destruction and massive fatalities on both sides—which neither wants. Therefore, for the immediate future, full-scale nuclear wars seem unlikely, at least as a result of deliberate, rational initiation. The preservation of this condition must remain our Number One national priority.

But deterrence of all-out nuclear war is not, in itself, sufficient. We must also deter smaller, conventional wars. We have an obligation to the Free World—to help keep it free. The United States has made agreements with foreign governments because of our obligations and because of the global nature of our economic and political interests. For example, the United States presently has bilateral and collective defense arrangements with some 43 countries around the world.

Not only has the Soviet Union achieved approximate strategic parity with the United States, but the Soviets are improving their power position by increasing the strength of their general purpose forces. With more powerful conventional forces we may anticipate that they may, through military power, endeavor to increase their influence in various foreign areas. Their activities in the Middle East and Caribbean are current examples. Against a background of strategic parity, in contrast to their past strategic inferiority, the Soviets may feel much greater freedom to press any local military advantages when doing so contributes to their long-range aims.

In order to project United States strategic power to those areas considered vital to our national security, we must possess credible and useable power. This requirement for credible and useable power at less than nuclear exchange dictates our requirement for general purpose or tactical forces. Here, as in the strategic warfare arena, the Air Force views the job as a team effort; consequently they believe in and support a balanced force of land, sea and air elements.

Now let us consider Tactical Forces and conventional war.

The Tactical Air Command is the United States Air Force's mobile nuclear and nonnuclear tactical strike force. Mobility and flexibility are the key elements which enable TAC to deploy forces anywhere in the world on short notice to conduct tactical air operations.

The mission of the TAC forces is:

Counter-air—gaining and maintaining control of the air to deny the enemy use of the skies over the combat zone.

Air Interdiction—action taken to deny the enemy's deployed combat forces the supplies, mobility and reinforcements needed to carry out sustained operations.

Close Air Support—destruction of enemy forces in the immediate battle area in support of friendly ground forces.

Tactical Air Reconnaissance—obtaining accurate and timely information on the activities of enemy forces by visual, photographic, and electronic means.

Tactical Air Lift—providing mobility to friendly forces through air transportation and sustained logistical support in all types of operational areas.

Tactical Electronic Warfare—using electromagnetic means to help establish an operational environment to assure that commanders of friendly forces continually retain the tactical initiative in the attainment of assigned objectives.

It is not always possible to meet all the Air Support requirements of the Army but, within the limitations imposed by a very restricted military budget and the several competing tasks that must be carried out, the Army should get—as far as humanly possible—exactly the service they desire.

The action in Viet Nam gives a good illustration of the use of air power in a nonnuclear conflict.

In measuring the accomplishments of air power in Southeast Asia, it is tempting to focus on the statistics of the air war—the thousands of sorties flown, bombs dropped, targets destroyed. Indicated in this way, the Air Force record is quite impressive. That record is much more significant, however, when considered with our national objectives in Southeast Asia. Over all, the major achievement of air power has been its contribution toward preventing a communist takeover of South Viet Nam.

In 1965, such a takeover seemed inevitable. Communist forces controlled most of the country. South Vietnamese morale was low and the fall of the government was imminent unless the Vietnamese were given substantial assistance. Air power was the only way of providing assistance quickly in amounts large enough to take the initiative and victory away from the Viet Cong.

After that initial response, air power has played a dominant role in assuring the continued existence of a free South Viet Nam by preventing the massing of enemy supplies and troops necessary to overrun the country, by raising the price of aggression, and by providing essential close air support for our combat engaged ground troops. In North Viet Nam and along the Ho Chi Minh Trail, our interdiction strikes have made the movement of men and materiel into the South extremely costly for the North Vietnamese. In 1967, authorization was granted to strike military and industrial complexes in the vicinity of Hanoi-Haiphong. During that year, most of North Viet Nam's heavy industry and electrical power sources were destroyed by air attack. In South Viet Nam, controlled air strikes have been placed on enemy camps and forces shortly after

their discovery. In South Viet Nam, our air strikes have often been conducted within less than 100 feet of friendly forces; in the North, similar bombing precision was required while flying against a dense air defense system of anti-aircraft artillery, SAM's and MIG's.

Wherever the enemy concentrated his forces—no matter what the cost—to seek a major victory, the application of air power has prevented it. At Khe Sanh, for example air power enabled 6,000 Marines to hold off 20,000 to 30,000 North Vietnamese regular troops and, in the process, destroyed at least two of the North Vietnamese divisions involved by killing an estimated ten to fifteen thousand enemy troops.

If, in South Viet Nam, communist troops have operated primarily at night, it is because the quick response of air power restricted their daylight operations. Our applied R & D efforts toward more effective night and all-weather operations are paying great dividends. Despite the reduction in the number of sorties we fly, our campaign to impede the movement of supplies to South Viet Nam by the North Vietnamese is significantly more effective this year than last. Some of our night and all-weather bombing systems are just really getting started over there and have shown a marked increase in effectiveness. We have destroyed/damaged nearly 60% more trucks during January 1971 than we did for the same period last year even though the total number of trucks sighted was down.

This is what air power has accomplished and is accomplishing in Southeast Asia.

Our air power consists of more, of course, than close air support and interdiction. Our ground and air operations in Southeast Asia would have been impossible without air logistics and air reconnaissance.

A unique feature of the war in Southeast Asia and a trend indication for future conflicts is the fact that over 90% of the United States participants have been airlifted to and from the combat zone. As a mater of fact, during the TET offensive of 1968, units which were airlifted from the Continental United States were in combat before other units located at forward staging bases who traveled by other means. The increased use of airlift has considerably reduced the en-route time and pipeline inventory of supplies and equipment, especially those items considered high priority or high value.

Another important task of our airlift forces is that of aeromedical evacuation. Air Force and Military Airlift Command (MAC) units are credited with reducing the 4½ per cent mortality rate of World War II to approximately one per cent for the Viet Nam conflict. One reason for this was the reduced time required to evacuate casualties from the combat zone to rear theater and CONUS hospitals by the C–141 jet transports.

Our tactical airlift forces which provide the intra-theater airlift have proved to be the lifeline of our ground and air combat forces. The level of their achievements has been unprecedented. For example, during the first quarter of 1968, the tactical airlift forces in Viet Nam—comprised of the C–130's, C–123's and C–7's airlifted 250,000 tons of cargo and 992,000 passengers.

Tactical reconnaissance has provided both air and ground commanders essential information upon which to plan and conduct their military operations.

Recently, Vice President Ky said: "The whole operation of South Vietnamese troops in Laos depends on the supplies and firepower of the United States Air Force." (Washington Post, 5 March 1971.)

Support of ground troops will continue to be an important Air Force mission, not only in Southeast Asia, but in any future conflicts. While aircraft now used for close air support are performing that mission very successfully, the need exists for a specialized close air support aircraft. Such an aircraft, called the A–X, is now under development. It is specifically designed to be responsive to Army requirements and desires and will combine the optimum qualities of speed, maneuverability, large ordnance loading and the ability to loiter, or remain over the battlefield, for long periods of time. The A–X will be designed to reduce in vulnerability to ground fire and its speed and maneuverability will enhance survivability. Its speed will also make it responsive to the needs of the ground commander, as will its loiter capability. It is a highly survivable weapon system designed for maximum target destruction and minimum aircraft attrition. The A–X will be a relatively inexpensive and unsophisticated airplane. The combination of low cost and development risk, maximum target destruction, and low attrition rates should provide the best weapon system for a given cost. Competitive prototype contract awards were let to Republic Division of Fairchild-Hiller Corporation and the Northrop Corporation in December 1970. The prototypes should be flying by mid-1972.

In addition, the quality of the tactical fighter/attack force is presently being improved by the addition of operational A–7's and F–111's. The A–7 is designed to carry a large payload and deliver it accurately and will help fill our needs for advanced fighter/attack aircraft for interdiction and ground support. The F–111 will be the finest night and all-weather interdiction aircraft in the world.

One unique innovation in ground support which evolved from the Viet Nam conflict is the gunship. These are transport aircraft which have been armed with "Gatling" machine guns, firing up to 6,000 rounds per minute. Originally these were converted C–47's. The first one was nicknamed "Puff the Magic Dragon." The latest version is a specially equipped C–130. This aircraft is equipped with 40 mm. guns rather than the 20 mm. guns that are standard on the C–47 and C–119 aircraft. Other new equipment includes a special detection system and a laser range finder. The gunships have significantly increased our capability to locate and destroy trucks at night and in jungle terrain. The gunships have been credited with saving many friendly villages and garrisons under siege by enemy forces, especially at night. The Air Force plans to retain and enhance this capability in the tactical forces.

The Military Airlift Command is a major command of the United States Air Force. It is also designated as the Single Manager Operating Agency for Airlift Service for all the Military Services.

Strategic combat airlift is the primary mission of the Airlift Command. It maintains "quick response" capability to support Department of Defense operations around the globe. Its jet aircraft are ready to airlift complete Army, Marine and Air Force units from the United States to threatened areas of the world in a matter of hours and paradrop them into the battle zone if necessary.

In addition MAC performs other major missions for all of the military services. They include: logistic resupply; aeromedical evacuation; aerial search and rescue of persons in distress and recovery of space hardware; weather reconnaissance, forecasting and observing; documentary photography, and cartographic and geodetic services. The command also acts as executive agent to contract commercial airlift for the Department of Defense.

As we continue to bring our troops home from foreign soil the ability to move our combat forces rapidly to any location where they may be needed becomes increasingly critical. To meet this need, the USAF has developed a Bare Base Equipment Program that provides an immediate capability for deployment to worldwide locations including isolated, bare airstrips where only a useable runway, taxiways and a water supply exist. This Bare Base Equipment Program adds more than 1400 possible operating locations to deployment options and provides air transportable, reusable, and easily relocatable facilities and equipment for worldwide use in response to short- or medium-term emergencies.

The key to our global mobility is airlift. We expect to attain an all-jet strategic airlift force this summer and will continue to increase its over-all capability as more C–5's enter the inventory. Presently there are 20 C–5's assigned to operational units. They are flying in our airlift system with scheduled runs to both the Pacific and Europe.

The C–5 Galaxy, the newest and largest cargo transport, provides a powerful tool where a quick military reaction is required. Teamed with the C–141 it now makes it possible to deploy fully equipped ground combat units, including their heavy equipment such as tanks, artillery, etc., from stateside bases to any desired foreign location in order to meet our nation's global defense responsibilities.

Tactical airlift aircraft, like the C–130, move troops and cargo within combat areas, landing on short, unimproved runways and often delivering their payload under heavy enemy fire. This team of strategic and tactical airlift, combined with combat ready ground forces, provide our national leaders with the capabilities of putting out faraway "fires" quickly.

Shortage of time prohibits more than mentioning the Air Force's considerable interest in space for defensive and offensive operations. They are developing space systems for early warning, improved communications, navigation and weather observation.

The work in meteorology has a direct tie-in with the study of atmospheric pollution; so the Air Force is actually working toward an improved environment.

The Air Force also has a humanitarian role.

Deterring and fighting wars is not the only mission performed by the Air Force—especially airlift forces. The concern of Air Force personnel throughout the world for their fellow man is evidenced by the fact that they are "good neighbors" in any community and by their swift response to national and international appeals for help. They helped during the Anchorage earthquake in 1964, the Fairbanks flood in 1967 and after the hurricane Camille disaster in the Biloxi-Gulfport area in 1969.

In February of this year, the Air Force launched Operation Haylift in response to urgent plans from farmers in blizzard-swept Kansas and dropped 35,000 bales of hay for 275,000 head of cattle stranded in deep snow.

The blizzard, reported to be the worst this century, dumped up to 24 inches of snow on the area in two days. Drifts up to 27 feet were reported.

The hay was dropped from C–130 Hercules transports from Forbes Air Force Base, Kansas. Air crews flew three missions a day over a five-county area with cargo doors open, dropping their cargo to stranded herds.

In related mercy missions, HH–43 Husky helicopter crews from Cannon Air Force Base, New Mexico, rescued stranded motorists on snow-blocked highways.

In Southwestern Oklahoma, 50 Air Force volunteers from Altus Air Force Base, Oklahoma operated a 12-truck rescue service for stranded motorists.

The Air Force is available when stationed in or requested by foreign country to assist our neighbors in disaster relief.

More than fifty thousand mercy missions, involving more than a million flying hours, have been flown by the Air Force.

The record of our military in helping people in distress everywhere validates our nation's quest for peace. These actions show all people, throughout the world, the value

we place on human life, on the dignity of man, and on the relief of suffering.

And in conclusion I would like to state in a very few words why we need a strong and modern Air Force.

We live in a troubled world and have serious national and international problems. To maintain our national security we must have a strong military establishment and must have the will and courage to use it if necessary. We must be strong on land, at sea and in the air.

We therefore need a strong, modern, well-equipped, well-manned Air Force because it is a very important member of our military team. Our military team is a good team—the best. We owe it our homage and our support.

THE SPACE SHUTTLE

Mr. CHILES. Mr. President, ever since the time in my childhood when I first read the story of "The Blind Men and the Elephant," I have been fascinated by the common human trait described in that ancient fable of old India. Everyone remembers how one blind man thought an elephant was like a rope, another that it was like a tree, and still another that it was like a wall—all from taking data out of context, and not bringing them all together to get the whole picture into account.

I mention the old Indian story only because it always remains so timely. The most recent example that has come to my attention concerns a letter written by Dr. George M. Low, at the time Acting Administrator of NASA, to Senator PROXMIRE. The letter which the Senator had printed in the RECORD of April 30, was in response to Mr. PROXMIRE's request to provide a justification for the proposed space shuttle.

Dr. Low wrote a long, responsive, and quite detailed letter, but the Senator from Wisconsin (Mr. PROXMIRE), in commenting on it last week, chose to single out and attack a single paragraph that he considered to be the gist of it.

Here is the paragraph he chose:

> The basic premise leading to the conclusion that this nation should proceed with the development of a space shuttle system is that the United States should and will continue to have an active space program from now on.

The distinguished Senator from Wisconsin paraphrased this, in his incisive fashion, by going on to say:

> In other words, NASA does not expect any tangible benefits.

That would appear to be an idea that is considerably different from the one Dr. Low had intended to convey. With all due respect to the learned Senator, it seems to me that his conclusion is not unlike saying that an elephant is like a rope.

If I were to pick a single paragraph of Dr. Low's letter that summed up the gist of the argument, it would definitely not be the same paragraph that was chosen by Senator PROXMIRE. Instead, I would choose this one:

> The space shuttle is not a "manned spacecraft"; it is a reusable space transportation system to deliver manned and unmanned payloads to low earth orbit. With the shuttle, we will be able to repair, modify or update manned and unmanned payloads in orbit or return them to earth. We will minimize costly failures or automated missions. And we will be able to reduce significantly the costs of payloads by taking advantage of the much larger payload-carrying capacity that will be available. In short, with the shuttle, we will be able to do more in space, better and at less cost.

Let me hasten to say, however, that I do not think that even this one paragraph gives the reader more than a part of the total picture. To fully understand the things one will be able to do in space, one really has to follow NASA's detailed testimony before the Senate Committee on Aeronautical and Space Sciences. During the hearings before that committee Dr. Low and his colleagues made it very clear that our space program will bring to us many benefits in science as well as benefits of immediate use to man on earth.

Specifically, some of the many benefits are as follows:

First. An economical transportation from earth to space—and back to any point on earth.

Second. Assists greatly in enabling us to capitalize on our scientific and technological investments such as space communications, weather satellites, and geodetic programs.

Third. The shuttle makes a major contribution to such fields as natural resources identification and management, pollution monitoring, weather modification and climate control, television distribution, earthquake protection and avoidance, education, public health, and safety.

Mr. President, I, therefore, ask unanimous consent that the letter dated April 27, 1971, from Dr. George M. Low, be printed in the RECORD:

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., Apr. 27, 1971.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in further response to your letter dated April 7 regarding the space shuttle program.

The President's budget request for NASA for FY 1972 includes a request for $100 million for the space shuttle. This funding will provide for the detailed design and development of the shuttle engines, the longest lead time component for the shuttle, and for proceeding on an orderly step-by-step basis with the shuttle airframe design. This may lead to continued detailed design or to initiation of development of a specific design, depending on the progress of the studies now underway.

We have recently settled on a single set of performance characteristics for the preliminary design of a two-stage fully reusable shuttle. Alternate approaches are also still under study. We expect to be in a position to make decisions this summer on how we will proceed with airframe design or development in FY 1972.

The basic premise leading to the conclusion that this nation should proceed with the development of a space shuttle system is that the United States should and will continue to have an active space program from now on. Our present systems for getting into and using space are much too complex and costly. We need a new approach to make space more economical for all users—NASA, the Department of Defense, other government agencies, and commercial enterprises. The space shuttle represents this new approach to space operations. Because it is reusable, we will no longer have to throw away each element of hardware, booster or spacecraft after only one use.

The space shuttle is not a "manned spacecraft;" it is a reusable space transportation system to deliver manned and unmanned payloads to low earth orbit. With the shuttle, we will be able to repair, modify, or update manned and unmanned payloads in orbit or return them to earth. We will minimize costly failures of automated missions. And we will be able to reduce significantly the costs of payloads by taking advantage of the much larger payload-carrying capacity that will be available. In short, with the shuttle, we will be able to do more in space, better and at less cost.

With respect to your question regarding benefit-cost analyses of the shuttle, Mathematica Incorporated, under NASA Contract No. NASw-2081, is performing a benefit-cost analysis of an overall space transportation system, of which a reusable shuttle is a key element. The contract under which this study is being performed calls for Mathematica Incorporated to provide an independent opinion of the benefit-cost aspects of such a space transportation system. This study has not been completed; however, I am enclosing for your information an interim report dated March 15, 1971, which reports on fairly early work under the contract. NASA is now reviewing this interim report and is awaiting a more comprehensive report which is expected by the end of this fiscal year. When the more comprehensive report is available I will send it to you.

If I can provide any additional information, please let me know.

Sincerely yours,

GEORGE M. LOW,
Acting Administrator.

THE NEW JERSEY GUARANTEED INCOME EXPERIMENT

Mr. RIBICOFF. Mr. President, many fear that a guaranteed income will stifle work incentives. Demonstration programs with a guaranteed income carried out by the Office of Economic Opportunity refute this view. In fact, it appears that guaranteed income levels may stimulate recipients to seek better, higher-paying jobs.

The interim conclusions of the OEO study show that "there is still no indication of a precipitous withdrawal from the labor force by families who receive income-maintenance payments."

It is time to open our minds to new concepts of public assistance. Present welfare programs have only aggravated the poverty problem as shown by the fact that America's 1970 population consisted of 25.5 million poor persons, a rise of 5 percent over last year.

I ask unanimous consent that articles from the New York Times, Wall Street Journal, and Washington Evening Star describing the OEO study be printed in the RECORD.

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

POOR IN NATION RISE BY 5 PERCENT, REVERSING 10-YEAR TREND

(By Jack Rosenthal)

WASHINGTON.—The number of the poor in the nation increased sharply last year, re-

versing a 10-year trend, the Census Bureau reported today.

There were 25.5 million poor persons in 1970, a rise of 1.2 million over 1969, the bureau found in its annual population survey.

"This is the first time that there has been a significant increase in the poverty population" since it began keeping such statistics, the bureau said.

The increase, of 5 per cent in one year, follows a period of 10 years in which the poverty population decreased by an average of 5 per cent a year.

The Federal Government defines poverty by a sliding dollar threshold. It was $2,973 in 1959, $3,743 in 1969 and $3,968 in 1970.

The dominant reasons for the increase in the number of the poor are unemployment and inflation, Government analysts said.

Unemployment, which averaged 3.5 per cent in 1969, jumped to 4.9 per cent in 1970 and was undoubtedly a major factor, according to John O. Wilson, research chief of the Office of Economic Opportunity, the Federal antipoverty agency.

Census experts said they also saw signs of increasing underemployment among men who are willing and able to work but cannot find enough work to earn even the poverty minimum.

Inflation has added to the ranks of the poor a number of families on fixed incomes, the experts said. These include those on pensions and those on welfare in states, like California, where welfare payments have not kept up with price increases.

Those most heavily affected, the new census report showed, were families headed by women. Of the 1.2 million more poor people, half were members of such families.

More than a third of the total, 432,000 were members of black families headed only by mothers. This number accounted for virtually all the increase in poverty among Negroes.

For all races, families headed by women accounted for only 14 per cent of the population but 44 per cent of the poverty population.

Over-all, the rates of increase were about the same for both whites and blacks. One in 10 white persons lives in poverty, compared with one in three Negroes.

MORE POOR WHITES

But there still are far more poor whites than poor blacks. The white poverty population is now 17.5 million, 67 per cent of the total. For Negroes the figure is 7.7 million.

Despite the increase in poverty between 1969 and 1970, there are still far fewer poor people, according to the Federal definition, than there were in 1959 when statistics were first compiled. The poverty population then totaled nearly 40 million.

But, as the total has decreased, the proportion of the poverty population that is Negro has increased. The present figure is about 33 per cent. In 1959 it was about 28 per cent.

In 1970, black families were not only far more likely than not only far more likely than whites to be poor, but also to be poorer than whites. The average poor white family's income was about $1,000 below the poverty line. The average Negro family's income was about $1,300 below.

To increase the income of all poor families up to the poverty minimum, the Census Bureau estimated, would cost $11.4-billion. In 1969, the amount was $10.1-billion.

RISE IN URBAN POOR

Poverty is almost evenly divided between rural and urban areas. But nearly all of the increase from 1969 to 1970 came in the latter.

There were about 5.2 million poor families in 1970, an increase of 264,000, the report showed. Of this increase, 90 per cent was accounted for by families in metropolitan areas.

The report also offered a statistical picture of the near-poor. Thus, if the poverty minimum were increased one-fourth, to $4,960, for an urban family of four, poverty among Negroes, would jump from 33 to 43 per cent, among whites from 10 to 14 per cent.

Copies of the new report, "Consumer Income, P–60, No. 77," are available for 10 cents from the U.S. Government Printing Office, Washington, D.C. 20402.

YEAR-BY-YEAR TOTALS OF PERSONS IN POVERTY

WASHINGTON.—The following table, based on Census Bureau figures, shows the number of Americans below the poverty level, and their percentage of the total population, for the years 1966–70. For a family of four, for poverty level was $2,973 in 1959 and $3,968 in 1970.

Year	Number (in millions)	Percent of population
1966	28.5	14.7
1967	27.7	14.2
1968	25.3	12.8
1969	24.2	12.2
1970	25.5	12.6

LOW-PAID WORKERS GET BETTER JOBS DUE TO GUARANTEED INCOME, OEO STUDY FINDS

(By Jonathan Spivak)

WASHINGTON.—Income maintenance experiments are showing some of the potential and some of the problems involved in the Nixon administration's proposed family assistance program.

The Office of Economic Opportunity, reporting new data on the first of a series of federal experiments, said a guaranteed income payment appeared to help low-income workers obtain higher paying jobs.

The OEO also said further results from its Trenton, N.J., experiment, which provides payments to 1,300 families in a fashion similar to the proopsed family assistance program, confirms early findings that the families don't drop out of the labor force.

The OEO conclusions prepared for the House Ways and Means Committee, which is drafting changes in the family assistance program, are likely to reassure conservative Congressmen who are worried about the effects of guaranteed federal payments on the work incentives of poor families.

But the New Jersey experiment, which concentrates on families headed by males, doesn't answer many of the key questions about the effects of income payments on families headed by females, which constitute the fastest growing portion of the welfare rolls.

And some results, admittedly preliminary because the three-year project is only about halfway along, raise surprising questions about the economic behavior of families under such a plan of welfare payments.

So far in the New Jersey experiment, the work habits of recipients haven't shown any significant variation according to the level of guaranteed payment they received or the amount of earnings they were allowed to retain.

SERIES OF PAYMENT ARRANGEMENTS

The experiment has a series of payments arrangements for different groups ranging from a guarantee of $1,850 to $4,000 a year and a "tax" on outside earnings that reduces the federal payments from 30% to 70%. The assumption had been that a higher tax rate would decrease the incentive of the program's recipients to earn money and gain self sufficiency. However, so far the higher tax rate has appeared to be no more a disincentive to outside earnings than lower ones.

Thomas K. Glennan Jr., head of OEO's research studies, reasoned that there might be two explanations. Mr. Glennan said it's conceivable that any kind of cushion or guaranteed payment for the working poor is sufficient to give them the economic security to seek improved jobs and that the amount doesn't matter.

Or, Mr. Glennan contended, it may merely take a longer period of time for the recipients of the program to find out the economic effects of outside earnings and to realize that under high "tax" rates they gain only marginal amounts of money.

Conclusions on this score could have significant impact on a national program. The tax rates on earnings currently being considered by the Ways and Means Committee and endorsed by the administration are at about the highest level of the New Jersey plan. The basic annual guarantee for a family of four is $2,400 a year.

Liberals have argued that a high tax rate will defeat the purposes of the program by discouraging beneficiaries from seeking outside work. However, the higher the rate, the sharper the reduction in federal payments to poor families. This could help hold down costs of the program.

A series of other income-maintenance experiments started after the New Jersey test by OEO and the Health, Education and Welfare Department will help answer these and other questions. These experiments, some far larger than the New Jersey test that is estimated will cost $8 million over three years, also will focus attention on families headed by females, rural poor and the effects of other antipoverty approaches, particularly manpower training programs, on welfare costs.

The rural income maintenance test covers 800 families in North Carolina and Iowa. About half of the North Carolina families are Negro. The Iowa sample is totally white.

While OEO has yet to report preliminary findings on the study, experts say it has already shown the administrative complexities in providing payments in a rural area. Many of the recipients are self-employed; literacy levels are lower, which makes explaining the details of the program more difficult; and income reporting for farm families is more complicated.

The rural experiment, which will cost $5 million for three years, will hopefully show what impact a family assistance program could have on migration. The most substantial increases in actual income for the poor will occur in Southern rural areas under the administration's family assistance program.

Some critics have argued that the additional sums would lead to large-scale migration out of rural areas to the cities once families were given sufficient resources. "It's an explosive issue," argues one government expert. So far these effects haven't shown up in the rural study.

COVERS 2,300 FAMILIES

The HEW's Seattle income maintenance experiment will cover 2,300 families in that city and now has been extended to Denver to cover another 3,000 families.

The project will concentrate on the effects of manpower training in reducing welfare costs and whether results could influence future administration plans for focusing on training as a means of cutting welfare costs.

The families will receive guaranteed annual payments and also a range of subsidies to encourage them to take manpower training. The results should show what incentives are needed for persuading poor families to undertake additional training and what the results are in their earnings and the subsequent reductions in welfare costs.

The project also will provide for an even higher, 80%, tax rate on outside earnings that will be designed to drop progressively as earnings rise. The concept is that lowering the tax rate as earnings increase would be the most effective way to provide incentives to recipients to gain higher paying jobs.

The New Jersey experiment suggests that recipients of an income guarantee, although they don't drop out of the labor force, work

fewer hours. Those families receiving payments work 12%, or five hours, less a week than a control group not getting payments, but their earnings were significantly higher per hour.

OEO specialists argue that these differences many indicate that the federal guarantee gives families the opportunity to seek out steadier, better paying jobs. It also may decrease the need and the desire for wives and other members of the family to enter the work force.

RANKS OF U.S. POOR GREW IN 1969–70, CENSUS SHOWS

WASHINGTON.—The number of Americans living in poverty increased sharply in the last two years, the Census Bureau said, reversing the last decade's trend.

The report said an additional 1.2 million persons were regarded as living below the government-designated poverty level during 1969 and 1970, increasing their ranks to 25.5 million.

The government scales the poverty level each year according to changes in the consumer price index. In 1969 it was $3,721 for a family of four and last year $3,944.

There had been an average 4.9 percent annual decline of poor persons during the 1960s, the agency said, but between 1969 and 1970 the figure increased 5.1%.

Blacks and whites were affected about equally by the increase, but the 1970 poverty rate among blacks still was about three times the white rate, the Census Bureau said.

HELPING THE POOR HELP SELVES—GUARANTEED INCOME TRIED

(By James Welsh)

Evidence is increasing that the working poor, when given "a cushion" of guaranteed income, exercise the freedom to look for better, higher-paying jobs, the Office of Economic Opportunity said yesterday.

This tentative conclusion is based on figures from OEO's highly publicized New Jersey Graduated Work Incentive Experiment, in which poor families are given government cash to supplement their earnings. The newly analyzed data show that participating families, after their income is bolstered by the government, tend to work fewer hours a week but earn more money an hour.

The data also shows that the poor continue working and make just about the same income they did without assistance.

NIXON PROGRAM PUSHED

Overall results from the study so far, OEO reported, add to the reasons for supporting President Nixon's Family Assistance Program. This legislation, in seeking to reform the nation's welfare system, would for the first time provide cash supplements to families with full-time wage earners that are still in poverty.

"There is still no indication of a precipitous withdrawal from the labor force by families who receive income-maintenance payments," said the report.

The New Jersey experiment got under way in 1963. OEO contracting it out to the Institute for Research on Poverty at the University of Wisconsin and Mathematica, Inc., a Princeton, N.J., research firm.

CONDITIONS SOMEWHAT DIFFERENT

More than 1,000 families were selected to take part in Trenton, Paterson and Passaic, N.J. New groups of working poor families were added later in Jersey City, N.J., and Scranton, Pa. About 40 percent were black, 30 percent white and 25 percent Spanish-speaking.

The study conditions differed from the Family Assistance Program in that there was no work requirement and no provision for day care of children. It was similar in that the cash assistance, in eight different plans used for comparison purposes, was to increase as earned income declined and was to decrease as earned income rose.

Comparing the experimental group with a control group that received no income supplements the researchers found no statistical significance in the number of families that experienced increases or decreases in earnings.

As OEO expected, there was a significant difference in the number of hours worked. The wage-earners in the experimental group worked five hours less a week than the workers in the control group.

HOURLY EARNINGS UP

"There is no evidence that this is associated with a few family heads totally withdrawing from the labor force and living only on the assistance payments," said the report. "Rather, the effect seems to arise from the small differences in the amount of overtime worked; the length of periods of unemployment, or the time worked on a second job."

What did surprise OEO, according to its report, was that the families in the experimental group "significantly increased their average hourly earnings." They worked fewer hours but earned as much as the other families.

"It is quite possible," said the OEO report, "that the effect of the experimental treatment is to raise simultaneously the aspiration levels of the families with respect to wages and their capability to find work at these levels."

A number of economists have hypothesized that this might be the case as the government supplements earnings. They refer to it in part as "the search theory."

Said Thomas Glennon, director of research and evaluation at OEO:

"The data so far is consistent with the theory. We cannot say it is proved. But if it proves to be the case, I believe it would be a very positive finding."

Referring to the evidence so far, the OEO report speculated that "the availability of a cushion in the form of the experimental benefits may allow the prime worker the freedom not to accept the first job he can find, but rather to seek one more appropriate to his skills and interests and one which also pays a higher wage."

Another tentative conclusion of the study is that in earnings and hours worked, there was no significant differences among the various income plans that were tried.

PROF. JOHN NORTON MOORE SEES DANGERS IN WAR POWERS BILLS

Mr. GOLDWATER. Mr. President, 2 weeks ago I registered my unequivocal opposition to all bills before the Foreign Relations Committee which would shackle the President's ability to defend our freedoms. These bills are collectively known as the War Powers bills because they each profess to place the dominant power over the making and sustaining of war in the hands of Congress.

In other words, these measures are aimed at establishing arbitrary and mechanical rules under which, and only under which, the American President can commit U.S. military units to armed hostilities. Not only do these bills purport to define the sole instances in which the President can initiate military hostilities, but they would avowedly refuse him the right to continue such engagements beyond a brief period unless and until he has obtained specific policy approval and direction from Congress.

Mr. President, I have previously expressed my strong view that the constitutionality of any such legislation is highly doubtful. Each President can and probably will simply ignore it. The Supreme Court will likely refuse to consider it. And the American people, as well as the governments of allied and friendly nations around the world, will be utterly confused as to what the United States might do in the event of military emergencies affecting them.

Today I can report that the committee has received confirmation of many of the doubts I had raised. For on April 26, Prof. John Norton Moore, of the University of Virginia School of Law, who is a renowned authority on international law, presented to the Committee on Foreign Relations what I believe to be the clearest and most objective testimony the committee has received regarding the War Powers legislation. Though it is evident that Professor Moore's personal sympathies lies with the goal of infusing greater congressional involvement in the important political decisions leading up to and out of war, his testimony plainly sets out an exceedingly logical, unbiased, and honest analysis of the problems surrounding the current proposals for limiting the Executive's authority over the use of the Armed Forces. Clearly, Professor Moore has undertaken to serve the committee as a frank and unemotional commentator on the issues before it.

For this reason, I am deeply impressed with several of the conclusions reached by Professor Moore. For example, in speaking of the proposed legislation introduced by the Senator from New York (Mr. JAVITS), he remarks that "the independent authority of the President is probably substantially broader" than the four categories to which the bill would restrict it. Professor Moore adds:

> In attempting to restrict the area of independent presidential authority, then, this bill may be unconstitutional. Even if the bill is constitutional, it seems unwise to enact such a constitutionally uncertain restriction. In the absence of greater constitutional clarity the bill might precipitate a constitutional crisis between Congress and the President when the nation can least afford it. Since the area is one regulated in general terms by the Constitution, it may be unwise to attempt a specific codification by statute.

Mr. President, I think it is fair to say these comments ring reasonably close to the warning I sounded before the committee that the war powers bills "may incite one of the gravest Constitutional crises in American history."

Also, Mr. President, I find that Professor Moore seconds my charge the Javits bill would prohibit an immediate American response in defense of Israel and other free world nations with which we have no statutory defense ties. As Professor Moore reads the bill, and as I argued before the committee, the measure flatly prohibits "collective defense against a sudden armed attack on a nation to which we have no 'national commitment'. . ." Since we have no defense treaty with Israel or statutory commitment to defend her, it is clear the United States would be forced by the Javits bill to sit idly by while Israel might be faced with a massive attack

threatening its very annihilation. United States troops could not be engaged in support of Israel itself or the Israel people under the War Powers legislation until Congress assembles, debates the issue, and sanctifies such action with its express approval.

Why, the proposed bill goes so far in seeking to tie down the President's ability of independent action that it is Professor Moore's view—and I must agree—that it would prohibit "humanitarian intervention similar to the joint United States-Belgian operation in the Congo if the intervention were not for the protection of U.S. nationals, . . ." According to the mechanistic approach taken by this bill, the United States would be barred from taking any military action in such circumstances beyond that solely limited to the protection of U.S. citizens.

Since the 1964 Congo operations involved the rescue of approximately 2,000 foreign citizens from a fanatical revolutionary mob, but only about 60 of those individuals were Americans, it is clear the humanitarian response which the United States actually took in the Congo would have been illegal, as to the 1,940 non-Americans, had the Javits bill been in effect.

Mr. President, there is much else in Professor Moore's testimony that reveals the grave dangers inherent in any legislative approach which seeks to delimit the President's authority in advance, and I commend his entire statement to each Senator's attention. Because the paper offers such a thorough, penetrating, and honest examination of a subject about which many Americans are thinking and seeking to educate themselves, and without meaning to imply that Professor Moore agrees with all or even most of my own conclusions, I ask unanimous consent that the statement of Professor John Norton Moore, delivered before the Senate Foreign Relations Committee on April 26, be printed in the RECORD, together with all accompanying footnotes.

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

STRENGTHENING THE CONGRESSIONAL ROLE IN THE USE OF ARMED FORCES ABROAD

(By John Norton Moore, Professor of Law, The University of Virginia School of Law, Charlottesville, Va.)

Mr. Chairman, it is a pleasure and a privilege to appear before the Senate Committee on Foreign Relations to discuss proposals for strengthening the congressional role in the use of the armed forces abroad. Throughout our history the proper allocation of authority between Congress and the Executive in the use of the armed forces has been surrounded by controversy. This controversy has been invited by a skeletal constitutional structure which gives Congress the power "to declare War" and to "raise and support Armies" but makes the President the "Commander in Chief" and the principal representative of the nation in foreign affairs. That this controversy has persisted suggests that there is a great deal to be said for both the executive and the congressional roles. It also suggests that *the issue is not simply the triumph of the views of either Pacificus or Helvidius but is instead the far more difficult quest for reasonable lines which will optimize the strengths of both Congress and the Executive.*[1] The starting point in drawing such lines is to recognize that the war power controversy embraces more than one or two issues concerning initial commitment of the armed forces to military hostilities. Rather, it includes a wide range of issues encompassing a broad process of decision about national commitments, the deployment of forces abroad, the commitment of forces to combat, the conduct of hostilities and the termination of hostilities. To be most effective proposals for strengthening constitutional process should be sensitive to this range of issues and their interrelation. Inadequate focus on the full range of issues may lead to an overgeneralized response which threatens the proper balance between congressional and presidential authority. The principal issues in this process are:

I. National commitments to use the Armed Forces abroad:

(a) What authority does the President have, acting on his own, to commit the nation to a contingent future use of the Armed Forces?

(b) What authority does Congress have to limit presidential authority to commit the nation to a contingent future use of the Armed Forces?

(c) When, if at all, are national commitments for contingent future use of the Armed Forces self-executing without subsequent authorization?

II. The deployment of the Armed Forces abroad:

(a) What authority does the President have, acting on his own, to deploy the Armed Forces abroad?

(b) What authority does Congress have to limit presidential authority to deploy the Armed Forces abroad?

III. The commitment of the Armed Forces to military hostilities:

(a) What authority does the President have, acting on his own, to commit the Armed Forces to military hostilities?

(b) When congressional authorization is neessary, what form should it take?

(c) What authority does Congress have to limit presidential authority to commit the Armed Forces to military hostilities?

IV. The conduct of hostilities:

(a) What authority does the President have, acting, on his own, to make command decisions incident to the conduct of a constitutionally authorized conflict?

(b) What authority does Congress have to limit command options incident to the conduct of a constitutionally authorized conflict?

V. The termination of hostilities:

(a) What authority does the President have, acting on his own, to terminate or negotiate an end to hostilities?

(b) What authority does Congress have to require termination of hostilities?

(c) When Congress terminates hostilities, what form should it take?

Although time precludes a systematic analysis of each of these issues,[2] it may be helpful to briefly review several issues which seem most relevant to the specific proposals before the Committee. They are: what authority does the President have, acting on his own, to commit the Armed Forces to military hostilities, and what authority does Congress have to limit presidential authority to commit the Armed Forces to military hostilities?

I. The Authority of the President, Acting on His Own, to Commit the Armed Forces to Military Hostilities.

The Constitution provides that "Congress shall have Power . . . to declare War . . ." It seems evident from Madison's notes of the debates in the Constitutional Convention that this provision was intended to lodge with Congress the power to commit the nation to war. It seems equally evident that in changing the initial draft language empowering Congress "to make war" to language empowering Congress "to declare war" the Convention intended to leave "to the Executive the power to repel sudden attacks" and to make command decisions incident to the conduct of hostilities.[3] Beyond these broad outlines the Constitution left broad gaps. Thus, it was uncertain which branch would have the authority to commit the nation to force short of war or indeed what "war" meant.[4] Similarly, the scope of the Executives' power "to repel sudden attacks" was uncertain. Since no constitutional language is self-interpreting, particularly the broad brush strokes with which the framers set out the war powers, constitutional history, the practice of successive Congresses and Presidents, changed global conditions, and functional distinctions between Congress and the Executive are all relevant to defining constitutional policy.

During the 18th and 19th centuries there were approximately 100 instances of use of United States Armed Forces abroad. Only three of these, the War of 1812, the Mexican War, and the Spanish-American War were fully declared.[5] Congress, however, did participate in authorizing a number of other instances during this period such as the undeclared naval war with France. Moreover, most of these instances were relatively minor actions for the protection of nationals, for the suppression of pirates or for the punishment of violations of international law. As American involvement in World affairs increased during the first half of the 20th century and particularly as it reached a high plateau of involvement following World War II, instances of use of the Armed Forces abroad have reflected a stronger presidential role. From 1900 to 1970 there have been over 60 instances of the use of United States Armed Forces abroad of which only two, World War I and World War II were fully declared by Congress.[6] Although many of the remainder of these incidents were either minor or authorized by Congress, a number evidenced a broad expansion of the presidential role. Thus, major instances of presidential commitment of the Armed Forces to military hostilities during this period include President McKinley's commitment of several thousand troops to the international army which rescued Western nationals during the Boxer Rebellion, President Wilson's arming of American merchantmen with instructions to fire on sight after Germany's resumption of unrestricted submarine warfare in 1917, President Franklin Roosevelt's Atlantic war against the Axis prior to the U.S. entry into World War II, President Truman's commitment of a quarter of a million American men to the Korean War, President Kennedy's commitment of substantial numbers of military advisory personnel to Vietnam and President Johnson's commitment of marines to the Dominican Republic.

In view of the decision of the Constitutional Convention to lodge with Congress the power to commit the nation to major hostilities abroad, the expanded presidential role may have gone too far. In particular, the waging of a sustained major war in the Korean conflict without explicit congressional authorization, a war in which the United States sustained more than 140,000 casualties, seems a poor precedent.[7] On the other hand, experience suggests a need for some independent presidential authority in committing troops to combat abroad. There may be a need for defense against sudden attacks on American forces abroad, sudden attacks on areas which the nation is committed by treaty to defend, minor commitments such as humanitarian intervention, the protection of nationals or regional peacekeeping operations, defensive actions such as the Cuban missile crisis requiring secrecy and negotiating responsiveness, and "ongoing

Footnotes at end of article.

command decisions" concerning day-to-day operations of military assistance programs or defensive deployment of American forces. These may all be areas in which the need for decisiveness, speed, secrecy, negotiating responsiveness or simply the difficulty in informing Congress on a day-to-day basis call for some room for presidential authority. These functional needs should neither be exaggerated nor underestimated. With the exception of the Korean War the need for speed has probably been exaggerated. On the other hand, more subtle linkages to presidential bargaining power in contexts of threat and negotiation may have been generally underestimated.

It is clear that American constitutional history supports a substantial role for the President in the initial commitment of the Armed Forces to combat abroad in defending against attacks on United States forces or territory and in situations short of war or sustained major hostilities. The real issue in allocating authority between Congress and the President in initial commitment decisions is not whether the President has a role but rather what the limits are on that role and how it might be adequately policed. In this respect several kinds of tests have been suggested. One would look to the purpose of the presidential use of force. Along these lines a thoughtful recent note in the Harvard Law Review suggests that we might allow presidential initiatives which are " 'neutral' with respect to foreign political entities." [8] Other purposes commonly suggested as a basis for independent presidential authority are protecting American nationals abroad and repelling attacks on United States territory or Armed Forces. A second kind of test would look to the actual or probable magnitude of hostilities. For example, I have suggested that congressional authorization should be required in all cases where regular combat units are committed to hostilities which are likely to become or do become sustained hostilities.[9] This test is a rough effort to separate major hostilities from those not involving substantial casualties and commitment of resources. Professor Quincy Wright rephrases this test as "the President should obtain congressional support in advance for military action which will probably require congressional action, as by appropriations, before it is completed.[10] None of the tests suggested to date are wholly satisfactory and all are frayed at the edges. Nevertheless, my own feeling is that some version of the test based on probable or actual magnitude of hostilities is preferable to a purpose of the use test. A magnitude test seems more functionally responsive to the major policy decision of the Constitutional Convention to require congressional authorization before the nation can be committed to major hostilities abroad. Moreover, constitutional history demonstrates too many diverse purposes for presidential commitment to minor hostilities to make a purposes test workable.

The judgment that Congress should oversee the Nation's involvement in major hostilities abroad remains as valid today as it was in 1789. Congressional support of that policy, however, should not destroy needed presidential flexibility.

II. The Authority of Congress to Limit Presidential Authority to Commit the Armed Forces to Military Hostilities.

At a minimum, independent presidential authority to commit the Armed Forces to hostilities includes authority to repel sudden attacks on the United States or its Armed Forces. Both constitutional experience and policy suggest that presidential authority also extends to a range of activities short of war and to responses to situations of genuine emergency in which prior congressional authorization is not feasible. It is doubtful how far this independent authority may be constitutionally restricted by Congress. On the one hand, a number of factors point to broad congressional authority to limit independent presidential authority.[11] Thus, under the Articles of Confederation the Continental Congress seemed to take a broad view of its own authority and a narrow view of the authority of George Washington as Commander in Chief. Similarly, *The Federalist Papers* suggest that the framers were concerned to distinguish the war powers of the President from the broad inherent powers of the British monarch. Moreover, Congress has authority not only "to declare War" but "to raise and support Armies [and a Navy]," "to make Rules for the Government and Regulation of the land and naval Forces," and "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers. . . ." [12] Several Supreme Court decisions also lend some support to this position. In a line of cases growing out of the undeclared naval war with France the Supreme Court seemed to subordinate presidential directives on capture of ships to detailed congressional regulations authorizing the modalities of capture.[13] And in the famous "Steel Seizure" case the Court held that President Truman could not validly direct the Secretary of Commerce to take possession of the steel mills to avert a strike during the Korean War in the face of congressional legislation precluding such action.[14] In a concurring opinion Mr. Justice Jackson pointed out that presidential authority is highest when the President acts with congressional authorization and is at its lowest ebb when the President acts in opposition to Congress.[15]

On the other hand, there are a number of at least equally strong reasons for suggesting that congressional restrictions on the independent authority of the President would be unconstitutional. First, the general historical argument for broad congressional authority proves too much both in terms of history and in terms of principles of constitutional interpretation. The historical evidence is fragmentary at best that there was any thought given to the specific issue of congressional authority to limit independent presidential authority. Yet it was clear that the Constitutional Convention at least intended the President to have the independent authority to repel sudden attacks and to conduct the course of hostilities. Furthermore, reliance on the experience under the Articles of Confederation seems a frail reed for interpreting a Constitution promulgated in large measure as a result of dissatisfaction with the experience under the Articles. Perhaps more to the point, historical evidence as to the intent of the framers, however realistic an approximation, is only one source for interpreting a living document such as the Constitution. As Mr. Justice Frankfurter pointed out in a concurring opinion in the "Steel Seizure" case: "It is an inadmissibly narrow conception of American constitutional law to confine it to the words of the Constitution and to disregard the gloss which life has written upon them." [16] Nowhere is this statement or that of Mr. Justice Holmes that "the life of the law has not been logic: it has been experience" [17] been more apt than in the interpretation of the war power. In the more than 180 years following the adoption of the Constitution there have been numerous instances of Executive action committing the Armed Forces to hostilities abroad yet there are few instances in which Congress has sought to place restraints on Executive action. One such restraint was enacted by Congress as a proviso to the Selective Training and Service Act of 1940. It provided:

Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.[18]

The proviso, however, was partial in that it did not apply to volunteer personnel or naval forces and was in any event repealed almost at once following the outbreak of World War II. A more recent example is the proviso in the Defense Appropriation Act of 1969 which provides that none of the funds appropriated by the Act "shall be used to finance the introduction of American ground combat troops into Laos or Thailand." [19] In comparison with the active history of presidential initiatives in the use of the Armed Forces abroad the lack of congressional restraints suggests a cautious estimate of congressional authority to limit independent presidential authority. Perhaps because of this lack of historical precedent for broad congressional authority, at least two American Presidents have urged that such restrictions might be unconstitutional. President Taft said:

The President is made Commander-in-Chief of the Army and Navy by the Constitution, evidently for the purpose of enabling him to defend the country against invasion, to suppress insurrection and to take care that the laws be faithfully executed. If Congress were to attempt to prevent his use of the army for any of these purposes, the action would be void.[20]

And President Fillmore said that:

No legislation could add to or diminish the power . . . [of the President to use the regular armed forces] but by increasing or diminishing or abolishing altogether the army and navy.[21]

With respect to the principle of the "Steel Seizure" case that the President's authority is at its lowest ebb when he acts in opposition to congressional action, it does not follow that in all such situations the congressional action will prevail. In this respect the "Steel Seizure" case is hardly on point when the issue is the authority of the President to use the Armed Forces abroad, since the case involved a domestic aspect of the presidential war power and at that a domestic aspect which was far from clear even in the absence of limiting congressional legislation. In many ways a case which is more on point is Meyers v. United States [22] in which the Supreme Court struck down an act of Congress which sought to require the concurrence of the Senate in presidential decisions to dismiss certain postmasters. The Court held that the President's removal power over executive agencies was an exclusive power even though the Constitution provides for the concurrence of the Senate on the initial appointment and even though the experience under the Articles of Confederation had been to allow congressional exercise of the removal power. Another Supreme Court case suggesting limitations on congressional authority to limit the independent authority of the President is Ex Parte Milligan.[23] In that case Chief Justice Chase pointed out that congressional authority did not extend to interference with presidential command decisions. According to the Chief Justice, congressional authority.

"Necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as commander in chief." [24]

Although this statement in Ex Parte Milligan deals specifically with the core area of command decisions in the conduct of hostilities which is one of the strongest areas for exclusive presidential authority, the principle that there are some areas of exclusive presidential power in the use of the Armed Forces abroad is clear. In fact, this principle enumerated in Ex Parte Milligan seems more applicable than the line of cases growing out of the undeclared naval war with France which are suggested to be indicative of broad congressional authority.[25] Although Little v.

Footnotes at end of article.

Barreme,[26] the principal case in this series, applied a congressional act limiting lawful naval captures during the war rather than a presidential interpretation of that act, the issue in the case was a narrow one of civil liability for damages for capture and detention rather than the validity of a broad restriction on independent presidential authority. Moreover, these cases involved an issue squarely within a specific grant of authority to Congress. That is, the power "to make Rules concerning Captures on Land and Water."[27] Under the circumstances it hardly seems surprising or relevant that a congressional act concerning rules for captures was preferred by the Court to a presidential interpretation of that Act.

If the arguments for and against a broad congressional authority to limit the independent presidential authority to commit the Armed Forces to hostilities abroad are inconclusive, at least one astute constitutional observer, Professor Quincy Wright has unambiguously urged that:

[I]f he considers such action essential for the enforcement of acts of Congress and treaties and for the protection of the citizens and territory of the United States, the President is obliged by the Constitution itself to use his power as commander-in-chief to direct the forces abroad, and this duty resting on the Constitution itself cannot be taken away by act of Congress.[28]

On balance, Congress would seem to have the authority to limit presidential use of the Armed Forces abroad in areas which fall within exclusive congressional authority. Using my earlier test, I believe that Congress would have the authority to prohibit or place restrictions on presidential commitment of regular combat units to sustained hostilities abroad. In areas which do not fall within exclusive congressional authority, however, it is unclear whether Congress could limit presidential authority. The same policies which suggest some independent presidential authority also suggest that except in extreme cases of presidential abuse Congress should not be able to limit such authority.

III. An analysis of Current Proposals for Strengthening the Congressional Role in the Use of the Armed Forces Abroad.

The proposals for strengthening the congressional role in the use of the Armed Forces abroad which are before the Committee, S. 731, introduced by Senator Javits, S.J. Res. 59, introduced by Senator Eagleton, and S.J. Res. 18, introduced by Senator Taft, differ in specifics but are similar in that they all delimit in advance the independent authority of the President to commit the armed forces to hostilities. The purpose of these initiatives is commendable in seeking to clarify the constitutional balance on a vital issue. But to the extent that they restrict presidential authority beyond the area of exclusive congressional competence they are of doubtful constitutionality. To use S. 731 as an example, it limits independent presidential authority to four categories. Even in those four categories presidential authority is only recognized as initial and "shall not be sustained beyond thirty days from the date of their initiation except as provided in legislation enacted by the Congress to sustain such hostilities beyond thirty days," [29] But the independent authority of the President is probably substantially broader than the four categories in the Bill. Thus, presidential authority would also seem to include certain "low level" commitments such as regional peacekeeping, actions in defense of United States interests in free transit of international straits, humanitarian interventions such as the Stanleyville operation, defensive quarantines such as were involved in the Cuban Missile Crisis, and the commitment of Military Assistance Advisory Groups provided that such commitments stop short of the commitment of regular combat units to sustained hostilities. Though some of these situations might be brought within the language of the Bill, most seem prohibited or at least doubtful in the absence of a prior declaration of war. In attempting to restrict the area of independent presidential authority, then, this Bill may be unconstitutional. Even if the Bill is constitutional, it seems unwise to enact such a constitutionally uncertain restriction. In the absence of greater constitutional clarity the Bill might precipitate a constitutional crisis between Congress and the President when the nation can least afford it. Since the area is one regulated in general terms by the Constitution, it may be unwise to attempt a specific codification by statute.

Regardless of the resolution of the constitutional issues, a fundamental objection to proposals which seek to delimit independent presidential authority is the difficulty and consequent danger in attempting to specify in advance a policy-responsive division of authority. As an illustration of this difficulty it may be useful to examine several initatives historically within Executive competence which would be prohibited by these proposals in the absence of prior congressional authorization. By way of illustration I will refer to the specifics of the carefully drafted S. 731, but each of the parallel proposals could be similarly analyzed. In the absence of a prior declaration of war S. 731 would prohibit, among others, the following kinds of presidential initiatives: humanitarian intervention similar to the joint United States-Belgian operation in the Congo if the intervention were not for the protection of United States nationals,[30] an attack on United States Naval vessels in transit in international straits or engaged in innocent passage in the territorial sea, a threat of imminent attack against the United States or United States forces similar to that facing Israel prior to the Six Day War, collective defense against a sudden armed attack on a nation to which we have no "national commitment' (under this standard President Truman would have required a prior declaration of war before engaging North Korean forces in the Korean War as it was not until 1954 that the Mutual Defense Treaty with Korea entered into force. Since we have no specific defense treaty with Israel, or for that matter with Egypt, a parallel problem is not impossible under present conditions in the Middle East.), low level or intermittent counter-intervention, as for example a hyothetical air strike made at the request of the Jordanian government against Syrian tank columns intervening in the recent Jordanian Civil War, military hostilities arising from efforts to prevent foreign warships from engaging in espionage activities within United States territorial waters, the naval quarantine of Cuba against the emplacement of Soviet IRBM's if "military hostilities" were necessary to maintain the quarantine (in this case apparently the only lawful route for the Cuban quarantine of 1962 which the President could rely on woud have been a prior declaration of war against the Soviet Union or Cuba!).

In addition to these areas which seem fairly clearly to require a prior declaration of war under the bill, *a large number of other areas are ambiguous*. For example, as written the Bill might require a prior declaration of war in order for the United States to participate in a United Nations or OAS peacekeeping operation, to participate in a big four peacekeeping operation in the Middle East, to proceed in hot pursuit of attacking forces, and to provide military assistance advisory teams in insurgency settings. My own feeling is that it would be unwise in the extreme to deprive the President of needed flexibility in the many situations such as these which are clearly or ambigously prohibited by the Bill. Even if it is possible to seek prior congressional action in some of these cases, *the Bill does not make adequate provision for fast action in situations in which Congress is not in session* (for example during an election year). Moreover, in requiring a formal declaration of war as the only means of authorization for categories other than the four listed, the Bill rejects the constitutional practice which properly treats any specific form of congressional authorization as sufficient, a practice which was specifically adopted by the Committee during the National Commitments Hearings.[31] The Bill also seems inconsistent with the United Nations Participation Act of 1945 which provides that "[t]he President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements [an Article 43 agreement] the armed forces, facilities, or assistances provided for therein. . . .[32] Though no Article 43 agreement has yet been concluded, the recent Brewster report of the United Nations Association recommends a renewed effort to negotiate such an agreement.[33] In light of the critical need to strengthen the capability of the United Nations it seems unwise to discard the United Nations Participation Act even if it has not yet been implemented.

S. 731 may also be overly restrictive with respect to the operation of the thirty day limitation and the applicability of the procedures for expedited consideration. Inexplicably, the commendable procedure for expedited consideration is only available with respect to continuation of hostilities within the four categories of initial presidential authority. Other situations would not even benefit from these expedited procedures yet the President would be prohibited from acting even on an emergency basis until he first secured a congressional declaration of war. Even in the areas in which the expedited procedure is applicable, Congress may still be unable to affirmatively act within 30 days possibly because of disagreement about the modalities of action or restrictions on the action rather than because of any disagreement about whether the action should be taken. The Bill would also remove any flexibility now possessed by Congress in exercising discretion about the advisability of a full congressional debate at the time of the action.

These examples suggest the difficulty if not impossibility of satisfactorily delimiting Executive authority in advance (and particularly of satisfactorily delimiting it in advance by a purpose of the action test). Efforts to delimit in advance despite these difficulties are likely to lead to a rigidity which would destroy presidential independence needed for the management of crisis situations. Perhaps for these reasons the witnesses testifying before the House Subcommittee on National Security Affairs last summer on similar proposals then pending before the House largely agreed on the danger of approaches which sought to delimit presidential authority in advance even though they disagreed on the constitutional implications of such measures.[34]

Finally, though the congressional interest in improving constitutional processes in the use of the armed forces abroad should be encouraged, efforts aimed principally at restricting presidential authority in advance may prove too much. Congress already has constitutional authority to terminate major hostilities, at least where such hostilities require initial congressional approval.[35] As such, any gain from restricting presidential authority or from an automatic 30 day authorization deadline hardly seems worth the price. Conversely, as a result of his power as the principal representative of the nation in

Footnotes at end of article.

foreign affairs the President may frequently be in a position to precipitate or avoid war by the diplomatic posture which he selects. Prior to the Japanese attack on Pearl Harbor it was the President who played the predominant role in war-peace decisions. After the attack the congressional declaration of war was little more than a formality. And in the European theater President Roosevelt's decision to convoy allied shipping made it more likely that American Armed Forces would be attacked. Similarly, President Truman's decision to deploy seven divisions in Germany or the recent effort prior to the Six Day War to join with other maritime nations to send shipping through the Strait of Tiran might have precipitated an escalating series of events making congressional action inevitable. The issues in the use of the Armed Forces abroad involve a process of decision rather than a single commitment decision. Control of this process requires congressional involvement in decisions both prior and subsequent to initial commitment of the Armed Forces to combat. A vigorous congressional involvement in each of these areas would probably be more effective than reliance on mechanical tests for delimiting presidential authority.

IV. Recommendations for Strengthening the Congressional Role in the Use of the Armed Forces Abroad.

Strengthening the congressional role in the use of the Armed Forces abroad is largely a problem in achieving balance throughout a range of decisions from the decision to make a national commitment to the decision to terminate hostilities. Decisions on any one issue may be predominantly Executive or predominantly congressional, but the overall effect must be to reinforce the functional strengths of each branch and the essential partnership between both branches. The starting point in this process is the decision to make a national commitment. Congress should play a major role in considering national commitments which may subsequently lead the nation into major hostilities. The setting of national priorities and goals is certainly a paradigm function of the more broadly based Congress.

With respect to decisions to commit the Armed Forces to military hostilities, the President should seek meaningful congressional authorization prior to the commitment of the Armed Forces to sustained military hostilities. In conflicts like the Korean War, in which there may be a genuine need for speed, the President would be required to submit his action to congressional scrutiny at the earliest opportunity. And in conflicts which gradually escalate, the dividing line for requiring congressional authorization might be the initial commitment to combat of regular U.S. combat units as such. The President also should seek congressional involvement whenever feasible in other circumstances and should not rely on exaggerated claims of speed or secrecy. In any sustained hostilities the President is dependent on congressional cooperation and to fail to obtain congressional involvement when such involvement is feasible is to needlessly weaken the presidential action as well as to weaken the constitutional structure. For its part, when considering initial commitment decisions Congress should consider carefully the scope of its authorization and the probable implications of its action. In retrospect, although the Tonkin Gulf Resolution was a valid congressional authorization for increased United States involvement in the Indo-China War, the unnecessary sense of urgency surrounding its passage and the ambiguity of the congressional debates suggest that both Congress and the President share responsibility for a sloppy exercise of congressional authority.[36] In this respect the standards developed for such authorization during the course of the National Commitments Hearings are a useful starting point.[37]

It seems probable that in a post-Vietnam World Congress will be particularly sensitive to the need for care in authorizing sustained hostilities. Even so it might be helpful in confirming the congressional role in the commitment of the Armed Forces to military hostilities if Congress would require a report from the President whenever there is a substantial shift in the deployment of troops abroad or a commitment of the Armed Forces to military hostilities. The reporting idea in the proposals before the Committee and in H.J. Res. 1, which is the parallel legislation in the House, is sound and might be adopted by Congress as a useful step. Such a requirement also has the advantage of avoiding the constitutional and practical dangers in efforts to delimit presidential authority in advance while operating to trigger congressional action where needed and to hasten an orderly common law growth in the division of authority between Congress and the President. It might also be useful in encouraging greater Executive cooperation with Congress if Congress were to adopt expedited procedures for the authorization of certain kinds of non-major hostilities. Senator Douglas suggested such procedures at the time of the constitutional debate during the Korean War and if such procedures were carefully safeguarded to assure meaningful congressional authorization they might encourage greater cooperation between Congress and the Executive.[38] Finally, in the exercise of its concurrent authority to terminate major hostilities Congress should play a continuing role in reexamining major policy. To facilitate this role it might be helpful to create a mechanism for continuing cooperation between Congress and the President during the course of major hostilities. For example, it might be useful to encourage periodic meetings between the President and congressional leaders during the continuance of sustained hostilities. Similarly, it might be useful for Congress to create new machinery to facilitate such continuing communication with the Executive. One possibility would be a joint congressional body composed of appropriate representatives from the Foreign Affairs, Appropriations and Armed Services Committees of both Houses. Whatever the mechanism, there is a major need to improve the communication between Congress and the Executive concerning the exercise of the war powers. I would also urge the importance of congressional oversight continuing to proceed on a non-partisan basis.

In considering proposals for strengthening the congressional role in the use of the Armed Forces abroad Congress should not let the present dissatisfaction with the Indo-China War lead to a proposal which may alter the proper balance between Congress and the Executive. The Indo-China War will come to an end, but the need for balance between the Executive and Congress will continue. In August, 1937 the Young Democrats of America voted unanimously at their national convention to endorse the Ludlow Amendment requiring a national referendum before declaration of a foreign war.[39] Five years later as the nation fought World War II the proposal seemed strangely dated. History teaches that we tend to respond to past problems rather than anticipate future dangers. In the long run a commitment to a balance between congressional and presidential authority seems the best safeguard to avoid this trap.

FOOTNOTES

[1] See generally on the constitutional issues and their historical background Fulbright, *American Foreign Policy in the 20th Century Under an 18th-Century Constitution*, 47 CORNELL L.Q. 1 (1961; Kurland, *The Impotence of Reticence*, 1968 DUKE L.J. 619; Moore, *The National Executive and the Use of the Armed Forces Abroad*, 21 NAVAL WAR COLLEGE REVIEW 28 (1969); Moore, "Congress and the Use of the Armed Forces Abroad," in *Congress, The President, and the War Powers, Hearings Before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs of the House of Representatives*, 91ST CONG., 2D SESS., (*Comm. Print 1970*) at 124; Reveley, *Presidential War-Making: Constitutional Prerogative or Usurpation?*, 55 VA. L. REV. 1243 (1969); Rogers, "World Policing and the Constitution" in 11 AMERICA LOOKS AHEAD (World Peace Foundation 1945); Velvel, *The War in Vietnam: Unconstitutional, Justiciable and Jurisdictionally Attackable*, 16 KANSAS L. REV. 449 (1968); Francis D. Wormuth, *The Vietnam War: The President v. The Constitution* (an Occasional Paper of the Center for the Study of Democratic Institutions, 1968); Note, *Congress, The President, and the Power to Commit Forces to Combat*, 81 HARV. L. REV. 1771 (1968); Symposium, *The Constitution and the Use of Military Force Abroad*, 10 VA. J. INT'L L. 32 (1969); *U.S. Commitments to Foreign Powers, Hearings Before the Committee on Foreign Relations of the United States Senate on Senate Resolution 151, 90th* CONG., 1ST SESS. (Comm. Print 1967); *Congress, The President, and the War Powers, Hearings Before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs of the House of Representatives*, 91ST CONG., 2D SESS., (Comm. Print 1970). See also *Documents Relating to the War Power of Congress, The President's Authority as Commander-in-Chief and the War in Indochina, Senate Committee on Foreign Relations*, 91ST CONG., 2D SESS. (Comm. Print 1970).

[2] I have dealt briefly with the issues subsumed under headings III, IV and V in Moore, "Congress and the Use of the Armed Forces Abroad," *supra* note 1. On issues I and II see *Hearings Before the Committee on Foreign Relations of the United States Senate on Senate Resolution 151, supra* note 1; *Remarks of Senator Fulbright*, 97 CONG. REC. 520 (1951).

One important issue has been quite clearly defined. That issue is whether the President should seek the advice of Congress on the question of sending troops to Europe now, or whether his discretion should be subject to the consent of Congress. Apparently the President is agreeable to the idea that it is proper for Congress to give him its advice about this question, leaving to him the full responsibility for making the final decision. He is not willing, however, to accept the principle that the consent of the Congress is necessary to validate his decision. In other words, he does not agree that his decision in this matter must be subject to the approval of Congress.

Personnally, I agree with the position of the President. I do not agree with the proposal of the minority leader. The Congress has the right and power to raise the Armed Forces, but the President has the responsibility for the command of those forces. If in the exercise of his best judgment the defense of this country requires the sending of troops to Europe, he has the power and the duty to do so. Congress, of course, can refuse to appropriate the money for the troops but that is a decision for which Congress must take the responsibility. In the long run decisions on military strategy are best left to the Executive. That is the plain intent of our constitutional system. It would be dangerous for our future welfare to change the underlying principle simply because a strong minority or even a majority of the Congress may lack confidence in the wisdom of the Executive in some particular instance such as the present one.

Id. at 520–21. See also S. Res. 85 expressing the sense of the Senate relative to commitments to foreign powers.

[3] Madison's notes indicate that "Mr. Madison and Mr. Gerry moved to insert *'declare,'* striking out *'make'* war; leaving to the Executive the power to repel sudden attacks."

They also indicate that Mr. Elsworth, who initially voted against this motion, changed his vote to one in favor of the motion after "the remarks by Mr. King that '*make*' war might be understood to 'conduct' it which was an Executive function. . . ." NOTES OF DEBATES IN THE FEDERAL CONVENTION OF 1787 REPORTED BY JAMES MADISON 476 (Ohio University Press 1966).

[4] One authority on the concept of war in contemporary history and international law writes:

The laws of the American Constitution which regulate the initiation of war obviously deal with war in the formal sense. The Constitution provides that only the Congress shall have the power to declare war. On the other hand there is little doubt that the President has been recognized the right, exercised frequently in the past, to utilize the armed forces for the defense of national rights and interests, which in many instances gave rise to a waging of war in the material sense. Hence the legal right and the practical power of the President of the United States to put into operation the country's armed forces outside of the United States has been a subject of considerable discussion. The question at stake was whether or not the Presidential use of armed force contradicted the terms of the Constitution according to which only Congress was entitled to initiate war.

From the standpoint of modern international law the competence to initiate war under the American Constitution must be considered differently according to whether formal or material war is concerned. While the competence of the Congress to initiate war is concerned with war in the formal sense, the President, owing largely to his position as Commander-in-Chief, is entitled, if need be, to engage his military forces in material war.

L. Kotsch, the concept of the war in contemporary history and international law 62 n. 73 (1956). See also Potter, The Power of the President of the United States to Utilize Its Armed Forces Abroad, 48 AM. J. Int'l L. 458 (1954); Note, supra note 1, at 1774–75, 1778–1794.

That the framers were aware of the distinction between declared war and measures short of war is suggested by the prevalence of hostilities without a formal declaration of war during the 18th Century. A study of hostilities in the absence of a declaration of war, compiled as long ago as 1883, indicates that historically the nations of the world had frequently utilized the power to engage in hostilities without a formal declaration of war. In fact, the author of the study found that:

Circumstances have occurred in which "declarations of war" have been issued prior to hostilities; but during the 171 years here given (from 1700 to 1870 inclusive), less than ten instances of the kind have occurred. . . .

On the other hand, 107 cases are recorded in which hostilities have been commenced by the subjects of European Powers or of the United States of America against other powers without declaration of war.

MAURICE, HOSTILITIES WITHOUT DECLARATION OF WAR 4 (1883). This study was concerned with cases in which hostilities were commenced prior to formal declaration of war, and the number of cases in this study in which there was never a declaration of war would be substantially lower.

[5] See the list of instances of use of United States Armed Forces abroad from 1798–1970 in Background Information on The Use of United States Armed Forces in Foreign Countries, Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs, 91ST CONG., 2D SESS. (Comm. Print Rev. 1970), at 50, Appendix II.

[6] *Id.* at 54–57.

[7] Senator Douglas, however, presented a paper to Congress on the constitutional basis for the President's action in using armed forces to repel the attacks against South Korea in which he concluded that despite the absence of congressional authorization the President's action was "in thorough harmony with the legislative intent of the framers of the Constitution" and "in line with sound historical precedent." Douglas, *The Constitutional and Legal Basis for the President's Action in Using Armed Forces to Repel the Invasion of South Korea*, 96 CONG. REC. 9647, 9649 (1950).

[8] Note, *supra* note 1, at 1794–98.

[9] See Moore, *The National Executive and the Use of the Armed Forces Abroad*, *supra* note 1, at 32.

[10] See Wright, *The Power of the Executive to Use Military Forces Abroad*, 10 VA. J. INT'L L. 43 49 (1969).

[11] See generally *A Brief on S. 731, To Make Rules Respecting Military Hostilities in the Absence of a Declaration of War*, CONG. REC. p. 5247 (March 5, 1971).

[12] U.S. Const., Art. I § 8.

[13] See Bas v. Tingy (The Eliza) 4 U.S. (4 Dall.) 36 (1800); Talbot v. Seeman (The Ship Amelia), 5 U.S. (1 Cr.) 1 (1801); Little v. Barreme (The Flying Fish), 6 U.S. (2 Cr.) 169 (1804).

[14] Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579 (1952).

[15] *Id.* at 634, 637.

[16] *Id.* at 593, 610.

[17] See I MARK DEW. HOWE, JUSTICE OLIVER WENDELL HOLMES 26 (1957).

[18] Act of September 16, 1940 (54 Stat. 885, 886).

[19] 83 Stat. 469 (1969).

[20] Q. WRIGHT, THE CONTROL OF AMERICAN FOREIGN RELATIONS 308 (1922).

[21] Wright, *supra* note 10, at 46. The statement in Professor Wright's context is:

The Supreme Court has held that it belongs to the President himself to determine the exigencies in which a call for the militia under the congressional act of 1792 is justifiable, and the same principle would seem to apply to uses of the regular forces if, as was assumed in the Constitutional Convention, as Commander-in-Chief he uses them for necessary defense of the territory and probably other purposes such as protection of citizens abroad. President Fillmore, like all other presidents except Buchanan, insisted that the Constitution itself granted the President power to utilize the regular armed forces, even though power to call forth the militia depended upon congressional delegation. "Probably," he added, "no legislation could add to or diminish the power thus given but by increasing or diminishing or abolishing altogether the army and navy." The Supreme Court, as well as long practice, has sustained this position in the *Neagle, Debs* and other cases.
Id.

[22] 272 U.S. 52 (1926). This case is also cited by Mr. Justice Jackson in his concurring opinion in the "Steel Seizure" case as an example of a case in which presidential actions incompatible with the expressed will of Congress were nevertheless upheld. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 634 at 638 n. 4.

[23] 71 U.S. (4 Wall.) 2 (1866).

[24] *Id.* at 139. (Opinion of the Chief Justice and Justices Wayne, Swayne, and Miller).

[25] See *A Brief on S. 731, supra* note 11, at S. 2529.

[26] (The Flying Fish), 6 U.S. (2 Cr.) 169 (1804).

[27] U.S. Const., Art. I § 8.

[28] Q. Wright, *supra* note 20, at 307 (emphasis added). On the same page Wright reiterates that:

By reduction of the army and navy or refusal of supplies, Congress might seriously impair the *de facto* power of the President to perform these duties, but it can not limit his legal power as Commander-in-Chief to employ the means at his disposal for these purposes.
Id. at 307 n. 93. Elsewhere Wright makes the same point equally forcefully:

[A]uthority supported by practice shows that the President has *independent power* under the Constitution to employ the military or naval forces of the United States at home or abroad except as restricted by international law, in time of peace to enforce the laws and treaties, to protect officers of the United States, to prevent obstruction of national functions, to protect the privileges and immunities of American citizens, to prevent foreign aggression and to protect inchoate interests of the United States abroad; and in time of war to prosecute campaigns, to compel submission of the enemy and to govern occupied territory. It is true that Congress can authorize the use of the armed forces either by Declaration of War or by Joint Resolution in time of peace and the President is bound to execute such declaration or resolution, *but Congress can not impair the concurrent power of the President to authorize the use of forces as given by the constitution.*

Wright, *Validity of the Proposed Reservations to the Peace Treaty*, 20 COL. L. REV. 121, 135–36 (1920) (emphasis added). And in speaking of a proposed reservation to the Peace Treaty which would have provided that "Congress . . . under the constitution has the sole power to declare war or authorize the employment of the military or naval forces of the United States," Wright says: "[t]he first part is merely declaratory, the second unconstitutional." *Id.* at 134.

Writing in 1929 Professor Westel Willoughby of The Johns Hopkins University said:

There has been no question as to the constitutional power of the President of the United States, in time of war, to send troops outside of the United States when the military exigencies of the war so require. This he can do as Commander-in-Chief of the Army and Navy, and his discretion in this respect can probably not be controlled or limited by Congress.

III. W. Willoughby, The Constitutional Law of the United States 1567 (2d ed. 1929). Professor Willoughby goes on to say:

As to his constitutional power to send United States forces outside the country in time of peace when this is deemed by him necessary or expedient as a means of preserving or advancing the foreign interests or relations of the United States, there would seem to be equally little doubt, although it has been contended by some that the exercise of this discretion can be limited by congressional statute. That Congress has this right to limit or to forbid the sending of United States forces outside of the country in time of peace has been asserted by so eminent an authority as Ex-Secretary Root. It would seem to the author, however, that the President, under his powers as Commander-in-Chief of the Army and Navy, and his general control of the foreign relations of the United States, has this discretionary right constitutionally vested in him, and, therefore, *not subject to congressional control.* Especially, since the argument of the court in *Myers* v. *United States* with reference to the general character of the executive power vested in the President, and, apparently, the authority impliedly vested in him by reason of his obligation to take care that the laws be faithfully executed, it is reasonable to predict that, should be question be presented to it, the Supreme Court will so hold. Of course, if this sending is in pursuance of express provisions of a treaty, or for the execution of treaty provisions, the sending could not reasonably be subject to constitutional objection.

Id. Cf. Fulbright, *supra* note 1.

The source of an effective foreign policy under our system is Presidential power. This proposition, valid in our own time, is certain to become more, rather than less, compelling in the decades ahead. . . .

As Commander-in-Chief of the armed forces, the President has full responsibility, which cannot be shared, for military decisions in a world in which the difference between safety and cataclysm can be a matter of hours or even minutes.

Id. at 2, 3.

[29] Section 1(c) of the Bill.

[30] As to the permissibility of humanitarian intervention under international law see generally Lillich, *Forcible Self-Help by States to Protect Human Rights*, 53 Iowa L. Rev. 325 (1967); Moore, *The Control of Foreign Intervention in Internal Conflict*, 9 Va. J. Int'l L. 205, 261–64 (1969).

[31] See the *Report of the Senate Committee on Foreign Relations*, 90TH CONG., 1ST SESS., *National Commitments* 25 (No. 797, Nov. 20, 1967). "The committee does not believe that formal declarations of war are the only available means by which Congress can authorize the President to initiate limited or general hostilities." *Id.* Constitutional scholars are in substantial agreement with this principle. See, *e.g.*, Reveley, *supra* note 1 at 1289.

[32] 59 Stat. 619–21 (1945).

[33] See "Controlling Conflict in the 1970's," *The Report of the United Nations Association of the United States Policy Panel on Multilateral Alternatives to Unilateral Intervention* 41 (1969) (The Panel was chaired by Kingman Brewster, Jr.).

[34] See, *e.g.*, *Congress, The President, and the War Powers*, *supra* note 1, at 23–25 (McGeorge Bundy), 36, 38, 49 & 77 (W. T. Mallison, Jr.), 45, 50, 56–58, 79 (Alexander M. Bickel), 58, 74 & 75 (William D. Rogers), 89 (James MacGregor Burns), 130 (John Norton Moore), 135–37 (Abram Chayes) 210 (John R. Stevenson), 216 (William H. Rehnquist), 304 (Nicholas de B. Katzenbach). On the constitutional issues *Professor Mallison expressed doubts about the constitutionality of such proposals* and Professor Bickel supported the constitutionality of such proposals. See *id.* at 38, 49 & 77 (Professor Mallison) and at 50 (Professor Bickel).

[35] It is worth noting that the Articles of Confederation assigned the Congress the power to determine "on peace" as well as on war. Yet at the Constitutional Convention a motion by Mr. Butler "to give the legislature [the] power of peace, as they were to have that of war," failed of adoption. The remarks of Mr. Gerry who seconded the motion suggest that the delegates expected that the Senate rather than the Congress would make decisions "on peace," probably through the treaty power which was the usual technique for concluding formally declared wars. See NOTES OF DEBATE IN THE FEDERAL CONVENTION OF 1787 REPORTED BY JAMES MADISON 477 (Ohio University Press 1966).

[36] For a discussion of the legal effect of the Tonkin Gulf Resolution see Moore, *The National Executive and the Use of The Armed Forces Abroad*, *supra* note 1, at 36–37 & 38 n. 16. And with respect to the constitutional issues in the Cambodian incursion see Moore, *Legal Dimensions of the Decision to Intercede in Cambodia*, 65 *Am. J. Int'l L.* 38, 61–72 (1971).

[37] See Report, *National Commitments*, *supra* note 31, at 26.

[38] See Douglas, *supra* note 7, at 4649.

I submit, moreover, that we of the Congress could make it easier for the President to consult us in the event of such a national emergency, and to share any attendant responsibility, by so revising our rules that congressional action in such matters can be speeded up. The House, for example, might waive for this range of subjects the formal engrossing of a bill and the Senate could for such issues permit the vote on cloture to come more quickly after the submission of the petition.

Id.

[39] See 84 CONG. REC. 2055 (1939).

GENOCIDE CONVENTION

Mr. CHURCH. Mr. President, like other Senators, I have been at the receiving end of a stream of mail in opposition to Senate approval of the Genocide Convention. Many of the letters make it apparent that much misinformation about the treaty is being distributed to well-meaning citizens.

I had no idea, however, of the extreme to which this campaign had gone until I received a letter from a high school student in Cleveland, stating that his history teacher was offering 15 points of extra grade credit "for each reply from our lawmakers to letters urging them to work against it." I ask unanimous consent that the letter be printed at this point in the RECORD, with the names of the teacher and student deleted.

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

Senator FRANK CHURCH,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: I am a student at Brush High School, in the South Euclid—Lyndhurst school system. My history teacher is so concerned over the possible passage of the United Nations Genocide Treaty that he has promised fifteen points of extra grade credit for each reply from our lawmakers to letters urging them to work against it.

For example, he quotes Congressman Nixon (1951) as saying, "The major objection to the treaty is that its provisions would not apply to the persecution of political minorities in the Soviet Union. In addition, the treaty, in its present form, grants far more power to the international organization (The United Nations) than the United States should agree to . . . You can be sure that in view of these objectionable features, I shall continue to oppose the Genocide Treaty in its present form." From this, I surmise that he is in favor of prosecuting the Soviet Union under this treaty, if ratified. However, as I understand it, he feels it is wrong for the United States to be tried under this treaty for our actions in Vietnam.

Thus far we have heard only one side of the issue. Therefore, I feel my classmates' opinion is valueless to our lawmakers. How can I go about obtaining information that will present both sides of the argument?

Yours truly,

———, ———.

Mr. CHURCH. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter from a student from Cleveland, with the name similarly deleted, who clearly is after those 15 extra points of grade credit.

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

DEAR SIR: Although, as a high school sophomore, I have no say in the government of our country, I will be able to vote in 6 years and I am concerned with what is happening in my country today. I have been law-abiding all my life, and have had contempt for the campus radicals and revolutionaries who want to wreck everything. But when I hear of things like the Genocide Treaty, I sometimes wonder if they are right.

Twenty years ago President Nixon said that he would never support the treaty in its present form. The treaty has not been changed at all. People such as Frank E. Holman, George A. Finch, Orie L. Phillips, and Eberhard Deutsch have been opposed to the treaty. I am opposed to it because it does not anywhere set out to do what it is supposed to. Nowhere does it define genocide as the destruction of a people or race, as any decent person would be opposed to, but it sets up a world tribunal which would be able to judge domestic acts. This seems to me ridiculous. We do not have world government. Nations should take care of their own.

Under this treaty any nation would be able to accuse virtually any soldier of war crimes. For instance, Lt. Calley would have been tried by this world tribunal. Speaking of the Calley trial, I think it is disgusting the way the bill was reintroduced when the American public was busy with the trial. I would really like to know what possible reasons there would be for this treaty, and I would appreciate hearing from you on this matter. Thank you.

———, ———.

Mr. CHURCH. Mr. President, I believe that this history teacher should be reminded that his function is to present both sides of an issue to his students to enable them to arrive at judgments themselves. And further I believe that all of our citizens should be encouraged to weigh both sides of the Genocide Convention issue before accepting much of what has been put out about this treaty.

CONSULTATIONS WITH MEXICO'S PRESIDENT LUIS ECHEVERRIA, FINANCE MINISTER MARGAIN, AND BUSINESS LEADERS

Mr. JAVITS. Mr. President, on April 13–16, I traveled to Mexico City where I consulted with the President of Mexico, His Excellency Luis Echeverria; the Minister of Finance, Hugo B. Margain; and the American official community headed by our distinguished Ambassador Robert H. McBride.

I consulted also with leaders of Mexico's business community, at a magnificent dinner at the home of Bruno Pagliai.

And, I attended also a breakfast hosted by Alfredo Santos, president of the Association of Chambers of Commerce of Mexico. I express my deep appreciation to the President, Minister Margain and my hosts for their unexampled courtesy and hospitality.

I spoke publicly before the American Chamber of Commerce of Mexico at a large luncheon gathering.

I am pleased to report that I found United States-Mexican relations to be excellent and that a highly constructive continuing dialog between our two countries makes possible the sensible solution of problems in the spirit of mutual respect and good will. The most notable recent example is the outstanding cooperation which the Mexican authorities have been giving the United States in the common fight against drugs.

I also found Mexico's President and his administration to be energetic and fully determined to improve further the standard of living of the Mexican people by furthering industrialization and increasing output as well as insuring an equitable distribution of this output. Toward these ends, the administration of President Echeverria is promoting a program of exchange of technicians with six countries including the United States. This technical exchange will complement the inflow of technology and training accruing from the activities of private foreign enterprise in Mexico. In turn, the administration of President Echeverria is looking toward the broader distribution of ownership in corporations to the Mexican people as a way toward strengthening the ongoing democratic system as well as the vigorous capital markets of Mexico. In all my conversations with Mexico's leaders, I emphasized the importance of acceptable foreign private investment as a vehicle for the all-important transfers of technology and know-how.

I also found an awareness among Mexican leaders of the potential new role Mexico could play in developing economic integration in Latin America looking toward the eventual formation of a Latin American Common Market. I emphasized that self-help efforts toward greater economic integration, I felt, would be favorably received in the United States.

I had the strong feeling that President Echeverria looked favorably on the countries of Latin America moving to establish a regional approach to industrialization and endeavoring to rationalize the Latin American system of industrial production. As is widely recognized, the fragmented production of the same products by many countries does not lead to efficiency of production or the most fruitful use of human and material resources.

President Echeverria's position on accelerating the integration of Latin America was clearly stated in his inaugural message to the Mexican Congress on December 1, 1970. He said:

Latin American integration calls not only for the union of markets but also for that of our productive potential. We must create large-scale economies that will make the most complex industries profitable and competitive in the world markets. We shall propose the establishment of multinational enterprises that will integrate the initiatives of our investors, utilize the raw materials of various countries, and take advantage of the most advanced techniques and institutional sources of international credit. At the same time, we shall also propose the creation of multinational research centers.

It is my hope that the Echeverria administration and the enlightened Mexican business community which has done so much to build a stable and prosperous Mexican democracy will increasingly turn their attention to the affairs of Latin America and assume a leadership role in developing Latin American integration.

In all my conversations, I was impressed by the concern over the protectionist mood in the United States as evidenced by the near congressional passage of the Mills bill in 1970. The reason for Mexico's concern is evident since in recent years, two-thirds of Mexico's exports by value went to the United States. In 1970, the U.S. trade surplus with Mexico reached $482 million, an increase of $61 million over the 1969 surplus of $421 million. I am convinced that continued access of Mexican products to the American market is the key element in maintaining the excellent state of relations between the United States and Mexico.

In turn, any action by the United States to restrict the access of Mexican exports to the U.S. market would run counter to the determined effort which the Echeverria administration is making to promote exports and would create serious friction in the relations between the two countries. Mexico would be particularly concerned about quotas on textiles and shoes and any changes in U.S. law which would restrict the market access of the products of Mexican border industries. Since the United States maintains a trade surplus approaching a half billion dollars annually out of a total trade of some $3 billion—there should be considerable sympathy in the United States for Mexico's position.

While in Mexico City, I explored with Mexican business leaders the type of relationship they wished to see evolve over time with the United States. Many of the business leaders favor the establishment of a special relationship between our two countries which would accord Mexico's production special access to the U.S. market. I believe that interest in the establishment of such a special relationship will be heightened considerably if the generalized preferences scheme fails of passage in the U.S. Congress; or if the European Common Market fails to accord Mexican and other Latin American products greater and nondiscriminatory access to the European market.

In all my talks with Mexico's leaders and with the press, I emphasized that resolution of the textile issue with Japan is a must if there is to be any forward movement in U.S. trade policy.

I ask unanimous consent that the speech I made before the American Chamber of Commerce of Mexico on Pan American Day be printed in the RECORD.

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

A NEW POLICY FOR THE AMERICAS

(An address by Senator JAVITS, a member of the Senate Foreign Relations Committee)

It is always a pleasure to visit this great capital of Mexico; but, today, it is particularly an honor to have been invited to give an address on the 40th anniversary of Pan-American day. In our preoccupations with the immediate issues of the day, we sometimes tend to overlook that the present inter-American regional system is the oldest international organization in existence today, dating back to the Congress of Panama convened by Simon Bolivar one hundred and forty-five years ago. Then on April 14, 1890, the First International Conference of American States created the International Union of American Republics.

Leaving the past, let me turn to 1971 which may prove to be a watershed year for the world.

The negotiations going on in Europe toward the expansion of the Common Market will determine the shape of Europe for the rest of this century as will the shifting patterns of relations between East-West Europe that have come to be characterized by the Federal Republic of Germany-USSR's Ostpolitik. There is movement toward the integration of the People's Republic of China into the family of nations. In the United Nations, the Second Development Decade has been launched which looks ambitiously toward the betterment of the social and economic plight of two-thirds of mankind. Latin America gives evidence of a new, almost revolutionary mood. And the United States, because of the costly and long-term involvement in Vietnam and Indochina gives evidence of a nascent isolationism which could set back the cause of world organization for world peace by decades.

The portents of a new and possibly dangerous isolationist mood in the United States are already clearly evident, particularly in foreign economic policy.

In 1970, the forces of protectionism, buttressed by even the Administration's support of rigid quota legislation for man-made and woolen textiles, almost succeeded in passing the most restrictive trade legislation since the Smoot-Hawley tariff. This legislation in addition to legislating new quotas on textiles, shoes and glycene would have frozen into law the now Administratively determined quotas on oil and meat in addition to opening the door to quotas on literally hundreds of additional products. That a devastating trade war was narrowly averted in 1970 is an understatement.

In 1971, the forces of protectionism remain strong, the destructive textile and apparel dispute with Japan continues to run its dangerous course, the authorization bills for multinational financial institutions including the Inter-American Development Bank face trouble despite the recent elevation of such distinguished leaders as President Ortiz Mena of the Inter-American Development Bank, and the legislation which would authorize the United States to extend generalized, non-reciprocal tariff preferences to developing countries faces a long and difficult road ahead.

The fact that the United States is looking increasingly inward both in reaction to the Vietnam neurosis and to an economic recession affects seriously our relations with Latin America. The citizens of my country today are less enthusiastic about undertaking foreign commitments anywhere in the world—be they military or economic—than they were ten years ago when the Alliance for Progress was launched. And as is to be expected, this mood of weariness and unease is being felt in the Congress with greater force perhaps than it is being felt in the Executive Branch.

Even if the United States does cough the bone that is Vietnam out of its throat in the near future, the world must be aware that only the passage of time will heal the spirit of the North American people. This mood, in turn, will decisively influence the legislative concerns of the nation's lawmakers and in turn influence the program and policy initiatives of the Nixon Administration.

When a country faces difficulties, it is a logical response for other countries to attempt to exploit perceived weakness. This can take the form of construction of military facilities where they should not be constructed; or the excessive maneuvering in the textile dispute; or the slighting of U.S. interests in Europe as the negotiations looking toward the expansion of the Common Market go forward. Such policies which seek unduly to take advantage of a situation and a world leader are a serious mistake—since they may trigger a response by the Administration, by the Congress, or by the citizens of the U.S. that could work to the detriment of long-term relationships.

It is also not productive for nations to have policy expectations in respect to the United States that do not take account of the existing mood. As indicated, part of this existing mood is that the United States is overextended and overcommitted in the world. It is only the minority who would draw the finer distinction which would acknowledge that our overcommitment to Southeast Asia is perhaps matched by our undercommitment to Latin America.

I am convinced that over time our foreign policy priorities will be re-ordered. Over time the United States will come to give our relations with Latin America the priority that they already today rightfully deserve. To give one specific example, it would be my hope that a better balance would develop between Administration and Congressional consideration of the demands of special interest groups such as the cattleman's lobby, the interests of other supplying nations, and the interests of Latin American states in shipping more meat to the United States. The latter is fully consistent with the consumer interest in the United States. In making this statement, let me emphasize that I am not only talking about the Administration because we in Congress also have a heavy responsibility. However, if the Administration bows to the pressure of any special interest group, it is going to be more difficult for the Congress to adopt a forward-looking position.

I would further suggest that in those areas where quotas are felt to be absolutely necessary, that increasingly the developed countries of the world should give developing countries preferential consideration when country quota allotments are made.

Times of difficulty are also times of opportunity, and the United States and Latin America have the opportunity to build a new relationship of equals—a relationship based on mature partnership. The foundations of this new relationship have already been laid in the two-way street consultations in the CIAP; in the first Regular Session of the OAS General Assembly which is today underway in Costa Rica; in the drawing up of the Consensus of Vina del Mar and the U.S. response to this Consensus; in the Nixon Administration's correct response to the election of a Marxist oriented Government in Chile and of course in the close and evolving relationships between the United States and Mexico.

United States-Chilean relations do deserve special mention. It is clearly in the United States and Chilean interest to maintain Chile in the Inter-American system, and I would even suggest that there may be a similarity of long-term U.S. and Chilean interests that should not be obscured by the short-term issues of the day. The Inter-American system in turn should serve as a buffer toward the end of insuring that the democratic and intellectual leadership in Chile is not lost and that relations between the United States and Chile are not unnecessarily exacerbated.

I have a similar attitude toward the military dictatorships in Central and South America. The long-term community of interest we have with these countries must transcend the more immediate day-by-day political considerations, and the OAS again must be the buffer to carry up through until free institutions are again attained. Yet we cannot overlook the fact that essential freedoms have been abrogated.

Turning to the foreign economic policy, I am encouraged by the foundations that have been laid in the field of trade—particularly as they relate to the intensive consultations between the United States and Latin America through a new OAS mechanism. However, a key trade issue remains and it is emerging as the most critical and central problem between the United States and Latin America. I refer to the U.S. pledge to extend generalized trade preferences to the semi-manufacturers and manufacturers of the developing world.

The Nixon Administration should submit this legislation to the Congress. Nothing will be gained if the submission is delayed and much could be lost—including the credibility of a major U.S. commitment.

In the U.S. Congress the main roadblock to the passage of a generalized preferences scheme is the climax engendered by unresolved textile impasse with Japan. It has long been my contention that this problem is capable of prompt resolution if there is give and take on both sides. Chairman Mills has now paved the way for a permanent, mutually satisfactory settlement by showing to the world through the unilateral offer of the Japanese textile industry that it is impossible to reach agreement. The Administration should now follow the lead opened up and the Japanese should recognize that only if they agree to a formula or restraint that permits our President to offer our domestic textile industry a better deal than they obtained from Chairman Mills will it be possible to break the impasse.

I believe that the U.S. Congress would act on the international commitment made by the United States in regards to authorizing U.S. participation in a world-wide, non-discriminatory, non-reciprocal preferences scheme for the developing world if they realized the stakes.

This is particularly the case now that the European Economic Community will put its scheme into effect as of July 1 of this year. Failure of the United States to act would play into the hands of those Europeans who still favor proliferating preferential arrangements with Africa including reverse preferences which work to the detriment of Latin American and U.S. exports. It would play into the hands of those who favor a trading world characterized by regional trading blocs and growing protectionism. And it would damage United States' relations with the developing world. These factors are not in the security interests of the United States or the interest of world peace. If the full case is effectively made, I think the Congress would not opt for the wrong road.

If the generalized preferences legislation does not begin to move through the Congress this year, its chances of securing passage in 1972—an election year—would be diminished, and who knows what 1973 holds. And the longer the United States marks time in terms of its foreign economic policy, the greater will be the chance that the countries of the European Common Market will go regional and inward looking.

The European Common Market is already well down the road toward the creation of a preferential trading system with states bordering on the Mediterranean and selected African states in open violation of the General Agreement on Tariffs and Trade (GATT). If the Common Market does not phase out the reverse preferences now being accorded it under such treaties as the Yaounde Convention, it would be in the interest of the U.S. and Latin America to forge closer trading ties. In turn, if the talks between the United Kingdom and the Common Market do not succeed, Great Britain, Canada, the United States, Mexico and other Latin American states will be exploring the possibility of establishing closer trading ties by a Free Trade Area, Common Market or other means.

Before turning to the issue which many regard as the issue of the hour, allow me to say a word about integration. I fully share the sentiments of President Echaverria who stated in Tijuana on December 29, 1969, that:

"We have learned that it is erroneous to think that communities were formed by selfish and isolated individuals. It is also wrong to think that countries are capable of living in a state of self-sufficiency and national selfishness. The interdependence among countries is an undeniable fact. No country in the world can prosper without the collaboration of others. That is why we should definitely forget competition and think always in terms of cooperation and equality."

The new President of the Inter-American Development Bank recently echoed this theme in Buenos Aires by remarking that "Latin American failure in respect to integration is surprising considering the universal trend in the world "pointing out that "economic integration is the most feasible means of resolving external strangulation and successfully combating the lack of dynamism of the Latin American economies . . ."

It is my view that the slow progress in Latin American integration in turn contributes to the relative decline in Latin American exports in world markets, to the ineffective use of resources and productive capacity and finally to the status of Latin America in the world. I would hope that Latin America would take the steps necessary to implement the ambitious integration goals set forth by the Presidents of the American States at Punte del Este in 1967.

The role of private foreign investment in Latin America is one of the most pressing questions of the day, and one that must move toward resolution. It is a primary area where the lack of a logical, coherent policy works to the detriment of Latin American growth objectives. This "no policy" approach or "highly restrictive policy" approach—such as the one just developed by the countries of the Andean group—not only impedes foreign capital flows, but also threatens to exacerbate the economic and political relationships between the United States and Latin America. In turn, if private foreign capital is increasingly scared off at the same time that public aid flows are declining, it will be increasingly difficult for the countries of Latin America to reach the rates of economic growth and job creation necessary to meet the burgeoning needs of their people.

I find it increasingly difficult to understand why the countries of the world that have gone to such great pains to bring order to and regulate their trade relations, their international currency flows and their public aid flows tolerate a world of "no policy" in the increasingly vital area of private capital flows. The result is that some investors take improper advantage of their host governments, some host governments take unfair advantage of the foreign investor and a general state of confusion and misunderstanding prevails.

As is well known, uncertainty is an anathema to private capital flows—be these flows to the New York Stock Exchange or to productive investments in Latin America. The figures on private foreign investment in Latin America are beginning to reflect this un-

certainty. The U.S. Department of Commerce has reported that the plant and equipment expenditures by U.S. affiliates in Latin America for the year increased only slightly in 1970 to $2.0 billion and are expected to decline slightly to $1.9 billion in 1971. In every other area in the world, on the other hand, plant and equipment expenditures by U.S. affiliates increased at a faster rate for these two years. In turn, net capital outflows from the United States to Latin America declined dramatically in 1969 falling to $271 million from the 1968 level of $477 million. There is a tragedy inherent in these figures in terms of economic growth and employment and in terms of meeting the goals set forth by the United Nations in the Second Development Decade.

Mexico, on the other hand, is almost unique in Latin America in having developed a foreign investment policy. Mexico has announced the rules of the game, the rules of the game are open for discussion and there is give and take between the Government of Mexico and private foreign investors; and I feel that this has helped contribute to Mexico's impressive rate of economic growth over the past 15 years.

For example, estimates of plant and equipment expenditures of U.S. affiliates in Mexico indicate an increase of 44 percent in 1970 over 1969 and a further increase of 19 percent is projected for 1971. In dollar terms, this means that U.S. affiliates will spend $303 million in 1970 and $362 million in 1971. Net capital outflows from the United States to Mexico in turn are expected to reach $93 million in 1969 as compared to $63 million in 1968.

I would suggest that it would be of mutual interest to Latin America and the United States to convene a high-level meeting that would look toward the evolution of a continent-wide foreign investment policy which must safeguard, of course, the sovereign rights of each country. Perhaps such a meeting could then commission a small group of Americans (North and South) of unimpeachable repute who are representative of the entire Inter-American system thoroughly to review this matter with a view toward defining the role of private foreign investment and foreign capital, technological and managerial inputs required by Latin America over the next decade. These men would be free to work without preconceived notions as to what conclusions and policy recommendations should be made. This definition of need could then help determine the type of foreign investment policy which should be adopted and the type of mechanism that should be established toward the achievement of the desired goals. Then a small working group might be organized under the auspices of the Center of Inter-American Relations to prepare proposals looking toward a future relationship with the OAS through the CIAP mechanism and with the Inter-American Bank.

Again, the nature and seriousness of the problem suggests the establishment of a more permanent mechanism than the highly useful ad hoc meetings that have been held in Medellin and Rome where Latin American investment problems were discussed by public and private representatives of both host and donor nations. It is my view that a multilateral mechanism to set forth and help enforce principles and guidelines of behavior by investor and host has never been more essential if the law of the jungle is not to take over in investment matters—with all the sad consequences this would entail for international and inter-American relations.

The more advanced countries of Latin America also are facing another major policy dilemma. Even in the Latin American countries which have shown a consistently high rate of economic growth, the problem of unemployment and underemployment continue to stalk the land. There are two points of pressure developing throughout Latin America—there is the pressure on the cities as they seek to absorb increased population resulting from high rates of population growth in addition to the movement of persons from the land to the cities; and then there are the pressures of increasing population on the limited usable land areas in the rural areas.

That there is a connection between these points of pressure and the agricultural policies followed by the nations of Latin America is clear. There is a great deal of evidence that in the drive to industrialize their economies, many of the nations of Latin America have ignored their agriculture at great cost. A weak agricultural sector forces many countries to import food products, causing a significant drain on foreign exchange. Tight foreign exchange situations in turn limit a country's ability to import, to both equip and feed industrial plants. In turn, underinvestment in agriculture contributes to the push of rural populations to the cities which are incapable of generating sufficient jobs.

The fact that these pressures persist and perhaps are even increasing in all Latin American countries including those which have shown a sustained, high rate of economic growth suggests strongly that a high rate of economic growth cannot be the end of policy. Rather, the objective of a high rate of economic growth must combine with the policy objective of diffusing the fruits of this growth, in income, more evenly throughout the nation. As the economic pie grows, policy makers must increasingly be concerned that this pie ends up in more mouths if healthier social structures are to be built and democratic institutions are to be sustained.

The areas where considerably more emphasis should be given throughout Latin America which would contribute to a broader diffusion of the fruits of economic growth:

(1) The development of more efficient systems of installment credit which would open the door to more persons in terms of home ownership and ownership of consumer durables;

(2) The broader distribution of ownership in corporations to the people through the development of healthier capital markets including stock markets;

(3) Greater efficiency in retailing;

(4) Better quality and health controls and such controls increasingly determine export performance and export sales.

The lesson that we have learned in the advanced nations in the industrial world—and that Japan is just learning—is that man does not live by GNP alone. I would also suggest that economic and political policies now apparently being followed by some countries of the hemisphere which concentrate on redistributing the existing economic pie to the neglect of a larger and more equitably distributed GNP do not serve the best interests of their citizenry.

I would not want to conclude an address in this beautiful and friendly city without saying a few words about the state of United States relations wtih Mexico. Never, I am told by both my Mexican and my American friends, have these relations been better than they are at the present time. Although there are problems between us, our two governments have managed to establish a continuing dialogue with each other which makes possible constructive, sensible solutions of these problems in a spirit of mutual respect and good will. A noteable example is the outstanding cooperation which the Mexican authorities have been giving the United States in the common fight against drugs. The widespread use of drugs is one of the most agonizingly difficult problems which American society must deal with, and all Americans are grateful for the help which Mexico has been giving us in this difficult struggle.

The friendly and cooperative spirit in which we are solving this and other problems has been made possible by a relationship which is founded on respect for each other's sovereignty and dignity. In fact, the mature partnership which exists between the United States and Mexico can serve as a model for the kind of relationship which the United States wishes to establish with all of Latin America.

ANNUAL ELECTRONIC SURVEILLANCE REPORT AND WIRETAP INVESTIGATION

Mr. McCLELLAN. Mr. President, on June 19, 1968, at 7:14 p.m., President Johnson signed Public Law 90–351, the "Omnibus Crime Control Act of 1968." Title III of the 1968 act, which I sponsored and which dealt with wiretapping and electronic surveillance, represented the culmination of an attempt, over the past 40 years, embracing approximately 50 bills, resolutions and joint resolutions, to arm law enforcement with a sorely needed tool to combat the forces of organized crime. District Attorney Frank S. Hogan, who has been one of the Nation's outstanding district attorneys for over 27 years, has aptly discribed this tool as: "the single most valuable weapon in law enforcement's fight against organized crime."

Title III of Public Law 90–351 has now been in effect for a period of 3 years. At first, it was not used on the Federal level, since it was the opinion of the then Attorney General that electronic surveillance was "neither effective nor highly productive," New York Times, May 19, 1967, p. 23, col. 1. Since January of 1969, however, title III has been used on the Federal level, and from January of 1969 through March of 1971, 315 court-approved surveillance orders, including extensions, have been executed. All but 12 produced incriminating evidence. As a result, over 900 persons have been arrested, and, so far, 100 of these individuals have been convicted. Additional convictions will undoubtedly result as other defendants among those arrested are brought to trial. No case has yet reached the Supreme Court, but I am encouraged that the lower Federal courts have twice sustained the constitutionality of the basic scheme of the act. District Attorney Hogan's characterization of electronic surveillance on the local level is fast proving true on the Federal level, and the wisdom of the Senate in rejecting a motion to strike title III from the 1968 act by a record vote of 68 to 12 is being vindicated in practice.

Mr. President, when title III was enacted in 1968, seven States, including Arizona, Georgia, Maryland, Massachusetts, Nevada, New York, and Oregon, had State level legislation which dealt with wiretapping or electronic surveillance and authorized, under varying standards, the issuance of court orders for surveillance in criminal investigations. My research indicates that 19 States, including

Colorado, Florida, Kansas, Minnesota, Nebraska, New Hampshire, New Jersey, Ohio, Rhode Island, South Dakota, Washington, and Wisconsin, now have such legislation and that the majority of it was patterned after title III. At least one of these post-title III statutes, moreover, has been sustained in a published opinion against constitutional attack in the State courts. *State* v. *Christy*, 112 N.J. Super. 48, 270 A 2d 306 (1970)). These developments, too, are heartening. If we can on the Federal and State level arm our police with the tools they so sorely need, I am hopeful that we can arrest and reverse the growth of organized crime in the United States.

Mr. President, under title 18, United States Code, section 2519, prosecutors who seek and judges who issue surveillance orders under the 1968 act or its counterparts on the State level are required to file detailed statistical reports in January of each year with the Administrative Office of the U.S. Courts and in April of each year, the Director of the Administrative Office is required to transmit to the Congress a summary and analysis of the data contained in these reports. These public disclosure provisions reflect the judgment of the Congress in 1968 that public accounting is essential to any system of the limited use of electronic surveillance techniques. Public support for the exercise of the power to wiretap and bug—even under court order—can only be obtained where the public is responsibly informed of the extent and character of its use.

Mr. President, the 1970 annual report has just been released by the Director of the Administrative Office. Because of the widespread interest in these matters of late, I think it will be helpful to summarize for the Senate and comment on the basic data in the report.

This is the third report submitted under title III. It covers the period from January 1, 1970, to December 31, 1970. It indicates that during this period 597 applications for orders were made to Federal and State judges. Of these applications, 183 were signed by Federal judges, and 414 were signed by State judges. Of the 414 State orders, 215 or 52 percent were issued in New York, while 132 or 32 percent were issued in New Jersey.

The 597 applications filed during the 12 months of 1970 compare with the 304 applications filed in 1969 and 174 filed in last 6 months of 1968. On the Federal level, the increase from 33 in 1969 to 183 in 1970 reflects the growth in the Department of Justice's drive against organized crime. Federal organized crime strike forces are now in operation in cities throughout the Nation. On the State level, the increase from 269 in 1969 to 414 in 1970, reflects the implementation of new laws in several States, primarily in New Jersey. In 1969, only 45 applications were made in New Jersey; in 1970, the figure rose to 132, of which the State attorney general's office accounted for 82 in its increased organized crime efforts.

On the Federal level, of 183 authorized intercepts, 180 were installed and 43 extensions were granted. The 183 authorizations were granted for an average length of 17 days; the extensions for an average of 9 days. The State picture varied. In New Jersey, for example, of the 82 authorized intercepts of the attorney general's office, 82 were installed and 19 extensions were granted. The 82 authorizations were granted for an average length of 16 days; the extensions for 19 days.

In 1970, of the 583 applications that resulted in an intercept, 539 involved a telephone wiretap, 21 intercepts used a nonconsensual listening device, such as a microphone. In 23 requests, both a telephone wiretap and a microphone were used for the interception.

The report does not, of course, include data on either the so-called national security or domestic security use of wiretaps or listening devices. In the national security area the use of these techniques, I should like to emphasize, was first begun as a result of a May 21, 1940, memorandum of President Franklin D. Roosevelt to Attorney General Robert Jackson, later Mr. Justice Jackson. In the domestic security area, this practice was first begun as a result of a July 17, 1947, memorandum of President Harry S. Truman to Attorney General Tom Clark, later Mr. Justice Clark. In both areas, it has been continued in each administration and by each Attorney General thereafter. No reports in either of these two areas are required under the 1968 act, however, since the Congress in the 1968 act did not wish to limit in any fashion the constitutional power of the President as Commander in Chief of the Nation's Armed Forces to respond to either foreign powers or clear and present domestic threats to the survival of the Nation. See 18 U.S.C. 2511(3); 14 CONGRESSIONAL RECORD S6245–46—daily edition May 23, 1968. Nevertheless, the President recently commented on the number of wiretaps, indicating that none are currently in operation, while the number running at any one time in recent years has not exceeded 50. In the early 1960's, the figure was 100. What the scope of the President's constitutional power is in this area is a question the Congress did not reach in 1968, and which is, I note, now in the lower Federal courts winding its way up to the Supreme Court. See *United States* v. *Keith*, No. 71–1105 U.S. Court of Appeals for the Sixth Circuit, decided April 8, 1971.

The offenses specified in the applications summarized in the 1970 report covered a wide range of criminal activities. Several broad categories of crime, however, predominated: Arson 13; bribery, 16; drugs, 127; extortion, 17; gambling, 326; homicide, 20; larceny, 31; and robbery, 13.

The locations of the interceptions authorized included 203 residences, 163 apartments, 39 multiple dwelling, 122 business locations, and 30 business and living quarters.

The character of the interceptions were also described in the reports. In 1969, the average intercept involved 116 persons and 641 intercepts, of which 252 or 39 percent were incriminating. In 1970, on the other hand, the average intercept involved 44 people and 655 intercepts, of which 295 or 45 percent were incriminating. With more experience, therefore, it seems apparent that the intercepts are becoming more discriminating, a development that works well both for privacy and justice.

In certain areas, however, the picture is even better. In 1970, for example, on the Federal level, the average intercept touched on 57 persons and embraced 821 intercepts, of which 571 or 69 percent were incriminating, while in New Jersey, in the interceptions conducted by the office of the attorney general, 42 persons were involved and 294 intercepts were made, of which 237 or 80 percent were incriminating.

The total costs of each intercept—manpower and equipment—ranged from a low of $14 to a high of $146,300, with the average national intercept running $5,524, and the average Federal intercept running $12,106. These figures alone should do a great deal to put into context people's fear of excessive use of these techniques. Most police agencies including the Federal, simply do not have the manpower and other resources to conduct widespread surveillance.

Most of the cases in which there were interceptions reported are, of course, still under investigation or are awaiting trial. Nevertheless, the reports indicate that a total of 1,874 arrests have been made as of December 31, 1970. This figure compares favorably with the 625 arrested in 1969. Supplementary court action reports dealing with intercepts first reported in 1969 were also filed for 53 percent of the 1969 intercepts. Others are coming in periodically. A total of 31 trials and 70 convictions have occurred. One motion to suppress has been granted, one withdrawn, 25 are pending, and 25 have been denied. These figures, too, say a great deal about the judgment of those who say that these techniques are not effective or that they will be subject to widespread abuse. As the experience is beginning to develop, it shows clearly how important convictions can be obtained without an undue invasion of privacy.

Mr. President, I recognize, of course, that it is not proper to draw too many conclusions from wholly statistical information. Nevertheless, I am moved to point out and to emphasize that this data does not support the position of those who fought the enactment of title III and would now seek its repeal or substantial modification. The opponents of this legislation predicted widespread and promiscuous use of wiretaps and bugs by law enforcement authorities. They are being proven wrong. They said it was neither effective nor highly productive. Now they are being made to eat their words. I would hope, too, that when they make new and equally sweeping predictions and charges today that the Senate and the Nation will remember

that their track record does not warrant paying close attention to them.

On the other hand, Mr. President, I am frank to admit that I sense a certain public concern about wiretapping. I have seen no evidence that warrants it. I assure the Senate, too, that I have made it my business to watch carefully the implementation of this statute on the Federal and State levels. When and if abuses occur, I shall do all in my power to see to it that those responsible are prosecuted to the full extent of the law and shall seek from time to time to have appropriate inquiries made to verify that abuses are or are not taking place and to bring to the public's attention how well or ill these techniques for the investigation of crime serve the public interest.

It is in this context, therefore, that I should like to inform the Senate that I have directed the staff of the Subcommittee on Criminal Laws and Procedures, which I am privileged to chair and which has legislative oversight in the area of wiretapping and electronic surveillance, to begin to undertake a comprehensive examination of law and practice on the Federal and State levels. The Attorney General has informed me that he will extend to the subcommittee every possible assistance, and I am hopeful that this examination could mature into public hearings by early fall. There is a need here for a public review of the facts—all of the facts. Hopefully, these hearings can bring out those facts. I intend to do what is in my power to see to it that they do.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks an exchange of correspondence between the Attorney General and myself, copies of the three Presidential memorandums, a staff memo summarizing the developments of the law in this area, certain summary charts contained in the 1970 Annual Surveillance Report, and excerpts from the President's recent news conference.

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

[Exhibit No. 1]

APRIL 28, 1971.

Hon. JOHN N. MITCHELL,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I write to solicit your cooperation in a study of wiretapping and electronic surveillance to be undertaken by the Subcommittee on Criminal Laws and Procedures.

As I am sure you are aware, I sponsored the enactment in 1968 of title III of Public Law 90-351, which deals with wiretapping and other forms of electronic surveillance, out of the deeply held desire both to strengthen law enforcement and to protect the legitimate need for privacy of our Nation's citizens. Title II of Public Law 90-351 will have been effective for a period of three years on June 19 of this year, a period during which it has been utilized on the federal level for 2½ years and in which the legislatures of 12 of our states have enacted comparable local legislation. I note, too, that the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, established by title III and recently strengthened by Public Law 91-644, will come into operation in June of 1973 to review the operation of title III and report to the President and the Congress two years thereafter. It is appropriate, therefore, now that we are at approximately the halfway mark of the initial six-year life of title III, that we take stock of where we are and chart carefully where it is that we might go.

As you may also be aware, after the first annual surveillance report had been issued in April of 1969 by the Administrative Order of the Courts, I directed the staff of the Subcommittee on Criminal Laws and Procedures, the Judiciary Subcommittee which has legislative oversight jurisdiction over title III, to undertake a review of the operation of the statute on the state level during its first six months of operation. The results of that study were presented to the Senate on August 11, 1969. (115 Cong. Rec. S9569, daily ed., Aug. 11, 1969.) The study had immediate and beneficial effects, including a revision of the initial regulations issued by the Administrative Office for the annual reports so that they might more accurately reflect practices under the statute and the enactment of an amendment to title II itself as a part of Public Law 91-358, to clarify the civil liability of phone company and other private personnel cooperating in the execution of court orders issued under title III and fair on their face. I would hope that a similar study now could also have beneficial effects.

Since August of 1969, of course, a number of facets of the use of electronic surveillance techniques have come into the focus of public attention, including their use in domestic security cases, a practice that I note was first established under President Truman and Attorney General Tom Clark in 1949, and the propriety and legality of recording and other techniques in light of the Supreme Court's decision in *United States* v. *White*, No. 13, October Term 1970, decided April 5, 1971.

In light of all these items, I believe, in short, that it would be in the public interest to undertake at this time a comprehensive review of law and practice in these and related areas. I would expect that this review could mature into public hearings by early fall. Should you agree that this course of action should be followed, please have an appropriate member of your staff contact the staff of the Subcommittee. I am sure that the details of the study can be worked out without undue difficulty.

With kindest regards, I am,

Sincerely yours,

JOHN L. MCCLELLAN.

[Exhibit No. 2]

MAY 7, 1971.

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

DEAR SENATOR MCCLELLAN: This is in response to your letter of April 28, 1971 concerning a study of wiretapping and electronic surveillance to be undertaken by the Subcommittee on Criminal Laws and Procedures.

We at the Department of Justice are well aware, Senator, of your key role in the enactment of Title III of the Omnibus Crime Control and Safe Streets Act of 1968, the landmark legislation dealing with wiretapping and electronic surveillance, and of your interest in improving our law enforcement effort while at the same time safeguarding individual liberties. Our experience under the statute in the last 27 months has proved the wisdom of the framers of it on both counts.

We agree also that this is an appropriate time for us to report to the Congress on our experience under Title III, and for the Subcommittee on Criminal Laws and Procedures to undertake a comprehensive review of law and practice in the area of wiretapping and electronic surveillance, as well as related areas. You may be assured, therefore, of our full cooperation in the endeavor. Members of my staff will be in touch with the staff of the Subcommittee as you requested.

Sincerely,

———— ————,
Attorney General.

[Exhibit No. 3]

[From the Sunday Star, May 2, 1971]

WIRETAPS

Q. Mr. President, regarding the use of wiretaps in domestic security matters——

Nixon: The kind that you don't have with subpoenas, in other words?

Q. Yes, court orders. The attorney general has stated the policy on that and he has been criticized by Congressman Emanuel Celler of New York, who said that this could lead to a police state. Would you comment on the threat of a police state in the use of this type of activity?

A. Well, I have great respect for Congressman Celler as a lawyer and, of course, as the dean—as you know, he is the dean of all the congressmen in the House, a very distinguished congressman.

However, in this respect I would only say, where was he in 1961? Where was he in 1962? Where was he in 1963?

Today, right today, at this moment, there are one-half as many taps as there were in 1961, '62 and '63, and 10 times as many news stories about them. Now, there wasn't a police state in 1961, '62 and '63, in my opinion, because even then there were less than 100 taps and there are less than 50 today, and there is none, now, at the present time.

All of this hysteria—and it is hysteria, and much of it, of course, is political demagoggery to the effect that "the FBI is tapping my telephone" and the rest—simply doesn't serve the public purpose.

In my view, the taps, which are always approved by the attorney general, in a very limited area, dealing with those who would use violence or other means to overthrow the government, and limited, as they are at the present time, to less than 50 at any one time, I think they are justified, and I think that the 200 million people in this country do not need to be concerned that the FBI, which, with all the criticism of it, has a fine record of being non-political, nonpartisan, and which is recognized throughout the world as probably the best police force in the world, the people of this country should be thankful that we have an FBI that is so greatly restricted in this respect.

This is not a police state. I have been to police states. I know what they are. I think the best thing that could happen to some of the congressmen and senators and others who talk about police states is to take a trip—I mean a trip abroad, of course—and when they go abroad, try a few police states.

This isn't a police state and isn't going to become one.

I should also point this out: Where were some of the critics in 1968 when there was Army surveillance of the Democratic National Committee—at the convention, I mean? We have stopped that.

This administration is against any kind of repression, any kind of action that infringes on the right of privacy. However, we are for, and I will always be for, that kind of action necessary to protect this country from those who would imperil the peace that all people are entitled to enjoy.

EXHIBIT NO. 4

TABLE 7.—SUMMARY REPORT ON AUTHORIZED INTERCEPTS GRANTED PURSUANT TO TITLE 18, UNITED STATES CODE, SEC. 2518, 1968,[1] 1969, AND 1970

Reporting period	Total	Residence	Apartment	Multiple dwelling	Business	Business and living quarters	Not indicated and other
Type of facility:							
Jun. 20 to Dec. 31, 1968	174	67	49	10	45	----------	3
Jan. 1 to Dec. 31, 1969	302	135	68	14	71	5	9
Jan. 1 to Dec. 31, 1970	597	203	163	39	122	30	30

Reporting period	Total		Number of extensions	Average length (in days)			
	Authorized	Installed		Original authorization	Extension	Actual use	
						Days	Hours
Intercepts authorized:							
Jun. 20 to Dec. 31, 1968	174	147	128	20	20	(1)	(1)
Jan. 1 to Dec. 31, 1969	302	271	194	26	22	9,019	3½
Jan. 1 to Dec. 31, 1970	597	583	246	22	19	11,200½	11

Reporting period	Total	Arson	Drugs	Extortion	Gambling	Homicide	Larceny	Robbery	All othe
Major offense specified in application:									
June 20 to Dec. 31, 1968	174	2	71	13	20	21	19	8	22
Jan. 1 to Dec. 31, 1969	302	1	88	10	102	19	10	24	49
Jan. 1 to Dec. 31, 1970	597	13	127	17	326	20	31	13	50

Reporting period	Intercepts		Persons involved	Intercepts	Incriminating intercepts
	Total [2]	Installed			
Average number per authorized intercept:					
June 20 to Dec. 31, 1968	174	147	29	454	98
Jan. 1 to Dec. 31, 1969	302	271	116	641	252
Jan. 1 to Dec. 31, 1970	597	583	44	655	295

Reporting period	Total where cost reported	Average	Less than $1,000	$1,000 to $2,000	$2,000 to $5,000	$5,000 to $10,000	$10,000 and over
Cost per authorized intercept:							
June 20 to Dec. 31, 1968	120	$1,358	75	21	18	6	----------
Jan. 1 to Dec. 31, 1969	262	2,634	127	45	54	24	12
Jan. 1 to Dec. 31, 1970	570	5,524	178	88	139	88	77

[1] Not available
[2] Authorized by judges.

[EXHIBIT NO. 5]

TABLE 1.—JURISDICTIONS WITH STATUTES AUTHORIZING OR APPROVING THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS EFFECTIVE DURING THE PERIOD JAN. 1, 1970 TO DEC. 31, 1970

State	Statutory citation [1]	Reported use of wiretap in 1970
Federal	18:2510 to 2520	Yes.
Arizona	13: 1051 to 13:1059	Yes.
Colorado	40-4-26 to 40-4-33	Yes.
Florida	934.01 to 934.10	Yes.
Georgia	26-3001 to 26-3010	Yes.
Kansas	22-2513	No.
Maryland	35-92 to 35-99	Yes.
Massachusetts	272-99	Yes.
Minnesota	626A.01 to 626A.23	Yes.
Nebraska	86-701 to 86-707	No.
Nevada	200.610 to 200.690	No.
New Hampshire	570-A:1 to 570-A:11	Yes.
New Jersey	2A:156A-1 to 2A:156A-26	Yes.
New York	813-J to 813-M; 814 to 825	Yes.
Oregon	141.720 to 141.900	No.
Rhode Island	12-5.1-1 to 12-5.1-16	No.
South Dakota	23-13A-1 to 23-13A-11	No.
Washington	9.73.030 to 9.73.080	No.
Wisconsin	968.27 to 968.33	Yes.

[1] Excludes jurisdictions which enacted legislation in 1971.

[Exhibit No. 6]

APRIL 30, 1971.

Memorandum to Senator MCCLELLAN.

From: G. Robert Blakey, Chief Counsel, Subcommittee on Criminal Laws and Procedures.

Subject: Wiretapping Controversy.

You asked for a background memorandum on the current wiretapping controversy.

DEFINITIONS OF KEY TERMS

1. *wiretapping:* interception of communication transmitted over wire from phone *without* consent of participant.

2. *bugging:* interception of communication transmitted orally *without* consent of participant.

3. *recording:* electronic recording of wire or oral communication *with* the consent of a participant.

4. *transmitting:* radio transmission of oral communication *with* the consent of a participant.

5. *electronic surveillance:* generic term loosely used to cover all of the above, but often confined to "wiretapping" or "bugging."

6. *national security:* generic term loosely used to refer to wiretapping or bugging aimed at either "foreign" or "domestic" threats to the national security.

a. *foreign security:* usually meant to cover "wiretapping" or "bugging" to obtain coverage of foreign diplomats, spies, and their American contacts; also directed at Communist party and Communist front activities in the United States; sometimes used to obtain coverage of those involved in foreign intrigue, e.g., gun running to Latin American countries, etc.; primarily useful to prevent damage (theft of documents, etc.), not "solve crimes."

b. *domestic security:* usually meant to cover "wiretapping" or "bugging" to obtain coverage of extremist groups in the United States, e.g., the Black Panthers, groups within the K.K.K., and La Cosa Nostra; sometimes used to determine the influence of extremist groups in other legitimate organizations (civil rights or peace); primarily useful to prevent damage (assaults, bombings, kidnapping, homicides, riots, etc.).

Note that the "foreign" and "domestic" security distinction is sharper in theory than in practice. Often it is difficult without "wiretapping" or "bugging" to determine the "foreign" or "domestic" character of the threat.

Note, too, that since the emphasis is on the prevention of harmful activity rather than the punishment of those who have already caused harm, police action in these areas tends to cover more people for longer periods of time under less precise standards than conventional criminal investigations.

Caveat: Newspaper reporters, in particular, but all of us sometimes use "wiretapping," "bugging" and "national security" to refer to some or all of these techniques or areas of activity without carefully discriminating between them. This fact alone leads to most of the controversy; people often are not talking about the same things, even though they are using the same words.

CHRONOLOGY OF SIGNIFICANT EVENTS

1. *Olmstead* v. *United States,* 277 U.S. 438 (1928), held: (1) that wiretapping without a warrant did not violate the Fourth Amendment's ban on unreasonable searches and seizures because without a trespass there was no "search" and without a tangible taking there was no "seizure;" (2) that wiretapping did not violate the Fifth Amendment's ban on compulsory self-incrimination because no compulsion was placed on the speaker to speak; and (3) that the product of wiretapping illegal under state law may be used in Federal courts, since the suppression sanc-

tion applied only to violations of constitutional rules.

2. Section 605 of the Federal Communications Act of 1934, 48 Stat. 1103 (1934), 47 U.S.C. § 605 (1968), prohibited the "interception" and "divulgence" or "use" of the contents of a wire communication. At passage of the Act, managers of the bill observed, "[I]t does not change existing law." 78 Cong. Rec. 1013 (1934).

3. *Nardone* v. *United States*, 302 U.S. 379 (1937) held that the "divulgence" of a wiretap made by a Federal officer in a Federal court violated Section 605 of the 1934 Act.

4. N.Y. Const., Art. I, § 12 (1938), authorized wiretaps.

5. President Franklin D. Roosevelt on May 21, 1940, instructed Attorney General Robert H. Jackson to use wiretapping and bugging against subversive activities against the government of the United States. (A copy of this memo is attached.)

6. Attorney General Robert H. Jackson informed Congress in March 1941 that Section 605 could only be violated by both "interception" and "divulgence" or *private* "use." Hearings before Subcommittee No. 1 of House Judiciary Committee on H.R. 2266 and H.R. 3099, 77th Cong., 1st Sess. 18 (1941).

7. N.Y. Code of Crim. Proc. § 813a (1942) implemented state constitution to authorize court-ordered wiretaps.

8. *Goldman* v. *United States*, 316 U.S. 129 (1942) held that bugging without a warrant did not violate the Fourth Amendment's ban on unreasonable searches and seizures if there was no trespass.

9. President Harry S Truman on July 17, 1947, concurred in the recommendation of Attorney General Tom C. Clark that the F.D.R. authorization of 1940 be extended to cases of domestic security or where human life was in jeopardy. (A copy of this memo is attached.)

10. *On Lee* v. *United States*, 343 U.S. 747 (1952) held that the use of a transmitter by police officers without a warrant to overhear conversations between an informant and a suspect did not violate the Fourth Amendment's ban on unreasonable searches and seizures where the informant consented to its use.

11. *Irvine* v. *California*, 347 U.S. 128 (1954) held that bugging without a court order accomplished by a trespass violated the Fourth Amendment's ban on unreasonable searches and seizures, but that since the suppression sanction did not operate in state courts, no evidentiary consequences attached to the violation.

12. *Benanti* v. *United States*, 355 U.S. 96 (1957) held that a wiretap under a court order under New York law violated Section 605 of the 1934 Act and its product could not be used in a Federal court.

13. *Rathbun* v. *United States*, 355 U.S. 107 (1957) held electronic recording of a wire communication with the consent of a participant was not an "interception" under Section 605 of the 1934 Act.

14. *English Privy Councillors Report on Wiretapping* (1957) concluded that wiretapping under the Home Secretary's authorization was effective in criminal investigations, necessary to protect the security of the State, carried with it no harmful social consequences, and should be permitted to continue.

15. N.Y. Code of Crim. Proc. § 813a extended to authorize court-ordered bugging in 1959.

16. *Lopez v. United States*, 373 U.S.C. 427 (1963) held that electronic recording of an oral communication with the consent of a participant was not a violation of the Fourth Amendment's ban on unreasonable searches and seizures.

17. *Massiah* v. *United States*, 377 U.S. 201 (1964) held that electronic recording of an oral communication with the consent of a participant after the indictment of the suspect violated the suspect's Sixth Amendment right to counsel.

18. President Lyndon B. Johnson on June 30, 1965, prohibited the use of wiretapping or bugging by Federal agencies except to collect intelligence affecting the national security and on the approval of the Attorney General, (A copy of this memo is attached).

19. *Osborn* v. *United States*, 385 U.S. 323 (1966) held that electronic recording of an oral communication with the consent of a participant and pursuant to a court order was not a violation of the Fouth Amendment's ban on unreasonable searches and seizures.

20. Prime Minister Harold Wilson in 1966 re-affirmed the conclusions of the 1957 Privy Councillors Report but indicated that the Report's recommendations would not be followed to the extent that they would permit the interception of the wire communications of members of Parliament. Rept. C&P Pro. pp. 634–42 (17 Nov. 1966).

21. The President's Commission on Law Enforcement and the Administration of Justice in 1967 recommended that a carefully drawn statute be enacted to authorize court ordered wiretapping and bugging.

22. *Berger* v. *New York*, 388 U.S. 41 (1967) held that Section 813a of N.Y. Code of Crim. Proc. authorized unreasonable searches and seizures contrary to the Fouth Amendment, but the Court observed that where there was provision for judicial supervision based on an adequate showing of probable cause. particularization of the offense under investigation and the type of conversations to be overheard, limitations on the time period of the surveillance, a requirement of termination once the stated objective was achieved, close supervision of the right to renew and a return to be filed with the court, such surveillance could be reasonable.

23. Attorney General Ramsey Clark, on June 16, 1967, issued regulations that prohibited wiretapping and bugging except in national security matters and required that his approval be obtained prior to recording with or without a court order or transmitting.

24. *Katz* v. *United States*, 389 U.S. 347 (1967) held that bugging without a warrant violated the Fourth Amendment's ban on unreasonable searches and seizures, even though there was no trespass, where the communication was uttered under a reasonable expectation of privacy; *Olmstead* and *Goldman* were overruled, and the Court repeated that a carefully drawn court order would be sustained and expressly left open the question of national security wiretaps or bugging without a warrant.

25. Title III of Public Law 90–351 (June 19, 1968) provided as follows:

(1) prohibited all private wiretapping and bugging (18 U.S.C. § 2511(1)),

(2) permitted private recording only where not done to commit a tort or crime (18 U.S.C. § 2511(2)(d)),

(3) prohibited state or federal law enforcement wiretapping and bugging except under court order system (18 U.S.C. § 2511),

(4) permitted state or federal law enforcement recording (18 U.S.C. § 2511(2)(c)),

(5) expressly disclaimed any intent to regulate federal, foreign, or domestic security wiretapping or bugging (18 U.S.C. § 2511(3)),

(6) set up a Federal court order system for wiretapping or bugging (18 U.S.C. §§ 2516(1), 2518),

(7) set standards for optional state court order systems for wiretapping or bugging (18 U.S.C. §§ 2516(2), 2518),

(8) made unauthorized wiretapping or bugging a Federal civil tort (18 U.S.C. § 2529),

(9) required annual reports for Federal and state wiretapping and bugging (18 U.S.C. § 2519),

(10) set up a commission to review the operation of the first seven years of the statute in its seventh year (82 Stat. 223). (Note: P.L. 91–644 advanced this date from 1974 to 1973).

NOTE.—As of October 1970, the following 19 states had legislation for court ordered wiretapping or bugging:

Arizona (Post-*Berger*, Pre-Title III);
Colorado;
Florida;
Kansas;
Georgia (Post-*Berger*, Pre-Title III);
Maryland (Pre-*Berger*);
Massachusetts (Revised after *Berger* and Title III);
Minnesota;
Nebraska;
Nevada (Pre-*Berger*);
New Hampshire;
New Jersey;
New York (Revised after *Berger* and Title III);
Ohio;
Oregon (Pre-*Berger*);
Rhode Island;
South Dakota;
Washington; and
Wisconsin.

26. The first Annual Surveillance Report for 1968 was issued; it indicated that 174 applications had been made and orders issued for wiretaps or bugs, which resulted in 263 arrests.

27. *Alderman* v. *United States*, 394 U.S. 165 (1969) held that illegally obtained evidence must be disclosed to suspects without an in camera review so that an opportunity can be afforded them to suppress evidence against them at trial.

28. The second Annual Surveillance Report for 1969 was issued; it indicated that 304 applications had been made and 302 orders issued for wiretaps or bugs, which resulted in 625 arrests.

29. Title VIII of Public Law 91–452 (October 15, 1970) set aside the result of *Alderman* for wiretapping and bugging occurring prior to June 19, 1968, and set up an in camera disclosure procedure.

Note: 18 U.S.C. §2518(8)(d) and (10)(a) govern disclosure of wiretapping or bugging after June 19, 1968 and provides for an in camera disclosure procedure.

30. *United States* v. *Clay*, 430 F. 2d 165 (5th Cir. 1970), held that wiretapping under the direction of the Attorney General without a warrant to obtain foreign security intelligence did not violate the Fourth Amendment's ban on unreasonable search and seizure. (*Cert.* has been denied as to this issue.)

31. The American Bar Association on February 8, 1971 approved electronic surveillance standards for recording, wiretapping and bugging under court order and the use of such techniques in the foreign security field.

32. *White* v. *United States*, No. 13, October Term 1970, decided April 5, 1971, 9 Crim. L. Reptr. 3036 (4–7–71), sustained against Fourth Amendment objections the use of a transmitter by police officers without a warrant to overhear conversations between an informant and a suspect where the suspect consented to its use.

33. *United States* v. *Keith*, No. 71–1105, United States Court of Appeals for the Sixth Circuit, decided April 8, 1971, held that an authorization of a wiretap in a domestic security matter by the Attorney General without judicial sanction violated the Fourth Amendment's ban on unreasonable searches and seizures.

[Appendix A]

CONFIDENTIAL MEMORANDUM FOR THE ATTORNEY GENERAL

THE WHITE HOUSE,
Washington, D.C., May 21, 1940.

I have agreed with the broad purpose of the Supreme Court decision relating to wiretapping in investigations. The Court is undoubtedly sound both in regard to the use of evidence secured over tapped wires in the prosecution of citizens in criminal cases; and is also right in its opinion that under ordinary and normal circumstances wiretapping by Government agents should not be carried on for the excellent reason that it is almost bound to lead to abuse of civil rights.

However, I am convinced that the Supreme Court never intended any dictum in the particular case which it decided to apply to grave matters involving the defense of the nation.

It is, of course, well known that certain other nations have been engaged in the organization of propaganda of so-called "fifth columns" in other countries and in preparation for sabotage, as well as in actual sabotage.

It is too late to do anything about it after sabotage, assassinations and "fifth column" activities are completed.

You are, therefore, authorized and directed in such cases as you may approve, after investigation of the need in each case, to authorize the necessary investigation agents that they are at liberty to secure information by listening devices direct to the conversation or other communications of persons suspected of subversive activities against the Government of the United States, including suspected spies. You are requested furthermore to limit these investigations so conducted to a minimum and to limit them insofar as possible to aliens.

(s) F. D. R.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., July 17, 1946.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: Under date of May 21, 1940, President Franklin D. Roosevelt, in a memorandum addressed to Attorney General Jackson, stated:

"You are therefore authorized and directed in such cases as you may approve, after investigation of the need in each case, to authorize the necessary investigating agents that they are at liberty to secure information by listening devices directed to the conversation or other communications of persons suspected of subversive activities against the Government of the United States, including suspected spies."

This directive was followed by Attorneys General Jackson and Biddle, and is being followed currently in this Department. I consider it appropriate, however, to bring the subject to your statement at this time.

It seems to me that in the present troubled period in international affairs accompanied as it is by an increase in subversive activity here at home, it is as necessary as it was in 1940 to take the investigative measures referred to in President Roosevelt's memorandum. At the same time, the country is threatened by a very substantial increase in crime. While I am reluctant to suggest any use whatever of these special investigative measures in domestic cases, it seems to me imperative to use them in cases vitally affecting the domestic security, or where human life is in jeopardy.

As so modified, I believe the outstanding directive should be continued in force. If you concur in this policy, I should appreciate it if you would so indicate at the foot of this letter.

In my opinion, the measures proposed are within the authority of law, and I have in the files of the Department materials indicating to me that my two most recent predecessors as Attorney General would concur in this view.

Respectfully yours,

/s/ TOM C. CLARK,
Attorney General.

July 17, 1947.
I concur.

/s/ HARRY S. TRUMAN.

[Administratively confidential]

THE WHITE HOUSE,
Washington, D.C., June 30, 1965.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

I am strongly opposed to the interception of telephone conversations as a general investigative technique. I recognize that mechanical and electronic devices may sometimes be essential in protecting our national security. Nevertheless, it is clear that indiscriminate use of these investigative devices to overhear telephone conversations, without the knowledge or consent of any of the persons involved, could result in serious abuses and invasions of privacy. In my view, the invasion of privacy of communications is a highly offensive practice which should be engaged in only where the national security is at stake. To avoid any misunderstanding on this subject in the Federal Government, I am establishing the following basic guidelines to be followed by all government agencies:

(1) No federal personnel is to intercept telephone conversations within the United States by any mechanical or electronic device, without the consent of one of the parties involved. (except in connection with investigations related to the national security).

(2) No interception shall be undertaken or continued without first obtaining the approval of the Attorney General.

(3) All federal agencies shall immediately conform their practices and procedures to the provisions of this order.

Utilization of mechanical or electronic devices to overhear non-telephone conversations is an even more difficult problem, which raises substantial and unresolved questions of Constitutional interpretation. I desire that each agency conducting such investigations consult with the Attorney General to ascertain whether the agency's practices are fully in accord with the law and with a decent regard for the rights of others.

Every agency head shall submit to the Attorney General within 30 days a complete inventory of all mechanical and electronic equipment and devices used for or capable of intercepting telephone conversations. In addition, such reports shall contain a list of any interceptions currently authorized and the reasons for them.

/s/ LYNDON B. JOHNSON.

J. EDGAR HOOVER

Mr. THURMOND. Mr. President, today marks the 47th anniversary of J. Edgar Hoover's distinguished leadership of the Federal Bureau of Investigation. Forty-seven years in such a demanding position is quite an achievement; however, the greatness of Director Hoover is not merely in his tenure. He has built the FBI into the most competent and honorable crime-fighting organization in the world.

Mr. President, it is with pride that I rise to honor this great American, J. Edgar Hoover. The newsletter I have prepared for release today is entitled, "J. Edgar Hoover and His Critics." I ask unanimous consent that it be printed in the RECORD.

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

J. EDGAR HOOVER AND HIS CRITICS

(By Senator STROM THURMOND)

Americans are currently witnessing a concentrated attack against one of our most respected and capable officials—J. Edgar Hoover, Director of the Federal Bureau of Investigation. The attack, conducted simultaneously by some of the news media and by politically ambitious individuals, has as its purpose the removal of Hoover from his post as head of the nation's foremost and finest bureau of investigation—the F.B.I. A secondary aim is to discredit the F.B.I. as an institution in order to hamper its investigations into the numerous revolutionary groups that continue to advocate violence and illegal disruption of society.

In 1924 when Hoover took over as Director of the F.B.I., it was a scandal-ridden and ineffective bureaucracy. Since Hoover's tenure began, not one single F.B.I. agent has been charged with a crime. The image of honesty and integrity which Hoover has insisted upon has never been blemished.

REPUTATION FOR EFFECTIVENESS

In addition to the F.B.I.'s well-deserved reputation for integrity, the bureau under Hoover's guidance has also gained a worldwide reputation for effectiveness. The crime-fighting record of the F.B.I. is unexcelled, whether the law-breakers are part of organized crime, or part of the growing number of revolutionaries who commit such crimes as bombing government buildings. The history of the F.B.I. also shows great success in apprehending foreign agents and saboteurs—both Nazis during the Second World War, and Communists since then.

The record of the F.B.I. as an honest and effective investigative agency has created a tremendous feeling of confidence in J. Edgar Hoover and in the F.B.I. by the American people. The F.B.I. has shown judgment and restraint where judgment and restraint were needed. It has shown courage and daring where these qualities are required. It is indeed unfortunate that this outstanding record has resulted in such undeserved attacks upon Hoover and the F.B.I.

In recent weeks, the criticism of Hoover and the F.B.I. has focused on two allegations: First, that the F.B.I. has "bugged" the telephones of Members of Congress; and Second, that the F.B.I. has recklessly spied on legitimate political activities, such as the recent "Earth Day" meeting in Washington. Neither charge withstands careful examination. Much publicity attended a speech recently made on the floor of the House of Representatives by one of the Democrat leadership, who promised "proof" that the F.B.I. had tapped his telephone. However, even the normally liberal press concluded that no factual evidence has been presented to substantiate this charge, a charge that Attorney General Mitchell has branded as false.

BASELESS CHARGE

The second charge—that the F.B.I. has recklessly spied on legitimate political activities—has also been shown to be baseless. F.B.I. agents have had under surveillance numerous persons who have been suspected of involvement in illegal activities aimed at the U.S. government, and some of

these people do attend legitimate political functions from time to time. However, in an era when political protest far too often takes such forms as bombing the Capitol or massive and illegal attempts to shut down the government by blocking traffic and entrances to government buildings, it is difficult indeed to find fault with F.B.I. efforts to gather intelligence on individuals and groups who may be involved.

We are one of very few peoples in the world today or throughout recorded history who have been privileged to live in a nation based on democratic processes and the rights of individuals. If crime, subversion, and illegal acts, committed for the purpose of circumventing or destroying the democratic process, are allowed to multiply unchecked, then freedom's future is bleak. The responsibility of the F.B.I. is to bring to justice those who violate the law, whether the motive of the criminal be personal or political. Under J. Edgar Hoover, the Bureau has discharged this responsibility with reason and within the safeguards of the law.

HOW NOT TO NEGOTIATE WITH THE RUSSIANS

Mr. CHILES. Mr. President, the able junior senator from Washington (Mr. JACKSON) in his capacity as chairman of the Government Operations Committee's Subcommittee on National Security and International Operations is taking the forefront by conducting the first major congressional look into the process and problems of international negotiation. The focus of the subcommittee's inquiry revolves around lessons to be learned from the past and present experience in the conduct of negotiations, the goal being to identify the central issues relating to international negotiation and get out in the open and to encourage sounder attitudes and approaches.

The subcommittee is finding that little up-to-date or substantial analytical materials have been done and this subcommittee is breaking into new ground.

During my brief tenure in the U.S. Senate, the subcommittee has held four hearings relating to this goal; they were:

February 26—Dr. Dirk U. Stikker, former Netherlands Minister of Foreign Affairs and Secretary General of NATO from 1961 to 1964;

March 17—Bernard Lewis, Professor of History of the Near and Middle East, University of London;

April 2—Robert F. Byrnes, Distinguished Professor of History at Indiana University;

April 30—Robert Conquest, noted British author and analyst of the Soviet Union.

I invite the Senate's attention to an article by the subcommittee's distinguished chairman, published in Nation's Business for April, 1971, and ask unanimous consent that it be printed in the RECORD.

In my opinion, "How Not to Negotiate With the Russians" is one of the most concise thought-provoking and educational articles written in this area. In addition, it takes an approach very dear to our American tradition, and that is we can find humor in our actions and at the same time have the seriousness and dedication to begin correcting them.

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

HOW NOT TO NEGOTIATE WITH THE RUSSIANS

(By Senator HENRY M. JACKSON)

(NOTE.—Sen. Jackson, a Democrat from Washington, is now conducting the first major Congressional inquiry into the problems of international negotiation. He is chairman of the Senate Government Operations Committee's Subcommittee on National Security and International Operations.)

In Paris, Viet Nam talks drag on; SALT negotiations proceed at Helsinki and Vienna; the status of Berlin is under discussion; there is diplomatic jockeying over a European security conference; and talks about a Middle East settlement go forward.

Clearly, international negotiations are the order of the day.

If we handle such negotiations effectively, we are able from time to time to act together with the Soviets in ways consistent with our own interests and purposes. Certainly, Americans want to identify areas of common or parallel interest with the Soviets.

Yet negotiating with them is a most complicated process, and Moscow's objectives and tactics create enormous difficulties. Negotiations would be hard enough to bring to a successful outcome if those on our side handled themselves skillfully. That is very often not the case.

Watching America conduct its foreign affairs, I've seen blunders lead to missed opportunities and serious setbacks to the national interest, including unnecessary wars.

Here, for the benefit of those who want to avoid these pitfalls, is a "Bungler's Guide to International Negotiation"—or "How to Botch the Talks."

1. *In approaching a negotiation, the born bungler will discard in advance any proposal he thinks the other side will object to.*

As the American government formulates its position on an issue, it often happens that a possible proposal is scrapped as being "unacceptable" to Moscow—even though the idea has much to recommend it from the U.S. point of view. Since a proposal obviously can never be accepted if it is never submitted, the effect of ruling one out as "unacceptable" is to guarantee its unacceptability.

There is the possibility, however, that an adversary can be brought to change its evaluation of what is acceptable as a negotiation proceeds. It is, after all, one of the main purposes of negotiation to persuade the other side to change its mind about what is an acceptable outcome.

The Austrian State Treaty is a classic case in point. We and our allies remained firmly committed to a free Austria and we pressed the Soviets with proposals that were "unacceptable" from their point of view. Finally, in 1955, the Russians decided it would also be to their advantage to end the occupation and partition of Austria.

Another important postwar agreement with the Soviets—the partial nuclear test ban (i.e., it does not cover underground tests)—was realized after some five years of negotiations, although part of U.S. officialdom had classified the partial ban as "unacceptable" to Moscow.

2. *The perfect patsy will banish from his mind any ugly suspicions about the intentions of the opposing side.*

Ignorance of the other side's real intentions is obviously no help in negotiating. But understanding these intentions does not necessarily augment trust and make your task any easier. America's decision to enter the Atlantic Alliance did not result from failure to grasp what the Kremlin wanted. We needed that defensive alliance because the Kremlin's designs on Europe were crystal clear.

Averell Harriman tells how—at the Potsdam Conference in 1945—he said to Stalin that it must be very gratifying for him to be in Berlin, after all the struggle and tragedy. Stalin replied: "Czar Alexander got to Paris." As Mr. Harriman adds: "It didn't need much of a clairvoyant to guess what was in Stalin's mind."

Moscow may now share the common interest of avoiding a general nuclear war. But it does not follow that Moscow wants all-out peace. There is much room for maneuver between trying to avoid a nuclear holocaust and seeking a genuine peace.

The Russians know it.

Leonard Schapiro, dean of Soviet studies in Great Britain, stated the matter this way to our Senate subcommittee:

"Soviet policy is unremittingly dynamic. It is not directed towards achieving equilibrium, or balance of forces, or peace, or collective security. . . . Its ultimate aim is 'victory,' which means communist rule on a world scale. However unrealistic this aim may seem, it is the case that it has been thoroughly inculcated into the minds of all Soviet leaders from Lenin onwards for over 50 years. . . .

"There is no time factor attached to this ultimate ideological aim—in contrast in this respect, say, to Hitler, or Genghis Khan. And so . . . the Soviet Union seeks to advance wherever this is possible, to gain one advantage here, and another there, and to move forward or halt as advantage dictates."

Understanding Soviet intentions today, far from diminishing concern, arouses it. What the Kremlin wants—if it can get it—is not in the interest of the Free World and the future of individual liberty.

3. *The truly timid negotiator will not want to embarrass the other side.*

If it comes to light that an adversary is guilty of bad faith, you can make a lot of trouble for yourself by hiding the truth about it.

A classic example of how not to deal with the Russians was the U.S. response to the Soviet and Egyptian violations of the Mid-East cease-fire. We were taken to the cleaners in that August, 1970, fiasco.

No sooner had agreement on the military standstill been achieved than the first Soviet-Egyptian violations occurred. We saw the violations taking place. By failing to corroborate them, the State Department invited still further illicit movement of surface-to-air missiles into the prohibited zone.

The fact that we turned our backs on gross violations of an initiative proposed and arranged in Washington, and concurred in by Moscow, can have the effect of encouraging the Soviets to deliberate deception and greater boldness elsewhere.

U.S. officials should know by now that the consequences of telling the truth about Soviet bad faith will be easier to live with than the consequences of not telling it.

4. *The brilliant bumbler will signal the opponent that he is desperate to get some kind of agreement, especially for domestic political reasons.*

In adversary relations the appearance of overeagerness is bound to stimulate stubbornness and intransigence on the other side.

When top U.S. officials give the impression that some arms control treaty or agreement is indispensable to them they make it enormously more difficult for the American negotiating team to strike a favorable bargain in the talks.

We should not negotiate *any* agreement just for agreement's sake. We should vigorously pursue arms control agreements

that can add to the stability of the strategic balance, while rejecting proposals that have a built-in incentive to instability. What we really want are agreements that will reduce the risk of nuclear war; and this means careful agreements which are extremely difficult to contravene and which confer no destabilizing advantage.

What security exists in the world today depends on the delicate balance of military, political and economic forces.

As the Soviet Union reaches parity (or more) with the United States in strategic arms, its leaders are likely to become more energetic in trying to spread Soviet influence and more willing to run dangerous risks in the international arena.

Those who live in freedom are able to do so only under the shelter and power of ourselves and our allies. This is a grave responsibility, and while we strive for sensible and salutary arms control agreements, we must not imperil a stable Free World deterrent.

5. *The gregarious sap will put a premium on being popular with the other side.*

A persistent danger of all diplomacy is what Harold Nicolson called "the human difficulty of remaining disagreeable to the same set of people for many days at a stretch."

If you have obstinately refused on Monday to agree in a matter pressed by the other side, you may be tempted to be less stubborn than you should be on Tuesday when a wholly different subject is under discussion. You may ask too little and offer too much.

Popularity-seekers seldom make good negotiators. They are likely to give the wrong signals.

If you are so concerned about being a "good fellow" that you shrink from speaking bluntly when this is called for, you may lead your adversaries to misjudge your fortitude, thereby whetting their appetite. What might be appropriate to say on the Senate floor to one's colleagues is not necessarily appropriate to say in talks with top officials in Moscow.

Americans, often great conciliators in working with allies, sometimes lack perseverance in pursuing their cause against a hostile opponent.

6. *The eager sucker will try for accord by giving something for nothing.*

A sure way to worsen one's problems is to make unilateral concessions in hopes the opponent can be "conciliated" and will return the "favor."

When closely allied nations are engaged in a long-term common effort, there may be enough "community spirit," to use Jean Monnet's phrase, so that an act of generosity on one issue establishes credit on another issue. However, in negotiation with the Russians, a concession without any assurance of an equivalent countergain weakens one's bargaining position.

The policy of making gratuitous concessions to dynamic powers has been tried in the past from time to time, and the results have been disastrous.

There is the example of the obliteration of Carthage, which had allowed itself to be disarmed by Rome in the hope this would lead to peaceful coexistence. And there is the example of French and British appeasements of Nazi Germany, which led directly to World War II.

Moreover, things given as gifts cannot be traded.

A major and as yet unachieved purpose of the Atlantic Alliance is to reach a genuine, stable European settlement with the Kremlin. Among other things, such a settlement will involve the return of Soviet forces to the Soviet Union. How can the Soviet government be encouraged to move in this direction? Certainly not by our making a substantial, unilateral, and unrequited reduction of American forces in Europe, as some U.S. Senators are urging.

Clearly, NATO should sustain the bargaining position it has worked so long and hard to construct, and actively pursue acceptance of gradual, mutual and balanced revisions in forces on both sides of the Iron Curtain.

CALIFORNIA'S WELFARE CUTBACKS

Mr. RIBICOFF. Mr. President, today I am asking the General Accounting Office to begin an immediate investigation of a possible violation of Federal law by the Social and Rehabilitation Service of the Department of Health, Education, and Welfare which is attempting to use section 1115 of the Social Security Act to justify radical departures from existing Federal welfare standards. I am also asking that the GAO use its power to compel the release of information which the Social and Rehabilitation Service—SRS—has been wrongfully withholding from the public.

The State of California has been attempting to cut back its welfare programs. However, implementation of these cutbacks would require drastic departures from present Federal law.

A vehicle for legalizing these massive statewide welfare cutbacks had to be found. And it was—in an obscure provision of social security law, section 1115, the purpose of which is to allow waivers from strict Federal standards for small-scale tests of new methods for dealing with the problems of welfare recipients and improving their lives.

HEW now seems prepared to condone the use of section 1115 to authorize statewide waivers which would result only in benefit decreases and State cost cutbacks, not in small experimental improvement programs. To twist the meaning of section 1115 by allowing its use simply for the purpose of providing State fiscal relief at the expense of welfare recipients would be irresponsible and deceptive.

I am calling on the Comptroller General to investigate this distorted interpretation of the law at this time to prevent the development of a precedent which could result in the wholesale abrogation of the Social Security Act.

If such a precedent is allowed to develop, Federal welfare guidelines, standards, and requirements will be bypassed in increasing numbers. They will exist only at the sufferance of the Governor, subject in effect to executive repeal.

I am also distressed that SRS has refused to disclose the substance of many of California's requests for waivers from compliance with Federal welfare standards. The SRS has released a list of 38 welfare proposals by the State of California which supposedly are "federally approvable without detailed study or analysis." Yet SRS has refused to disclose other proposed program changes until studies are made to see if they qualify for waivers.

The SRS issued a release on May 4 which concluded:

SRS considers the details of any proposed program change submitted by a State and currently under Federal study to be releasable only by the State. However, when a proposal has been formally acted upon, and the State so notified, the Federal Government will make details publicly available.

While it is questionable whether the previously disclosed 38 requests are federally approvable under any standards, the refusal to disclose waiver requests is even more questionable. This is especially so in light of the fact that the details of one waiver request made by California which has not been formally acted upon has been revealed while the details of other "proposed program changes" have not been disclosed.

Who is making the decisions? The State that is seeking Federal approval and Federal money? Or the Federal agency charged with granting approval and funds?

It would appear that the Department of Health, Education, and Welfare has made it a policy to allow the States to determine what matters the public, and indeed the Congress of the United States, are entitled to see.

The logic of this policy is elusive. There is no law or regulation on which SRS can properly rely to justify this refusal to make public the proposed program changes which have been submitted by California.

I ask unanimous consent that the text of my letter to the Comptroller General and recent Washington Post articles concerning this subject be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., May 10, 1971.

Hon. ELMER STAATS,
Controller General of the United States, General Accounting Office Building, Washington, D.C.

DEAR MR. STAATS: Pursuant to your authority under Title 31, Section 53 of the United States Code, I hereby request that you undertake an immediate investigation of possible violations of federal law by the Social and Rehabilitation Service of the Department of Health, Education and Welfare in its administration of Section 1115 of the Social Security Act. I also request that you compel the Department of Health, Education and Welfare to furnish you with information in its possession regarding California reqeusts for additional Section 1115 waivers—information which it now refuses to disclose.

Under present federal welfare law, the Federal Government shares the cost of state public assistance programs. In order to receive these federal funds, states must have in existence federally approved state plans, the most basic requirements of which are:

(1) The plan must be state-wide with benefits made available to all eligibles.

(2) A single state agency must oversee the program and state funds must be made available to the program.

(3) Judicial review and confidentiality of records must be guaranteed to the recipient.

(4) Grants must be based on a state standard of need and any reductions or increases must be equitably applied to all.

In 1962, Section 1115 was added to the Social Security Act allowing the Department of Health, Education, and Welfare to authorize certain demonstration projects outside

the limits of these state plan requirements. Because state plans require state-wide application of any welfare standards or program provisions, Congress enacted the Section 1115 waiver provision to allow smaller-scale experimental or pilot demonstration programs to be carried out.

The Senate Finance Committee, of which I am a member, made this clear in its Report on the Social Security Amendments of 1962. The Committee adopted the state plan waiver provision to encourage "experimental projects designed to test out new ideas and ways of dealing with the problems of public welfare recipients . . . if such project furthers the general objectives of the program."

The waiver provision has proved valuable in various experimental projects intended to provide more equitable and progressive welfare programs. Thus a limited application of the simplified declaration method for old age assistance made possible its use on a state-wide basis to determine eligibility.

Today, unfortunately, it appears that Section 1115 may be used in a manner wholly inconsistent with Congressional intent. As the enclosed series of Washington Post articles makes clear, California is seeking and HEW is apparently acquiescing in the use of Section 1115 to authorize state-wide waivers which would result only in benefit decreases and state cost cut-backs, not in small-scale experimental programs designed to test innovative methods for improving life for the welfare poor. It has never been the intent of Congress to allow state use of Section 1115 for the purpose of reducing state financial and legal commitments to an adequate welfare program. Section 1115 was not designed to solve the fiscal problems of the states.

I believe that a prompt opinion by the General Accounting Office will be especially valuable and timely in preventing the development of an illegal precedent under which parts or all of the provisions of the Social Security Act could be abrogated. Such a precedent could result in welfare program cutbacks across the country.

My other concern is that the Social and Rehabilitation Service within HEW may be unlawfully refusing to disclose information on other California requests for waivers. I am unaware of any legal authority under which this information which should rightfully be in the public domain can be withheld. Therefore I also request that you exercise your authority to compel the disclosure of this information which is now being withheld. Therefore I also request that you exercise your authority to compel the disclosure of this information which is now being withheld as well as any HEW memorandum indicating the legal status of pending or expected Section 1115 waiver requests.

Thank you for your prompt attention to this matter.

Sincerely,

ABE RIBICOFF.

[From the Washington Post, May 1, 1971]

HEW HITS REAGAN PLAN BUT SEES NIXON APPROVAL

(By Nick Kotz)

HEW officials oppose as illegal the private requests made by California Gov. Ronald Reagan to cut welfare and medical benefits for almost two million people, but they predict President Nixon will order approval anyway.

Following an April 1 summit meeting with Mr. Nixon to discuss Reagan's welfare problems, the governor has been submitting to Washington a series of proposals that would charge the poor for part of the cost of medical and hospital treatment under the Medicaid program, and cut welfare payment benefits.

The Reagan proposals come as a surprise because the assumed purpose of his meeting with Nixon was to protest HEW and federal court orders requiring California to raise welfare benefits in accordance with a 1967 Social Security Act.

The law called for a cost-of-living increase that Reagan refuses to implement. He has been given an extension until July 1 on this issue. His strategy remains unclear.

But following a different tack, Reagan is seeking approval of welfare-cutting measures that he acknowledges would require waiver of provisions of the Social Security Act, HEW officially refuses to make public Reagan's requests, but they were obtained from other sources, as were HEW memoranda protesting accession to the governor's wishes.

Reagan seeks exemptions from requirements of federal law under a "waiver provision", that some HEW officials say was clearly intended only to permit small-scale experiments to help the poor, not reduce their benefits.

"If Reagan gets away with this," said one HEW official who declined to be quoted by name, "the welfare law is going to be as full of holes as a piece of Swiss cheese. But the indications here are that the President will do anything Reagan wants."

In a Williamsburg, Va. speech last week, Mr. Nixon praised both Reagan and New York Gov. Nelson Rockefeller "for moving on your own at the state level" to "bring some order into (welfare) chaos."

Rockefeller also seeks a waiver from Social Security Act requirements to implement plans to cut welfare checks by more than 50 per cent. The governor and legislature already have approved a 10 per cent cut effective today.

CHARGES ASKED

One Reagan proposal, revealed in a document obtained by The Washington Post, requests that welfare patients be charged $1 for each office visit, $1 for each prescription filled at a drug store, and $3 per day for hospital or nursing care. The present Medicaid law precludes making these charges to the poor.

The proposal, from Dr. Earl Brian, director of California's Department of Health Care Services, to HEW Secretary Elliot Richardson, says the patient charges are needed as "a natural deterrent for overutilization and improper use of health care services by the welfare poor.

Dr. Brian justifies use of the Social Security Act's waiver provision of grounds that California would "conduct a statewide experiment to evaluate the effect of a token copayment" on utilization of health care services.

The payments would be required "of all beneficiaries with income, property holdings, or other resources." HEW officials say this language could be applied to most of the poor who now qualify for aid.

In a memorandum arguing against this Reagan request, HEW-official W. L. Parker, an assistant chief for program planning and evaluation, branded as "absurd" Reagan's contention that the payment would merely put the poor on the same basis for health care as the "average California citizen."

COULD BLOCK CARE

"Even a modest payment of $2 for each physician's office almost certainly prevent needed health care "rather than control abuse."

Other Reagan requests for exemptions to the law include:

Permission to permit welfare recipients to keep less earned income than is now provided under a law section designed as an incentive for the welfare poor to take jobs. Reagan would exclude individual exemptions for work expenses, such as transportation and child care.

Permission to toughen the circumstances under which recipients to the Aid to Dependent Children program could refuse work.

There also may be other exceptions sought by Reagan. Several high-ranking HEW officials, have said privately they have not been permitted to see requests they contend are being handled by the White House with HEW only handling technical details.

[From the Washington Post, May 2, 1971]

REAGAN REQUESTS GRANTED

(By Nick Kotz)

HEW Secretary Elliott Richardson revealed yesterday that he already has approved 39 requests by Gov. Ronald Reagan for changes in California's welfare system and probably will approve other requests, some of which would cut welfare benefits.

Richardson said in an interview with The Washington Post that a principal reason for granting Reagan's requests, some of which would require waivers from the present Social Security Act, is that the governor's proposals would test ideas included in the Nixon Administration's proposed new welfare law.

He said the administration's new welfare principles have been approved tentatively by the House Ways and Means Committee, and that Senate Finance Committee Chairman Russell Long (D–La.) has written him urging approval of Reagan's requested exemptions from present law.

"It's hard for us to refuse a waiver to test something we believe should be in the law anyway," Richardson said.

The last Congress failed to approve the President's proposal, called the Family Assistance Plan, and the present Congress has just begun consideration of it.

Reagan's proposal requiring the poor to pay part of the cost of health care was opposed in a strongly-worded memorandum written by an HEW assistant administrator. Other HEW officials disapprove of Reagan's requested exemptions, and question their legality but say privately they are certain the White House will overrule them.

Richardson initiated the interview to say that the White House has taken no part in his deliberations with Reagan since the President and Reagan originally discussed the California governor's requests at an April 1 meeting in California.

At that presidential meeting Richardson said about 70 Reagan proposals were discussed in detail. The HEW secretary said 39 were approved on the spot, and others were tentatively approved, but some had to be scrutinized further to see whether waivers could be granted from the present law. HEW has declined to make public the detailed Reagan requests but Richardson said yesterday he is willing to do so eventually.

After the April meeting, the President praised Reagan's proposals as in spirit with his own and designed to give more assistance "to those truly in need, but to stop helping those who can help themselves but refuse to do so." He said "we . . . have discovered that the California plan in major details can be implemented without being in violation or contrary to the federal regulations or federal law."

According to a wire service report, Reagan apparently did surrender yesterday on his original and lengthy battle against providing the "cost of living" increase in welfare benefits for participants in the aid to dependent children program July 1, 1969. The governor had refused to implement the benefit hike despite orders from HEW and both federal and state courts.

The governor now hopes to more than make

up for these increased costs with his new plans for cutting costs.

The Administration's proposed legislation and Reagan's plans are similar principally in the area of tightening regulations and benefits for participants in the aid to dependent children program.

However, Reagan strongly opposes the most controversial and innovative feature of the Administration legislation—payment of income supplements that would guarantee the non-welfare working poor a minimum income of $2400 a year for a family of four and would provide graduated benefits to all families with less than $4100 a year wages.

There is strong disagreement in HEW and among other welfare law experts as to Reagan's proposed use of the waiver provision of the Social Security Act.

The waiver provision was added to the Social Security Act in 1962 to permit experimental projects designed to test new ideas and ways of dealing with the problems of welfare recipients.

Some HEW experts in the field agree with Elizabeth Wickenden, a consultant to the Nationanl Assembly for Social Policy and Development, that the legislative intent of the waiver was to permit small-scale experiments to improve life for the welfare poor.

By permitting a statewide waiver that results in reduced welfare benefits, Mrs. Wickenden says the Administration would be "rewriting the Social Security Act by waiver."

Richardson said he is troubled about permitting a statewide waiver, but has satisfied himself it is legal.

Richardson said he opposes use of the waiver for experimental tests that would cut welfare benefits, but offered arguments in favor of use of the waiver for two Reagan requests that would cut benefits.

One is the proposal to require partial payment by welfare recipients for health care services. Richardson said a waiver would be proper in this case because the proposal would test an effort to stop overutilization and improper uses of services, and would test the similar Nixon administration legislative proposal.

Another waiver requested by Reagan would implement a California plan, permitting welfare recipients to keep less earned income. A 1967 Social Security Act amendment designed as a "work incentive," permits welfare recipients to keep earnings needed to pay work expenses plus the first $30 of monthly earnings and one third of the balance. Reagan would impose a flat limit permitting total income equal to 150 per cent of the welfare payment standard, irrespective of the total amount of work related expenses.

Richardson said a waiver for this purpose was justified to test a similar administration legislative proposal designed to prevent abuses of the work incentive.

Richardson said no waiver is required for him to approve another Reagan proposal that would separate welfare recipients into two categories. The welfare department would handle the blind, aged and disabled recipients while the labor department would handle AFDC parents whom the state deems capable of working.

The Administration and House Ways and Means Committee favor an almost identical plan.

[From the Washington Post, May 5, 1971]

HEW To Allow Most of Reagan Welfare Cuts

(By Nick Kotz)

The Department of Health, Education and Welfare said yesterday that Gov. Ronald Reagan of California does not need federal approval for a majority of measures which he hopes will cut state welfare costs by $200 million.

John Twiname, administrator of HEW's welfare programs, released a list of 38 Reagan proposals which he said "appear to be federally approvable."

Among these measures agreed upon at an April 2 meeting between Reagan and President Nixon, are:

A mandatory requirement that all physically able adult welfare recipients accept offered work.

A provision greatly reducing the amount of property or assets a family can own and be eligible for aid. Families in the aid-to-dependent-children program would be limited to $600 and the aged and disabled to $1,200. For the first time, a family's furniture, silverware and chinaware would be counted.

Provisions shifting some of the state's welfare costs to counties.

An entirely new benefit system based on dividing the available state fund among the total number of recipients rather than payments based on a "standard of need."

However, many of the 38 Reagan proposals require approval of the California legislature, where he is encountering considerable resistance.

State Rep. Bob Moretti, speaker of the State Assembly, said yesterday that the legislature definitely will not enact Reagan's plans to reduce welfare benefits.

Referring to the Reagan proposal on the amount of personal property a family can have, Moretti said: "That's incredible. Maybe we ought to require that they sell their clothes too and give them one gray uniform that says 'welfare recipient'."

A second group of Reagan proposals would require waivers from the present Social Security Act. Twiname said these requests will be studied to see whether they would qualify under the provision permitting waivers in order to conduct experimental programs.

He said the only waiver request formally received so far is one that would require the welfare poor to pay part of the cost of medical, hospital, and drug benefits under the Medicaid program—$1 per doctor's visit, $1 a prescription, $3 a day for hospital or nursing care. Concerning this request, Twiname said, "The federal government has suggested changes . . . and has indicated that the proposal appears approvable if these changes are made."

However, Twiname refused to disclose the proposed changes, and said that the other requests for waivers would be made public only after the federal government has acted on them.

One such Reagan plan, requiring a waiver, would subtract from welfare grants the amount of benefits received from the food stamp, commodity distribution, school lunch, or FHA low-cost housing programs. Reagan estimated state savings of $42 million by eliminating these benefits.

A family with children receiving free school lunches, for example, would have the value of those lunches deducted from its welfare check. Similarly, an old age recipient who gets $20 in free food under the food stamp program would have the $20 deducted from his welfare check.

Another plan requiring a waiver would abandon "the work incentive" in present law permitting recipients to keep more than one-third of earned income. Reagan would sharply limit retained earnings and would count as earned income small sums of money, such as that earned by children on paper routes or by babysitting.

HEW officials said Reagan's proposal to revamp the California welfare system cannot receive final approval until he submits a new state plan to the federal government. In addition to roadblocks in his own legislature, Reagan faces court tests from welfare rights groups challenging some of his benefit cutting plans.

AWARD TO DALLAS R. PARKER, HOUSTON, TEX.

Mr. TOWER. Mr. President, each year the Texas Trial Lawyers Association presents an award to a law student in Texas who prepares the most outstanding paper, suitable for publication, on issues with which they are concerned. This year the outstanding award in the torts area went to a student at the University of Texas Law School, Mr. Dallas R. Parker, of Houston, Tex. In order that Senators may enjoy the caliber of work that we produce in Texas, I ask unanimous consent that Mr. Parker's article be printed in the RECORD.

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

TORTS—LANDLORD AND TENANT—LANDLORDS OF MULTIPLE-UNIT APARTMENT HOUSES HAVE A DUTY TO TAKE PROTECTIVE MEASURES TO GUARD THEIR TENANTS FROM THE PERPETRATION OF FORESEEABLE CRIMINAL ACTS BY THIRD PERSONS, KLINE *v. 1500 Mass. Ave. Corp.*, — F.2d — (D.C. Cir. 1970)

(By Dallas R. Parker) *

Plaintiff tenant was criminally assaulted and robbed by an unknown assailant in the common hallways of defendant's apartment house. The apartment building had experienced increasing criminal activity of which the landlord had actual notice.[1] Plaintiff brought an action alleging that defendant was negligent in failing to institute any of the normal security precautions attendant to the exercise of the duty of due care owed by defendant to plaintiff in her capacity as tenant.[2] The trial court held that the landlord owed the tenant no duty of protection. *Reversed and remanded.*[3] Landlords of multiple-unit apartment houses have a duty to take protective measures to guard their tenants from the perpetration of foreseeable criminal acts by third persons.

Tenants of multiple-dwelling buildings have attempted to hold their landlords liable for a variety of injuries sustained as a result of the criminal acts of third persons.[4] Although the complaints have sometimes suggested a theory of implied contract as an alternative basis of recovery,[5] principal reliance has been placed upon the versatile negligence cause of action.[6] In generally denying liability in these actions,[7] the courts have based their responses upon resolution of two recurrent issues—proximate cause and duty.

In the earlier decisions the courts ordinarily held that as a matter of law no proximate cause had been established. The criminal was regarded as an "independent moral agency" over whom the defendant had no control and thus for whose acts he could not be held responsible.[8] No mention or consideration was made of the element of foreseeability. Eventually, the Supreme Court abandoned this rationale and posited the currently accepted view that if the act is foreseeable, its criminal nature is irrelevant to the determination of liability.[9] Thus with the criminality of the misconduct largely discredited as a basis for finding no proximate cause, a majority of the subsequent decisions have presumed proximate cause and have, consequently, failed to discuss the objections raised in the earlier cases.

More recently, the courts have responded

Footnotes at end of article.

to this assertion of liability with a declaration that there exists no duty to provide protection. These opinions are based upon the traditional common law rule, formulated in the age of the agrarian leasehold, that the landlord has no duty to protect his tenant from the acts of third persons that interfere with the tenant's enjoyment of the premises. While some cases inferentially suggest that a tenant desirous of protection should bargain for that benefit in his lease agreement, most opinions have undertaken no meaningful discussion of the rationale behind the no duty rule.[10]

Perhaps the only illuminating treatment of the controversy surrounding this proposed obligation was presented in *Goldberg* v. *Housing Authority*.[11] The court based its denial of duty on several policy considerations including the arguments (1) that protection should be afforded by the "duly constituted police forces," [12] (2) that the "vagueness" of the proposed duty rendered it "unfair," [13] and (3) that if this duty were imposed, the landlord would surely distribute the resultant costs among his tenants—the persons often least able to afford it.[14]

The instant opinion includes an extensive discussion of duty and imposes an obligation of protection squarely upon the landlord, requiring him to use care commensurate with the circumstances.[15] In flatly rejecting the traditional rule, the court takes note of its agrarian origin and states that it "falters when it is applied to the conditions of modern day apartment living." [16] Determinative in the establishment of duty in this decision was the fact that the assault occurred in an area of common use over which defendant landlord had exclusive control. The court reasoned that because of this control the landlord is the "only party who has the *power* . . . to provide the necessary protection." [17] In rejecting the *Goldberg* rationale that the duty properly rests with the police, the court found that the landlord's ability to protect may be greater than that of the municipal forces.[18]

The court's analysis of certain economic considerations marks a further departure from the *Goldberg* decision. Conceding that the expense will ultimately and justifiably be passed on to the tenants, the court contends that under existing law the tenant already suffers economic loss from injury and increased insurance premiums, and that his interests would be advanced rather than retarded by the imposition of this duty.[19]

The principal case omits entirely any reference to proximate cause. The opinion does, however, discuss the problem of third party criminality—the foundation of the earlier courts' holding of no proximate cause—and, noting the frequency and predictability with which criminal misconduct occurred in the apartment building, holds that the illegality of that conduct presented no bar to recovery.[20]

Although clouded by the unenlightening and confusing proximate cause terminology,[21] the reason stated in the earlier cases for finding no proximate cause [22] perhaps reflects the thought that at one time in our history criminal misconduct was relatively less frequent and thus less predictable than in many comparable situations today. The earlier holdings may also evidence philosophical dissatisfaction with the idea of requiring one person to respond in damages for the criminal acts of another. When criminal acts recur frequently, however, and one person may, by the exercise of care, increase the security of a relatively large number of persons, as in the principal case, the fact that the acts are criminal in nature should constitute no more of a bar to recovery than other predictable acts of third persons.

The primary difficulties presented by decisions similar to the principal case concern questions of policy properly relegated to the analysis of the duty issue. In reiterating the traditional no duty rule, the earlier cases failed to adopt a realistic approach to the resolution of the contemporary problem surrounding a landlord's duty to provide protection. The agrarian leasehold rule was no doubt well suited to the situation in which the tenant leased the premises primarily to obtain use of the land and the landlord relinquished all control over the property. In the modern apartment house, however, control of the land itself may be of little significance to the tenant, while the incidents of shelter and protection constitute his paramount concern. Furthermore, the contemporary landlord normally retains substantial control over the common areas of leased property. As the landlord's control increases, the tenant's control correspondingly decreases; it would seem desirable to allocate the responsibility for protection to the party who can most effectively exercise it.[23]

The contention that responsibility for this aspect of crime control rests solely with the police is similarly unrealistic. Presumably, the police forces are already doing their best to prevent crime and in many cities are performing to the limitations of their capacities. Any notion, therefore, that a municipal law enforcement agency alone can be relied upon to provide adequate protection in areas of high crime rates is largely illusory. Moreover, in many instances the landlord can offer the cheapest and most effective means of protection.[24]

The earlier cases also failed to analyze properly the economic considerations relevant to resolution of the controversy surrounding this duty. The disadvantageous position of the tenant vis-a-vis the landlord resulting from the housing shortage has frequently been given judicial recognition.[25] Thus the suggestion that if the tenant wants to be protected, he should bargain for the benefit in his lease, is probably untenable. Perhaps a more realistic appraisal of the economic power enjoyed by the individual tenant would anticipate that he will be confronted with exculpatory clauses in future leases attempting to avoid the duty established by the principal court. Such clauses, if they arise, should be regarded as contrary to public policy.

Other economic considerations lend further support to the imposition of this protective obligation. The landlord receives economic benefit from the parties' relationship, and it is he who is best able to distribute the losses. It would seem socially desirable, therefore, to place the liability with him. The court in the instant opinion admits that the cost of protection will ultimately be borne by the tenant, but it correctly reasons that it would be more equitable for each member of the class to bear a proportionate share of the risk than for a tenant to face individually the costs of victimization. Furthermore, to hold the landlord liable is in accord with other current concepts of risk distribution.[26]

Finally, the earlier opinions have denied liability because of the vagueness of the proposed duty. It must be conceded that a landlord may find himself somewhat uncertain in determining whether he has complied with his obligation. Nevertheless, one need only ponder the fundamental "reasonable and prudent man" concept to be reminded of the characteristic lack of precision in tort law. Furthermore, in the context of this emerging duty, lack of precision arguably provides the flexibility necessary to induce appropriate means of protection.

The holding in the principal case is representative of the contemporary trend toward recognition of a duty to protect in relationships of dependence.[27] The prerequisite to duty—control—provides both a reasonable basis upon which to predicate liability and a means by which the obligation can properly be limited. In light of the current crime rise, imposition of this duty to protect may portend judicial recognition of the broader principal that "every segment of society has obligations to aid in law enforcement and to minimize the opportunities for crime." [28]

FOOTNOTES

[1] — F.2d at —. Plaintiff alleged that defendants had actual notice of twenty other individual criminal incidents within the building. Defendants conceded the allegation at trial. *Id.* at —.

[2] *Id.* at —.

[3] *Id.* at —. Although the trial court held as a matter of law that there was no duty, the court of appeals, in reversing, held both that a duty did exist and that the applicable standard of care had been breached. The case was remanded solely for the determination of damages. The dissent is devoted in large part to a criticism of the majority's procedural handling of the case:

[The trial court] never considered whether the facts proved liability if the duty did exist. Against such a procedural background the panel opinion here comes to a different conclusion on the duty owed . . . and then proceeds to find defendant liable on the facts as a matter of law. This necessarily involves a *de novo* consideration of the facts on a cold record and subjects the result to all the imperfections inherent in any decision arrived at under such handicaps.

Id. at — (MacKinnon, J., dissenting).

[4] *See, e.g.*, Applebaum v. Kidwell, 12 F.2d 846 (D.C. Cir. 1926) (thieves broke into tenant's apartment through unsubstantial partition constructed by and maintained under the control of the landlord); Ramsay v. Morrissette, 252 A.2d 509 (D.C. App. 1969) (tenant assaulted in apartment house by unknown third person); Teall v. Harlow, 275 Mass. 448, 176 N.E. 533 (1931) (tenant's apartment robbed—landlord had left vestibule door open); McCappin v. Park Capitol Corp., 42 N.J. Super. 169, 126 A.2d 51 (App. Div. 1956) (tenant's apartment robbed after landlord's employee allegedly left keys in accessible area); Bass v. City of N.Y., 61 Misc. 2d 465, 305 N.Y.S. 2d 801 (Sup. Ct. 1969) (tenant's child raped and murdered by third person in housing complex). *See also* Annot., 58 A.L.R.2d 1289 (1958).

[5] *E.g.*, Mutual Coat Corp. v. Dorsyl Realty, Inc., 346 Mass. 777, 195 N.E.2d 512 (1964).

[6] *See* cases cited note 4 *supra*.

[7] *See, e.g.*, Applebaum v. Kidwell, 12 F.2d 846 (D.C. Cir. 1926); Goldberg v. Housing Auth., 38 N.J. 578, 186 A.2d 291 (1962). *But see* Ramsay v. Morrissette, 252 A.2d 509 (D.C. App. 1969); Bass v. City of N.Y., 61 Misc. 2d 465, 305 N.Y.S.2d 801 (Supp. Ct. 1969).

[8] Applebaum v. Kidwell, 12 F.2d 846 (D.C. Cir. 1926). This is a variation of the "last human wrongdoer" rule. The rule apparently originated in the English case of Vicars v. Wilcocks, 103 Eng. Rep. 244 (K.B. 1806), and probably because of the facility and certainty of its application, the rule gained widespread acceptance in both England and America. The English courts divested themselves of the rule by the end of the last century, but the principle did not begin to wane in this country until well into this century. For a fuller account of the rule's history accompanied by critical discussion see Feezer & Favour, *Intervening Crime and Liability for Negligence*, 24 MINN. L. REV. 635 (1940) & 24 MINN. L. REV. 666 (1940), in which the rule is described as "obnoxious."

[9] Lillie v. Thompson, 332 U.S. 459 (1947). The Court held an employer liable for injuries sustained by his employee at the hands of third persons.

[10] *E.g.*, DeKoven v. 780 West End Realty Co., 48 Misc. 2d 951, 266 N.Y.S.2d 463 (N.Y. Civ. Ct. 1965).

[11] 38 N.J. 578, 186 A.2d 291 (1962). In *Goldberg* plaintiff, while delivering milk to defendant's tenant, was beaten and robbed in an elevator. The court said that although defendant was a public housing complex, its liability was to be adjudged under principles of law applicable to the private owner of property. *Id.* at 581, 186 A.2d at 292. The court construed plaintiff's claim as asserting that defendant was negligent in failing to provide police protection on the premises. Thus because of the confinement of the complaint to the single issue of police protection, *Goldberg*, like most other cases in the area under consideration, is probably distinguishable from the principal decision.

[12] *Id.* at 589, 186 A.2d at 296.

[13] *Id.* at 589–90, 186 A.2d at 297.

[14] *Id.* at 591, 186 A.2d at 298.

[15] — F.2d at —.

Although in many cases the language speaks as if the standard of care itself varies, in the last analysis the standard of care is the same—reasonable care in all the circumstances. The specific measures to achieve this standard vary with the individual circumstances.

Id. at —.

[16] *Id.* at —.

[17] *Id.* at —. The court is here reiterating the "retained control" doctrine. According to that concept, a landlord who leases separate portions of property to different tenants and retains control over some of the property for the tenants' common use has a duty to use reasonable care to maintain the retained portions in a reasonably safe condition. The doctrine has been widely accepted in cases in which the injury results from physically defective premises, *e.g.*, Kay v. Cain, 154 F.2d 305 (D.C. Cir. 1946), and has been adopted in RESTATEMENT (SECOND) OF TORTS § 360 (1965). Its success has been limited, however, when the wrongful acts of third persons are involved. *E.g.*, Applebaum v. Kidwell, 12 F.2d 846 (D.C. Cir. 1926). *But see* Mayer v. Housing Auth., 84 N.J. Super. 411, 202 A.2d 439 (App. Div. 1964). The use of the retained control doctrine in *Mayer* was criticized in 20 RUTGERS L. REV. 140, 143 (1965).

[18] — F.2d at —.

[19] *Id.* at —.

[20] *Id.* at —.

[21] Proximate cause has been a recurring source of confusion in the law of torts and one writer acknowledges that it "has been all things to all men." W. PROSSER, TORTS § 49, at 284 (3d ed. 1964). *See also* Green, *Proximate Cause in Texas Negligence Law*, 28 TEXAS L. REV. 471 (1950). It has been suggested that discussion of proximate cause in cases similar to the principal decision serves no useful purpose and may actually cloud the important issues by diverting attention from consideration of policy. Feezer & Favour, *Intervening Crime and Liability for Negligence*, 24 MINN. L. REV. 635, 648 (1940). *See also* Green, Merlo v. Public Service Co.—*A Study in Proximate Cause*, 37 ILL. L. REV. 429 (1943).

[22] *See* cases cited note 8 *supra* & accompanying text.

[23] The courts have often acknowledged the importance of control in imposing a duty to protect. Thus, a school district must protect its pupil, a common carrier its passenger, an employer his employee, and an innkeeper his guest. *See* RESTATEMENT (SECOND) OF TORTS § 314A (1965); Annot., 10 A.L.R. 3d 619 (1966).

[24] For example, in a highrise apartment house with only a few outside doors, the most effective method would probably be to secure those doors with either locks or a guard. This form of protection would be more economical than requiring each tenant to devise individual methods for securing his doors—an approach that would still leave the hallways vulnerable—and more reliable than periodic police patrols.

[25] *E.g.*, East Haven Associates, Inc. v. Gurian, — Misc. 2d —, 313 N.Y.S. 2d 927 (N.Y. Civ. Ct. 1970).

[26] *See generally* Knepper, *About Tomorrow's Tort Trends*, 18 SYRACUSE L. REV. 1 (1966).

[27] *See* RESTATEMENT (SECOND) OF TORTS § 314A, comment *b* (1965).

[28] — F. 2d at —.

* Editorial Associate, Garey Spradley.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

Mr. MOSS. Mr. President, when former Secretary of the Interior Walter J. Hickel spoke recently in Salt Lake City as a part of Environmental Week 1971, he called upon the President and Congress to create a Cabinet-level Department of Natural Resources and Environment.

It was most satisfying to me that a former Secretary of the Interior, whom I considerably admire, voiced support in my own hometown and State for a goal I have long sought.

I introduced my first bill to establish a Department of Natural Resources in 1965, and have reintroduced it in each succeeding session, including the present one. I have been saying for some time very much what Secretary Hickel said so well in Salt Lake:

A Department of Natural Resources and the Environment, in its total concept, is more important to the future generations of Americans, in its size and expenditure, than the Department of Defense, and should be given that kind of priority.

Furthermore, the Secretary supported adjustments in the proposal President Nixon has sent to Congress asking for the establishment of a Department of Natural Resources which match my own thinking completely, and are incorporated in my bill.

The first is that the Department should be called Natural Resources and Environment, since, as Secretary Hickel puts it:

We cannot separate resources from the environment; every time we alter a resource in any way, cut a tree, or plant a tree, we change the environment for the better or worse.

The second is that the Environmental Protection Agency must be a part of any Department of Natural Resources and Environment because—

To divorce resources from environmental protection is to isolate the policing function—it is too late in the world of ecology to take action after a strip mine has desecrated an area, or a tanker has polluted a bay.

I agree fully, and S. 1025 reflects this agreement.

Mr. President, I ask unanimous consent that the speech Secretary Hickel made keynoting the Governor's conference which launched Environmental Week activities be printed in the RECORD.

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

A CIVIL WAR OF PRIORITIES

We are rapidly approaching a civil war of priorities in America, neighbor against neighbor, man against need, over the preservation or use of our resources.

Bitter voices are being raised on the one side pleading, "Give us work, give us energy for our homes." On the other side shouting, "Stop the rape of our environment, protect our wildlife and our wilderness." We cannot undo all the wrongs of yesterday, but we can build responsibly the needs of tomorrow.

We cannot condone exploitation of one resource at the expense of another resource, whatever that resource might be, but neither can we preserve untouched all those resources that man needs.

What role should government take in the improvement and management of our environment? In the past we have taken action designed to improve our current welfare, but little or no thought was given to longer range consequences.

As we became aware that our planet is a closed system, we faced the reality that we cannot create new resources, we can only alter them. This underscored the realization that sooner or later our individual decisions will, in some way, help or harm all of society. There are very few "private" decisions anymore.

Increasingly, every decision related to our environment must also be considered a "social" decision, which cannot be undertaken without regard for its effect upon others. Continued waste, extravagance, or indifference today can only burden more severely the welfare of tomorrow. What can we do about "private" decisions which are ecologically destructive?

We can alert people, educate them and inspire them. There is no substitute for the motivation of millions of people. That power, when people are informed and committed to a great cause can do what billions of federal funds cannot begin to do.

Secondly, in those areas where people refuse to listen, or where the dimensions of the problems go beyond individual control, Government has got to take a strong stand.

One of the hard realities of a free society is that Freedom ends when it infringes on the rights of others. You are free to swing the fist at the end of your arm until it lands on someone else's nose.

Any man should be free to produce a product for sale, but his freedom ends when his factory pollutes the air of the general area or destroys the water flowing onto someone else's property, or desecrates beauty, or harms those around him in some other way.

This is where Government must come in. Our nation fosters the concept that all men are created equal and should be so treated by government. This applies to individuals and to institutions. The life blood of our free enterprise system is competition.

In my dealings with industry as Secretary of the Interior I discovered that even the great lobbies will accept strict pollution control, even enthusiastically, if it is administered equally to all.

If all competitors must include environmental protection as the cost of doing business there is no complaint.

But it takes men at the top who dare to risk the pressure and the fury of the special interests, who relish the challenge of representing the public good.

A special interest is not just General Motors or a great oil company. It can be a municipality, an association of Governors, a conservation group or a society to protect tennis courts. These interests are not bad.

They are generally good, but government must maintain perspective and balance.

I have often said, if you make a decision to help a special few, it is at the expense of the many, but if you make a decision for the benefit of 200 million Americans it will also help the few.

We have set up a system in this country to govern. The best system I am aware of in the history of the world. No system, however, is any better than the men who are in it.

How often government, on one level or another, ignores the long term good of its people for the political advantage of the moment. How often polarizing rhetoric drowns out healing guidance.

How often decisions are based on making things easier for government instead of the people.

But the system is great, you can make it work.

After my firing I was talking with a group of young men and women in their middle twenties and early thirties in Georgetown. They were doctors, scientists, and government employees. One of them said to me, "You are a perfect example of why the system won't work."

I replied, "But you're wrong, I'm a perfect example of why the system will work. I made it work for 22 months. I showed if you really care, and are dedicated, and want to solve the problem, you can make it work."

"In my area of water pollution control for example, I had no new laws to work with. We even dug up the 1899 Refuse Act for legal back-up for our enforcement actions.

"We were not stopped by all the reasons why not to do something, I am a perfect example that the system can work."

My young friend replied, "Yes, and you got fired."

I said "If someone runs the four minute mile and then they are shot, it doesn't mean that the four minute mile cannot be run, no, my experience is proof that the system can work."

And I'll tell you again, the system is great. If you are disappointed with it, don't change the system, change the men.

More than a century ago, Alexis de Tocqueville (DE-TOK-Ville) the French political philosopher, visited the United States to get a first hand look at our new democracy. You all know the story.

He was impressed by our clear skies, our inviting streams, the endless expanses of our forests and plains, and the vigor of our 13 million people. He wrote:

"A Democratic power is never likely to perish for lack of strength, or of its resources, but it may very well fall because of the misdirection of its strength and the abuse of its resources."

In the decades since, we have seen both misdirection and abuse. Today our government must prove, to itself and to the world, that it has the ability not only to clean up industrial and municipal discharges and garbage, but to recycle them for continuing use.

Not only to stop piling disgrace on the environment, but to begin caring for it, and nourishing it, so that needed goods and services reach the people, but not at the expense of our great natural heritage.

All this is possible, if the people have the will, and the government has the courage, to make it happen.

America has to be the leader in a positive approach to environmental problems, worldwide. You know as well as I that we cause more of the problem than any other nation, many times more.

It is also true that no one nation alone can provide the answer or escape the problem. There is no place to hide.

That is why the nations of the world will meet in a conference on problems of the human environment in 1972 in Sweden sponsored by the United Nations. This is a key event to watch. It will be an indicator of just how serious our government is about taking leadership in world pollution problems. If we send representatives, steeped in the school of diplomacy, reluctant or powerless to act the entire exercise will be a farce.

The American people and the people of the world must not stand for it. The old game of jockeying for short-term national self-interest will, in the environmental area, be disastrous. As small men debate, the great oceans and the atmosphere itself will, perhaps faster than we can foresee, become choked and clogged with life destroying materials.

So, let me use this occasion to warn America and the world—those governments, communist, developing, or affluent, as our own, those governments which treat this conference superficially or politically are playing with a danger of great magnitude. An ecological disaster can be just as devastating and kill just as thoroughly as a nuclear disaster. I see no reason why this should happen.

It is to the benefit of all nations, no matter how large or small, to cooperate on a meaningful and intensive basis—to catch up with the environmental desecration of the globe—and then to lay the guidelines to keep up with the ongoing problems of pollution.

I know personally Secretary General Maurice Strong, the man in charge of this conference, and I have the utmost confidence in him.

If our nation and the other nations of the world will respond eagerly, and not reluctantly, an historic turning-point can be accomplished by mid-summer, 1972.

Here at home, we face one urgent area of the environmental battle which has been practically ignored. I am referring to the most challenging battle of all, the urban environment.

We still have a job to do correcting a false public image about the environment. To the general public, it is forest lands, it is mountain streams, and rolling meadows: But in reality the environment involves how people relate to where they live, and their surroundings, wherever that might be. The environment can be a junkyard across the street. It can be dirty air or polluted water, or it can be the desecration of someone else's land, not necessarily your own. And the environment for 85% of America's population involves an urban situation.

Unfortunately, many of our greatest ecologists and conservationists have written off our urban areas as being too complex and difficult to deal with; no wonder certain minority groups say they can't be bothered with the environmental movement: We cannot as a generation have that approach.

When I first became Secretary of the Interior, I initiated a program called "Parks to the People". Because for many of our city dwellers it is strictly academic that we have great national parks in the west of our country and in Alaska. They are simply out of reach.

Government must take a strong hand now in getting parks to where people can reach them; pocket parks, streets closed off to the automobile, abandoned military installations and other federal properties turned back to the municipalities.

Above all we must reclaim our cities from the automobile and give them back to the people. It is time that a great portion of the money which now goes into the highway trust fund be turned over to mass rapid transit.

If you were to ask me the priorities for the government's role in environmental management I would place this at the very top. We have subsidized the automobile long enough.

Last year in Yosemite Park we set an example which I believe can be profited from by communities all over the country. When approached by the officials of the park I said "You don't have too many people in that park, you have too damn many automobiles."

The upshot was that we banned the automobile from the key areas of the park and put in its place public transportation. The results have been entirely positive and have demonstrated a solution to the most crippling problem we face in our great urban areas.

Of course, people want to live close to their work and yet crave the open spaces of country living. This can be accomplished with high speed elevated mass rapid transit. In less time than the city worker now uses to get from his home to his job, he could be transported 50 to 75 miles from outside of town. The technology is there, but we have lacked the guts to face the financing.

It's time for the public to say we have had enough, and to demand that government rechannel the great sums which are now being used to build more and more environmentally destructive freeways into environmentally constructive mass rapid transit systems.

When I think about urban environment I get excited. There's so much challenge, and so much reward in making a city come alive. Money is needed, but you can't do the job with money alone. We cannot dent the problem with great schemes and millions of dollars. Often we only make it worse.

We have to start to care for people, and to plan for the environment of the heart, the mind and the soul. Do this, an every ghetto child will want to get involved, as will the wealthy and the middle guy. People—our job is people. If you treat humans as humans, instead of as votes, the great heart of America will respond. Then America will awake, she will shake off her frustration and fears. And not only will our cities come alive—we'll demonstrate to the world that it is possible to care for the needs of all the people and the natural environment as well.

Recently President Nixon proposed to reorganize the executive Branch of government at the Cabinet level. In his plan, he asked Congress to support the creation of a Department of Natural Resources. This is excellent. I made such a proposal to the White House many months ago and I hope it will be adopted by the Congress. But I urge the Congress to go one step further. We need more than a Department of Natural Resources—We need a Department of Natural Resources and Environment.

We must not and cannot separate resources from the environment. Every time we alter a resource in any way, cut a tree, or plant a tree, we change the environment, for better or worse.

A department totally dedicated to natural resources and their development will continue to cause the problems "Business as usual" we have seen throughout the last century.

To divorce resources from environmental protection is to isolate the policing function. But it's too late in the world of ecology to take action after a strip mine has desecrated an area, or a tanker has polluted a bay.

Therefore, I urge the President and Congress to join the New Department of Natural Resources with the Environmental Protection Agency. I am not against development. I am for a governmental approach which recognizes the people's desire that

each resource be put to the highest use and greatest good. I place prevention ahead of policing.

The Department of Natural Resources and the Environment, in its total concept, is more important to the future generations of Americans, in its size and expenditure, than the Department of Defense, and should be given that kind of priority.

I would like to raise a point with the representatives of the younger generation. We need men and women in government who are not looking for a job, but who want to do a job. The younger generation has openly challeged the materialistic values which have been the guidelines for generations before us. I commend you for this, but I challenge you now to make these human values the guiding forces in your lives of public service.

Government needs more than management. Government needs a conscience.

It needs men and women who are excited about life and want to contribute something great. Get into government where the decisions are made and begin to represent the greatest special interest of all, the American public.

When I spoke earlier about national approaches to our environmental problems such as making the cities come alive . . . giving them some space . . . you might ask about the cost. After all, the nuts and bolts of the civil war of priorities is cost.

Well, my reply is . . . what does a war cost? How many billions did we spend in World War II? How many billions are we spending today? Nearly Forty-Four percent of our national budget goes to defense. The defense of what?

From the beginning of recorded time, the most important thing to that first man, the stone age man, was protection. After the individual, it spread to his family, and then the community and on up through history.

Nations the world over spend the great portion of their time, energy and money on the protection and destruction of life.

Up through medieval times man built great forts with walls six feet thick which are still standing today, and yet he'd sleep on the floor with the rats running around, because the priorities were not for the living of life, they were for the protection and the destruction of life.

And so this thing rolled on, until we in the twentieth century still spend about half, not quite, of our resources on protection and destruction of life.

Now you will never eliminate the need for defense all together. But I think it's time we switch the emphasis and lead the world in how you live life.

I think if we in America do nothing else in the next twenty years, or by the year 2000, but help the world change its priorities to the living of life rather than the destruction of life, then we will have made that full circle of what is really human.

Thank you.

SEPARATION OF ADMINISTRATIVE AND JUDICIAL FUNCTIONS OF NATIONAL LABOR RELATIONS BOARD

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement adopted by the board of directors of the El Paso Chamber of Commerce regarding four legislative proposals pending before Congress.

I want to draw special attention to the chamber's endorsement of legislation to separate the administrative and judicial functions of the National Labor Relations Board. I have long felt that such an approach is of the utmost importance and that such an arrangement should be made effective as soon as possible.

This is the purpose of S. 1320 which I introduced earlier this session.

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

LEGISLATIVE POSITION

I. The El Paso Chamber of Commerce officially supports:

Senator Towers' bill concerning the *National Labor Relations Board* that would separate the administrative and judicial functions of the NLRB by transferring the jurisdiction for the trial of unfair labor practice cases to the Federal District Courts. It would give complainants the alternative right to present their own cases before the courts or to have such cases presented for them by a U.S. Attorney.

Contrary to congressional intent and policy, the NLRB has proceeded on a self-directed course and behaved as if it were an extension of organized labor. Protection for all concerned is over due.

II. The El Paso Chamber of Commerce officially opposes:

1. HR1, *Social Security—Welfare Reform,* combines into one bill proposed changes in Social Security (e.g., automatic increases in benefits and taxable wage base tied to cost of living levels) and welfare programs (e.g., guaranteed minimum income of $1,600.00 not including such other welfare benefits as Medicaid, public housing, or food stamps) that would double welfare rolls to some 25 million and increase welfare costs from an estimated $4.5 billion to $12 billion a year.

HR1 is too big a package—there are too many complex problems in a single pretty wrapping.

The bill should be separated into a single Social Security bill and a single welfare bill. The welfare portion then should be so written as to permit a vote separately on proposals that would reform the present system and on proposals to establish a guaranteed income program.

2. HR14 (S1177), *Consumer Representation,* would establish a powerful independent Consumer Protection Agency to intervene in regulatory agency and court proceedings in behalf of consumer interests. Other agencies would be compelled to acquire for it information the Consumer Agency desired for a particular proceeding. It could obtain and publish information in the files of other agencies except where barred by law. It would also engage in a broad product safety program.

Creation of a new, independent superagency is unnecessary and unwarranted. Existing consumer protection authority, if properly implemented, is adequate to represent consumer interests.

3. HR1746, *Equal Employment Opportunity Commission, would grant* "cease and desist" powers to the EEOC in job discrimination cases.

If job discrimination procedures need strengthening, the Federal courts can be utilized without sacrificing fair treatment for all.

THE SAWTOOTH RANGE—AMERICA THE BEAUTIFUL

Mr. CHURCH. Mr. President, every Idahoan treasures the beautiful Sawtooth Mountains, sometimes called the "American Alps." The snow on the mountain peaks, the quick flickering of the aspen leaves, the tinkling rush of the clear mountain stream make this unspoiled area a most prized heritage.

I was most pleased to find the beauty of the Sawtooths recognized in an article published in the Potomac magazine section of the Washington Post of May 9, 1971. In an article entitled "A Guide to Seven Spots Where America the Beautiful Can Still Be Found," written by Marion Lynn Clark, the Sawtooths were described as "still everything one imagines 'wide open spaces' and 'room to breathe' to be." This spectacular mountain range was chosen by a panel of experts assembled to select areas in America which are the best, ecologically, in which to live. Some of the other areas chosen were the Flagstaff, Ariz., area; the Big Sur, Calif.; and the Culpeper-Warrenton, Va., area.

Although the Sawtooth Range is still untrammeled, still resplendent under the big sky, it is attracting ever larger numbers of people. The article says, for example, that the population of Ketchum has not grown since Ernest Hemingway lived there. Actually, the population of Ketchum and Sun Valley has increased substantially. And in the Sawtooth Valley, at the foot of the mountains, unregulated subdivisions threaten to degrade the scenic splendor. It is for this reason that the entire Idaho delegation has introduced bills to protect the Sawtooth-White Cloud-Boulder region of Idaho. The proposed legislation would include all three ranges in a national recreation area with the Sawtooths designated as wilderness. The legislation also directs the National Park Service to prepare a detailed plan so that the peaks of the White Clouds, the Boulders, and the Sawtooths could be brought into a national park.

I am hopeful that the legislation can be passed by both Houses of Congress during the current session so that this unique and beautiful area of our country can be seen and treasured by all generations of Americans that follow.

I ask unanimous consent that the portion of the article describing the Sawtooth Range be printed in the RECORD.

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

A GUIDE TO SEVEN SPOTS WHERE AMERICA THE BEAUTIFUL CAN STILL BE FOUND

(By Marion Lynn Clark)

Where's the best place to live in the United States? In these days of mounting concern over air pollution, water pollution, noise pollution, etc., more and more people are thinking of moving out of cities to more pleasant areas. *Potomac* set out to find which areas were the best, ecologically, in which to live.

The task was difficult, since different people have different tastes. Some prefer a climate where the seasons change only from mild and sunny to mild and rainy. Others hate it. Spectacular mountain views are not universally loved, nor are flat beaches.

We assembled a group of environmental experts from the Interior Department to help pick the best general areas. In these areas, the air and water is pollution free and the climate not extreme.

The panel consisted of Dr. Deric O'Brien, a human ecologist and water expert; Charles Beetschen and Bob Alexander, geographers; Frank Forrester, a meteorologist; Bill Over-

street, chief map information officer at the U.S. Geological Survey, and Dr. Arch Gerlach, chief geographer of the Geological Survey.

Once the panel has picked its most ecologically desirable areas, it discovered two important problems: One, the cleanest air and water in the country occurs where there are the least people. That's because many of the most pollution-free areas are either too cold or too inaccessible for easy habitation. Two, when it got down to narrowing in on general areas, objectivity became more difficult. The panel of experts is extremely well-traveled in the United States and each has his favorite spots. By popular opinion, San Diego rated number one in ideal climate and location, but its air and water are polluted. Florida, lovely in the winter, is unbearable in summer, Cape Cod summers are hard to match but winter gusts make it uncomfortable from late September on. And so it went.

At last the panel concurred on seven areas.

We must qualify our list by saying that these are definitely some of the most delightful areas in the country in which to live all year around or visit. But they are by no means the only fine places in the country.

In early March the buttercups come out in force in Idaho. They cover the foothills of the Sawtooth Mountains, turning them a brilliant, sunny yellow. About 9,000 feet up, the snow starts to melt, filling crystal clear mountain lakes and rivers with some of the best water in the country. The Sawtooths are often called the American Alps, and some of them rise to 10,000 feet in the middle of big sky country." Their mountain meadows are surrounded by Aspen and cottonwood trees; their lower slopes are showered with Idaho's state plant, the Syringa, whose white flowers blossom from stalks that are sometimes 12 feet high. One of the few large antelope herds in North America roams free, playing with deer and elk, through the tall, white pine forests of the upper mountains. Sturgeon and trout, instead of beer cans and detergent foam, fill the mountain rivers. The sun, meanwhile, shines on it all through blue skies that reputedly contain the cleanest air of any state in the country.

The Sawtooth range, in mid-Idaho, enjoys a much milder climate than is usually found in this latitude. Prevailing winds bring warm sea air from the Pacific Coast and high mountains to the East keep the warm air in. The sun usually shines over Idaho and in the Sawtooth range the annual total precipitation is only about 17 inches. Summers bring warm, sunny days with temperatures averaging around 80 and cool nights with near 40-degree temperatures. January, the coldest month, has an average daily high of 31, just right to keep the snow perfect for skiing up in Sun Valley. The low temperatures seem much less cold because humidity and wind velocity are low. Indian summer comes every fall to the Sawtooths and outdoor sports like fishing for sturgeon, boating and sailing, hiking and climbing go on until the end of November. Shooting the rapids down the white water Salmon River of no return" is a major challenge for hardy souls. Penetrating Idaho's primitive forest area to camp and explore is another highlight. Idaho's mountains and valleys are more heavily forested than any other Rocky Mountain state. Its farmlands are highly fertile and agriculture is the state's booming main industry. The Sawtooths so inspired Ernest Hemingway that he stayed, spending most of the last years of his life near the little town of Ketchum close to Sun Valley, and Ketchum hasn't grown in population since. Neither has the population of the rest of the Sawtooths. It is still everything one imagines "wide open spaces" and "room to breathe" to be.

MORALITY AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the founding of the United Nations opened a whole new era in the history of international relations. The dream of a real world community was to be given a chance of realization.

The United Nations is concerned with peace and cooperation between states, but it is also concerned with peace and cooperation between men. Absolutely basic to this goal is that all men, regardless of race, religion, nationality, or culture be allowed to live as they wish, providing they do not impinge on the rights of others.

The world has seen many instances of attempts by one culture to eliminate another. Among the worst of these were the slaughter of the South American Indians by the Conquistadors, the attempted elimination of the Armenians by the Turks, and the horrible slaughter of the Jews of Europe during World War II. These acts have always been morally repugnant. The time has come to see that they are made illegal as well. The aim of the Genocide Convention is to do just that.

It takes a long time for any great goal to become a reality. The documents in the history of the world that potentially had the greatest good to offer have also been among the hardest to effectively implement. This does not mean that the effort should not be made. The Magna Carta and our own Constitution are both great documents in the history of individual freedom. Both were established only with great difficulty. Neither of them were perfect as they were promulgated and they have been changed. None of these things reduces their net worth to the cause of human freedom.

The Genocide Convention is not a perfect document either. But its goal of guaranteeing the right of existence to all peoples is essential. While it may not guarantee an immediate cessation of genocide, it will establish the principle that the nations of the world will not condone it, and will open the way to the eventual total elimination of this crime against all humanity.

Mr. President, I urge the Senate to ratify this all-important treaty.

THE EFFECTS OF MARIHUANA

Mr. MOSS. Mr. President, the smoking of marihuana in this country, especially by our young people, has reached almost epidemic proportions. Exact figures are hard to determine, but it is estimated that between 12 and 20 million of our citizens use marihuana on a regular basis.

One reason for this tremendous number of pot smokers is the prevailing opinion that marihuana is really not harmful, and that it may be used without damaging effects.

I say this is an opinion, because the exact effects of marihuana usage are not known. This is why I have for many years advocated the establishment of a presidential commission to study all aspects of the problem and determine once and for all just what are the effects of marihuana usage. I was pleased that my legislation to establish this study was incorporated in the Drug Abuse Act of 1970, and I hope we can soon begin such a study. Just last week we passed H.R. 5674, which will authorize another $3 million to help conduct this much needed study.

In the meantime, studies are being conducted by medical personnel on an independent basis. One such study was recently reported in the Journal of the American Medical Association for April 19. It is a study conducted by Harold Kolansky, M.D. and William T. Moore, M.D. The introduction to the article reads as follows:

> The large amount of marihuana smoking (12 million to 20 million people) in this country was reviewed, as well as some of the literature concerning adverse effects. Thirty-eight individuals from the age of 13 to 24 years, all of whom smoked marihuana two or more times weekly, were seen by us between 1965 and 1970, and all showed adverse psychological effects. Some also showed neurologic signs and symptoms. Of the 20 male and 18 female individuals seen, there were eight with psychoses; four of these attempted suicide. Included in these cases are 13 unmarried female patients who became sexually promiscuous while using marihuana; seven of these became pregnant.

Every parent and every teenager should read the article. It demonstrates the negative reactions which take place in a person's mind and attitude when using marihuana. As I read this article I was impressed with the repetitive pattern of the various cases. Time after time, bright, hard-working students were turned into slow, dim-witted and disoriented individuals. The degree of this transformation was in direct response to the amount of marihuana used, and in the few cases where the practice of smoking marihuana was stopped, the subject returned to his former, intelligent, hard-working self.

One especially tragic example is mentioned where a 19-year-old "A" student began smoking marihuana and saw his grades drop, his ability to think and concentrate diminish. He relates that because he observed this change he went to his college counselor, relating that he felt the use of marihuana was causing this negative change. But he continued to use the drug for some time, because the counselor, "reassured him that the drug was harmless and that there was no medical evidence of difficulties as a consequence of smoking."

Certainly, Mr. President, we need much more study on the subject, but the evidence is piling up. This study and others show that an individual, especially a college counselor, is displaying his irresponsibility when he tells college students there is "no medical evidence of difficulties as a consequence of smoking marihuana."

I ask unanimous consent that the article, entitled "Effects of Marihuana on Adolescents and Young Adults," be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

EFFECTS OF MARIHUANA ON ADOLESCENTS AND YOUNG ADULTS

(By Harold Kolansky, MD, and William T. Moore, MD)

The large amount of marihuana smoking (12 million to 20 million people) in this country was reviewed, as well as some of the literature concerning adverse effects. Thirty-eight individuals from age 13 to 24 years, all of whom smoked marihuana two or more times weekly, were seen by us between 1965 and 1970, and all showed adverse psychological effects. Some also showed neurologic signs and symptoms. Of the 20 male and 18 female individuals seen, there were eight with psychoses; four of these attempted suicide. Included in these cases were 13 unmarried female patients who became sexually promiscuous while using marihuana; seven of these became pregnant.

The smoking of cannabis derivatives in the United States has now reached alarming proportions. Between 12 million (estimated by J. L. Goddard, MD, US Food and Drug Administration, in *Life*, Oct. 31, 1969, p. 34) and 20 million (estimated in *Drug Abuse: The Chemical Cop-Out*, National Association of Blue Shield Plans, 1969) adolescents and young adults are using, or have tried smoking, cannabis derivatives. In February 1970, a *Newsweek* survey (Feb. 16, 1970, p. 65) showed that 30% to 50% of all high-school students in this country had made marihuana an accepted part of life. Results of surveys of college students smoking marihuana are similarly high. In our own observations at local high schools and at several college campuses along the eastern seaboard, we have noted the openness of marihuana smoking, which may indicate a trend toward more universal use of the drug. All of this is in marked contrast to the situation as recently as four years ago when the COMMITTEE ON ALCOHOLISM AND DRUG DEPENDENCE of the American Medical Association reported that most experimenters give up the drug quickly or continue to use it on a casual basis.[1]

Literature in the United States describing the adverse effects of smoking marihuana is rather sparse. Among the more important communications was a report by Bromberg[2] in 1934, describing studies made while individuals smoked. Talbott and Teague[3] recently described 12 patients with acute toxic psychosis associated with cannabis smoking. Of special significance in their communication was the development of psychosis in each of the 12 upon the first smoking of marihuana. Ten of 12 were delusional, and all showed paranoid symptoms. Physical symptoms, including evidence of neurologic dysfunction, were seen in some. Ten showed no history or premorbid personality disorder. The American Medical Association's COUNCIL ON MENTAL HEALTH, along with the National Research Council of the National Academy of Sciences,[4] and an editorial in THE JOURNAL in 1968[5] warned that cannabis is a dangerous drug and a public health concern. Also, there have been articles by Ames[6] and Allentuck[7] describing ill effects.

In the literature of clinical experiments, Isbell[8] and his associates showed that the isolated chemically-active ingredient of the cannabis group, (—) Δ "-*trans*-tetrahydrocannabinol, caused psychotic reactions in humans tested at the Addiction Research Center in Lexington, Ky. Hartmann[9] and Wieder and Kaplan[10] described some psychological effects in 1969.

In the pharmacological literature, a detailed report and review by Gershon[11] in 1970 showed the many effects of marihuana on animals. He stressed that, in most animals extracts of marihuana induced stimulation and excitement followed by general depression. Gershon also called our attention to the marked diminution of oxygen uptake by the brain while the animals were intoxicated with marihuana.

We (both authors) are in separate, individual, private practices of child and adult psychiatry and psychoanalysis, and both of us have extensive consultative opportunities. In the period from 1965 to 1970, we began to note a sizeable increase in referrals of individuals who, upon investigation by history, showed an onset of psychiatric problems shortly after the beginning of marihuana smoking; these individuals had either no premorbid psychiatric history or bad premorbid psychiatric symptoms which were extremely mild or almost unnoticeable in contrast to the serious symptomatology which followed the known onset of marihuana smoking. In our study, all in this group who smoke marihuana more than a few times showed serious psychological effects, sometimes complicated by neurologic signs and symptoms. In 38 of our patients, our findings demonstrate effects ranging from mild to severe ego decompensations (the latter represent psychoses). Simultaneously, we have examined and treated many other marihuana smokers who either had severe psychological problems prior to smoking marihuana or who also used lysergic acid diethylamide (LSD), the amphetamines, or other drugs; these patients had more complex findings and were not included in this study of 38 patients because we could not be certain that symptoms seen were related to marihuana alone. We have studied some neurotic individuals whose symptoms became more severe after smoking marihuana, but since their earlier symptomatology would becloud such a study as this, we did not include them. Still others who had a marked predisposition to psychosis and who became psychotic after beginning to smoke marihuana were not included in this series, since our purpose was to report only the effects seen as a consequence of marihuana smoking in those not showing a predisposition to serious psychiatric problems. We are currently studying the group with a known predisposition to determine whether marihuana acted as a catalyst to produce psychosis. The 38 patients described in this communication range in age from 13 to 24 years, and the group consists of 20 male and 18 female individuals. We have seen many patients older than 24 who have been smoking marihuana and who have similar symptoms to those we describe, but we have confined our present communication to those aged 24 and younger.

METHODS

Prior to 1965, we only occasionally saw patients who smoked marihuana. The 38 patients described are part of a consultation practice that included several hundred new referrals seen during the five-year period from 1965 to 1970, most of whom did not smoke marihuana.

To establish a diagnosis for the usual adult referred for consultation, we see the patient once or twice to determine his history and to examine his psychiatric status; following this, treatment recommendations are made. When children and adolescents are referred, we see the parents two to five times to obtain a history; following this we examine the youngsters in one or two office visits. About one of four of our patients is also psychologically tested. Psychological testing is performed by clinical psychologists with long experience on those of our patients for whom our diagnostic impressions are that we are dealing with a psychosis, an ego disturbance, an organic central nervous system disorder, or a severe learning disability. We followed the same diagnostic procedures with those of our patients known to be smoking marihuana.

Formal neurologic examinations were not done, but there were gross indications of neurologic impairment in a few patients who smoked marihuana four or five times weekly for many months. This impairment consisted of slurred speech, staggering gait, hand tremors, thought disorders, and disturbance in depth perception (such as overshooting exits on turnpikes, misjudging traffic lights and stop signs at intersections, diminished ability to time catching a baseball, or undershooting a basketball net).

A diagnosis was established and treatment recommendations were made for each of our 38 patients. In some, psychotherapy or psychoanalysis was indicated, and in that group, further psychological understanding of the underlying causes of marihuana smoking was obtained. In others, the gamut of psychiatric treatment was instituted, which sometimes, of necessity, included hospitalization.

In each instance, only one of us diagnosed the condition and prescribed the treatment. In a few instances, diagnosis was made by one author and treatment was instituted by the other. In these few cases, there was agreement on diagnosis.

GENERAL PSYCHIATRIC CONSIDERATIONS

Most of the 38 patients in this study smoked marihuana two or more times weekly and, in general, smoked two or more marihuana cigarettes each time. These patients consistently showed very poor social judgment, poor attention span, poor concentration, confusion, anxiety, depression, apathy, passivity, indifference, and often, slowed and slurred speech. An alteration of consciousness which included a split between an observing and an experiencing portion of the ego, an inability to bring thoughts together, a paranoid suspiciousness of others, and a regression to a more infantile state were all very common. Sexual promiscuity was frequent, and the incidence of unwanted pregnancies among female patients was high, as was the incidence of venereal diseases. This grouping of symptoms was absent prior to the onset of marihuana use, except in 11 patients who were conscious of mild anxiety or occasional depression.

There was marked interference with personal cleanliness, grooming, dressing, and study habits or work or both. These latter characteristics were at times present in some patients prior to smoking marihuana, but were always markedly accentuated following the onset of smoking. In one subgroup, a clear-cut diagnosis of psychosis was established, and in these patients, there was neither evidence of psychosis or ego disturbance nor family history of psychosis prior to the patients' use of marihuana. Several in this group were suicidal. In some individuals, instead of apathy, hyperactivity, aggressiveness, and a type of agitation were common. In no instance were these symptoms in evidence prior to the use of marihuana.

A. Psychosis with suicidal attempts

Four individuals, two male and two female between the ages of 14 and 17, showed psychotic reactions directly attributable to cannabi derivatives, and each attempted suicide. In the usual type of adolescent psychosis, there is an antecedent history of very poor ego organization. In no instance was there a history of such earlier ego disorganization in our eight psychotic patients; nor prior to smoking marihuana was there psychosis, ego disturbance, family history of psychosis, fragile ego, or suicidal attempts.

Footnotes at end of article.

CASE 1.—A 17-year-old girl smoked marihuana daily for one year prior to consultation and for an additional year while she was in psychiatric treatment. By history from her parents and by observation during the year following entry into treatment, she showed a gradual regression in organizing thought. She continuously repeated phrases and had the delusion that she was a great actress, but saw life as through a veil. Speech and thinking slowed down, and she believed that she was living life in slow motion. Memory and perception became markedly impaired, thinking became tangential, and judgment became poor. This led to marked social and familial difficulties. Suicide was attempted while she was smoking marihuana, and despite the seriousness of the attempt, the patient was euphoric during and following the effort, with slurred speech, pleasant mood, absent judgment, and missing reality testing.

CASE 2.—A 17-year-old boy was seduced homosexually after an older man gradually introduced him to marihuana smoking over a period of one year. His history showed no evident previous psychopathological condition, and his adolescent development appeared to be normal prior to smoking. Confusion and depression gradually developed, which led to psychiatric evaluation. He continued to smoke marihuana and gradually withdrew from reality, developing an interest in occult matters which culminated in the delusion that he was to be the Messiah returned to earth. He attempted suicide three times by wrist cutting. When he was hospitalized and marihuana was withdrawn, a slow and gradual reversal of the process described occurred.

CASE 3.—Shortly after a 14-year-old boy began to smoke marihuana, he began to demonstrate indolence, apathy, and depression. Over a period of eight months, his condition worsened until he began to hallucinate and to develop paranoid ideas. Simultaneously, he became actively homesexual. There was no evidence of psychiatric illness prior to smoking marihuana and hashish. At the height of his paranoid delusions, he attempted suicide by jumping from a moving car he had stolen. He was arrested, and during his probation period, he stopped smoking and his paranoid ideation disappeared. In two six-month follow-up examinations, he was still showing some memory impairment and difficulty in concentration. Of note was the fact that he still complained of an alteration in time sense and distortion of depth perception at the time of his most recent examination.

CASE 4.—A 16-year-old girl in whom there was no prior psychiatric difficulty smoked cannabis derivatives (marihuana and hashish) at first occasionally, and then three to four times weekly for a period of two years. She began to lose interest in academic work and become preoccupied with political issues. From a quiet and socially popular girl, she became hostile and quite impulsive in her inappropriate verbal attacks on teachers and peers. She dropped out of school in her senior year of high school, which led to psychiatric referral. She showed inappropriate effect and developed paranoid ideas about an older sister's husband having sexual interests in her. She refused to give up smoking marihuana and eventually became so depressed that she attempted suicide by hanging. After withdrawal from the drug, her depression and paranoid ideas slowly disappeared, as did her outbursts of aggression. Ten months of follow-up showed continued impairment of memory and thought disorder, marked by her complaint that she could not concentrate on her studies and could not transform her thoughts into either written or spoken words as she had once been able to do quite easily.

B. Psychoses without suicidal attempts

Four individuals, all male between the ages of 18 and 24, showed psychoses as a consequence of smoking cannabis derivatives. As with those who attempted suicide, this group showed no prior history of ego fragility, predisposition to psychosis, or familial history of psychosis.

CASE 1.—A married 24-year-old man who had shown no previous psychiatric illness or evidence of personality disorder met a group of new friends who taught him to smoke marihuana. He enjoyed the experience so much that he smoked it daily for two months, claiming that it did not interfere with his daily functioning. He even said that he could think more clearly. Gradually he began to withdraw from his friends and seemed suspicious of them. He developed ideas of reference, believing that his friends talked about him saying that he was impotent. (Impotence had actually occurred on several occasions after he had smoked a large amount of "good hash.") He also believed that he was developing heart disease as a result of "bad drugs." He had experienced palpitations and a feeling of his heart "jumping" in his throat on several occasions while smoking some Mexcian marihuana. He believed that his friends were trying to do away with him in order to have his wife. At the end of the two months, he showed a full-blown paranoid psychosis and had delusions of grandeur. He believed that he had developed a superior intellect at the expense of a loss of his sexual life. He was the first member of a new "super race." After stopping his smoking, his delusional ideas disappeared and he returned to his normal functioning in his job and marriage.

This patient and the others in this subgroup, although delusional, were never hospitalized, since they adequately functioned in other ways. It was only after some acquaintance with the psychiatrist that each of these patients told of his delusional system. Characteristic of some of our long-term marihuana smokers who develop paranoid delusions is an ability to function for a period of time without others being aware of their illness, either because they join groups who share their aberrational thinking or because they keep their delusional thoughts to themselves.

We have also noted that, as these individuals withdraw from marihuana, the delusional system is given up more quickly in those patients who have been smoking for a shorter period of time; however, as better reality testing is achieved, these patients seem to be left with a residual of some memory difficulty and impairment of concentration. One patient has shown this for two years at the time of this writing.

CASE 2.—A 20-year-old man developed delusions of omnipotence and grandeur six months after starting to smoke marihuana. He believed that he was in charge of the Mafia and that he was an Eastern potentate of the Ku Klux Klan. He began to collect guns and knives in addition to training his German shepherd dog to attack others. He had not previously smoked marihuana except experimentally on two occasions while in college. He graduated cum laude in business administration in less than three years by attending summer school. He worked in a family business and was doing creditably in his job as well as in his social life. He found his way into a "swinging" crowd that smoked cannabis derivatives regularly. He took up "the habit" and almost immediately noticed changes in his working pattern and a shift or decline in ambition. He gradually withdrew from a heterosexual relationship after a few episodes of impotence while "high" on hashish. He became apathetic and more of a "loner," and then finally became distrustful of his friends and family. At this point, he sought psychiatric treatment and told of his delusional thoughts, fearful that he was losing his mind. Upon withdrawal from the drug, psychotic symptoms disappeared, yet a residual of difficulty in thinking (which he described as "fuzzy") was still complained of in a one-year follow-up examination.

CASE 3.—An 18-year-old boy who smoked marihuana and hashish regularly for a three-year period became progressively withdrawn, confused, and depressed. His interest in astrology and Eastern religions increased. He became a vegetarian and practiced yoga. He had the delusion that he was a guru and eventually believed that he was the son of God who was placed on earth to save all people from violence and destruction. This patient gave a history of mild anxiety and headaches in his earlier adolescent years, as well as that of some difficulty in getting along with others. Prior to smoking marihuana, he had mild general and social anxiety and headaches for several years. He began smoking marihuana occasionally with friends at the age of 15, and over a two-year period, showed signs of ego decompensation. He did poorly in school, although he could "get along." When he increased the frequency of smoking, delusional symptoms began to develop. Consultation with one of us previously because of some of his adolescent difficulties made it easier for him to consult us again upon becoming concerned with his beliefs that he was God's son. He knew that his thoughts were not "right" and worried when a smoking friend told him of his own similar delusions. There was even a joke among his crowd that they knew "a guy had gone too far" when he thought that he was like a god. Persuasion could not convince this young man to give up cannabis, although he acknowledged that his symptoms resulted from drug use. After consultation, he moved to the west coast and continued his unproductive, aimless life, supported financially by his parents.

CASE 4.—A 19-year-old boy smoked marihuana for four months, gradually developing ideas of reference. Believing he had superhuman mental powers, he felt that he was able to communicate with and control the minds and actions of animals, especially dogs and cats. No one knew of his belief in his messianic powers and divine rights. He was referred for psychiatric consultation by his school because of a sharp decrease in his interest in his schoolwork. He seemed listless, apathetic, and depressed. Prior to smoking marihuana he had been outgoing and did well academically, but following the onset of smoking he shunned family and friends. He continued to maintain good grades on the basis of sheer momentum of accumulated academic experience, although there was decline in academic interest.

His most closely guarded secret was the belief that he was the Messiah, and although he believed this to be a "weird idea," he felt it to be true and thought that marihuana gave him this power.

Upon cessation of marihuana smoking, the delusional system disappeared, and he was able to return to a level of functioning similar to that of the days before marihuana smoking.

It was our impression in these cases that the use of cannabis derivatives caused such severe decompensation of the ego that it became necessary for the ego to develop a delusional system in an attempt to restore a new form of reality. It would appear that this type of parnoid reaction is a direct result of the toxic effects of cannabis upon the ego organization of those patients described in this study.

We have not included in this communication a large number of cases of psychosis due to the use of other psychotomimetic drugs in combination with cannabis derivatives. It is our impression that those patients who had been taking LSD or mescaline or both with marihuana appeared to have more acute psychotic reactions which were accompanied by greater panic and distress, resulting in more frequent need for hospitalization, than those smoking marihuana alone.

C. Borderline states (ego decompensation) in those on trial for possession of marihuana

Twelve adolescents (aged 15 to 18), nine male and three female, had smoked marihuana regularly for one or more years prior to being arrested for using marihuana. In each instance, the legal authorities asked for a psychiatric evaluation, and none of these individuals smoked marihuana immediately prior to the examination. All 12 showed evidence of ego decompensation and disturbance in reality testing, memory, social judgment, time sense, concept formation, concentration, abstract thinking, and speech production. All 12 gave a history of steadily declining academic ability and class standing, and all felt isolated from others. Eight of this group complained of trouble converting thoughts into words, which resulted in a rambling, disjointed flow of speech with hesitation and circumstantiality. Memorized phrases were frequently substituted to mask the loss of speech and thought continuity.

Three of these adolescents had periods of depersonalization while not under the influence of the drug. They felt that they were watching themselves and others interreact, as if in a dream.

None of the 12 individuals showed evidence by history of psychotic disturbance prior to beginning to smoke marihuana.

Psychological testing performed on four patients in this group showed these patients to have regressed to early stages of psychological development and to be relying on omnipotent and grandiose fantasies as methods of psychological defense against anxiety. All of these patients showed impairment in control of impulses and judgment and an inability to distinguish the subtleties of the feelings of others in social situations. Limited attention span and encroachment on reality testing, as well as generally impaired cognition, were evident in all.

The psychological tests were done without the psychologists' previous knowledge of cannabis use by the patients, but testing was not used to help determine whether cannabis was used or whether cannabis produced a specific effect. It was used instead to help determine the extent of ego decompensation.

A bright 16-year-old boy smoked marihuana for 18 months. He had a "B" average prior to smoking. He was well liked by teachers and peers, seemed happy, and appeared to have no more difficulties than other adolescents prior to smoking marihuana. He said that he began to smoke because his friends did. He felt that it was safe, believing marihuana was harmless. As he began to notice some apathy, loss of goal direction, and increasing depression, he still felt that marihuana was not harmful.

Upon examination, he attempted to win over the psychiatrist with a pleasant, willing, cooperative manner. There was, however, mild disorientation, feelings of omnipotence, and a feeling of isolation.

In psychological testing, he had bright-normal scores on the Wechsler-Bellevue intelligence scale. He showed poor attention span and concentration and poor retention of acquired, as well as of accumulated, knowledge. There was evidence of tenuous control of impulses. Reality testing was impaired. The psychologist reported "early signs of personality decompensation in that he retreated into himself. He functioned at a level of early childhood, believing in his own omnipotence. This state might result in further impulse-motivated behavior so that he would probably commit further asocial and/or anti-social acts prior to becoming severely depressed."

D. Borderline states (ego decompensation) not at first associated with marihuana

Six individuals 14 to 20 years of age, five male and one female, were seen in consultation. All of these individuals were seen because of the chief complaints of general deterioration in schoolwork, inability to concentrate or to pay attention in class, gradual decrease in academic standing, apathy, indifference, passivity, withdrawal from social activities, and limitation of interest. All showed the same evidence of ego decompensation as described in group C, including disturbance in reality testing, memory, social judgment, time sense, concept formation, concentration, abstract thinking, and speech production. All felt isolated from others. Four of these individuals showed no prior history of these symptoms, while two showed some difficulty in concentration in school prior to smoking marihuana. In the latter two, the difficulty in concentration became far more pronounced following regular smoking of marihuana.

CASE 1.—A 19-year-old college freshman arrived on time for psychiatric consultation, dressed in old, torn, dirty clothes. He was unkempt, with long hair that was uncombed and disheveled. He talked in a slow, hesitant manner, frequently losing his train of thought, and he could not pay attention or concentrate. He tried hard to both talk and listen, but had difficulty with both. He had been an excellent high-school athlete and the highest student in his class in a large city. He was described as neat, orderly, and taking pride in his appearance, intellect, and physical fitness. During the last half of his senior year, he began casual (one or two marihuana cigarettes each weekend) smoking. By the time of the evaluation in the middle of his first college year, he was smoking several marihuana cigarettes daily. While in college, he stopped attending classes, didn't know what his goals were, and was flunking all subjects. He partook in no athletic or social events, and was planning to drop out of college to live in a young, drug-oriented group.

CASE 2.—A 19-year-old boy entered college with an "A" average. He began smoking marihuana early in the freshman year, and within two months of starting to smoke cannabis, he became apathetic, disoriented, and depressed. At the semester's end, he had failed all courses and lacked judgment in most other matters. Upon return to his home, he discontinued marihuana after a total period of 3½ months of smoking. Gradually, his apathy disappeared, his motivation returned, and his personal appearance improved. He found employment, and in the following academic year, he enrolled at a different university as a preprofessional student. His motivation returned, as did his capability. As with so many of our patients, this young man told his psychiatrist that he had observed changes while smoking marihuana; he even went to a college counselor and told the counselor that he felt he was having a thinking problem due to smoking marihuana. The counselor reassured him that the drug was harmless and that there was no medical evidence of difficulties as a consequence of smoking.

E. Ego impairment with marked sexual promiscuity

Thirteen female individuals, all unmarried and ranging in age from 13 to 22, were seen in consultation with almost the same symptoms as those in groups C and D. (One in this group was psychotic and is listed as clase 1 of group A. Thus, our total reported group of cases remains 38, not 39.)

This group is singled out because of the unusual degree of sexual promiscuity, which ranged from sexual relations with several individuals of the opposite sex to relations with individuals of the same sex, individuals of both sexes, and sometimes, individuals of both sexes on the same evening. In the histories of all of these individuals, we were struck by the loss of sexual inhibitions after short periods of marihuana smoking. Seven patients of this group became pregnant (one on several occasions), and four developed venereal diseases. Each showed confusion, apathy, depression, suicidal ideas, inappropriateness of affect, listlessness, feelings of isolation, and disturbances in reality testing, and among the 13, all of whom attended junior high school, high school, or college, all showed a marked drop in academic performance. The decline in academic performance was in direct proportion to the frequency and amount of smoking. Most smoked three or more times weekly.

Five of the 13 were engaged in homosexual activities which began after the onset of smoking, and three attempted suicide.

In no instance was there sexual promiscuity prior to the beginning of marihuana smoking, and in only two of the 13 cases were there histories of mild anxiety states prior to smoking. We take these results to indicate marihuana's effect on loosening the superego controls and altering superego ideals.

ADOLESCENT DEVELOPMENT AND MARIHUANA

The nature of adolescent development is of importance in a discussion of marihuana. The adolescent may begin to smoke marihuana and then suffer damage in further psychological growth, development, and maturation.

In brief, adolescence has as its central driving force the organic, maturational establishment of puberty. Related to physical changes of adolescence are profound (normal) psychological changes.

Anna Freud [12] has described these psychological changes in the normal adolescent as follows:

"It is normal for the adolescent to behave . . . in an inconsistent and unpredictable manner; to fight his impulses and to accept them; . . . to love his parents and to hate them; . . . to thrive on imitation of and identification with others while searching unceasingly for his own identity; to be more idealistic, artistic, generous, and unselfish than he will ever be again; but also the opposite, self-centered, egotistic, and calculating."

These psychological changes, according to Pearson,[13] are due to the unsettling effect of sudden, general bodily growth and the gradual changes in primary and secondary sexual characteristics, as well as to a final stage of myelinization within brain tracts which leads to greater perception of nuances of color and sound. Pearson also described the conflict of generations, and how lack of parental understanding further weakens the adolescent's ego, leading to the psychological changes already mentioned.

The normally developing adolescent compares the image of his body (often characterized by uneven growth spurts) to his preadolescent body (smooth and even), to those of his peers (different), and to those of adults (who are ambivalently admired), and feels himself lacking. He is bombarded by known sexual impulses related to the

Footnotes at end of article.

organic sexual changes, and he feels overwhelmed and at first unable to control or deal with these impulses effectively. He feels flooded by subtleties of color and sound never before perceived, but now very taxing to his mind. Typically, in efforts at management of these biological induced phenomena, and also due to the struggle with his parents, he regresses psychologically and tends to handle these anxieties in paradoxical ways, as by immersing himself in glaring colors and loud sounds, by fighting with parents, or by dressing in a bizarre way which accentuates his body-growth disproportions.

The normal adolescent needs support the guided firmness from the parent. If this is missing, he may turn increasingly to drugs. The adolescent living in a ghetto has the added problem of the absence of daily necessities, making reality harsh and the appeal of drugs even stronger. When the adolescent is further exposed to equivocation by authorities in speech or writing on the innocence or dangers of marihuana, then his urge toward a drug solution for conflict may be enhanced, and if there has been a lack of support and interest in the child prior to adolescence and a lack of continuing interest, support, and benevolent firmness by the parent in the teen-age years, the adolescent may still more readily turn to drugs.

To illustrate the issue of lack of firm guidance, several of our patients had parents who talked to the adolescent of their own curiosity about the effects of marihuana, without emphasizing its dangers, or emphasized the discrepancies in the law, without insisting that the youngster must not use marihuana or other drugs because of the serious effects that would occur. We have found that equivocation by the parents has contributed to eventual drug experimentation.

Most often, the normal adolescent, weakened by his own rising sexual pressures, body changes, and disillusionment with parental ideals, seeks peer relationships to establish new ideals and thereby strengthen his own character. Among his peers today, he finds many smoking marihuana. He cannot tolerate the isolation from those who smoke. Also, the need to repudiate parental ideals is strong. In his desperation to find new ideals, he turns to those who use drugs. Even though their smoking frightens him, gradually he accepts their drug use. He cannot see any changes in his friends as a result of smoking cannabis (early changes are even difficult for the professional to detect). He identifies, however, with their rebellious attitude toward authority as expressed by their use of marihuana. He may then smoke. At first, he is puzzled and disappointed at not reaching a "high" (which he will not admit to his new firends), and he fails to see any adverse effect upon himself other than some exaggeration or distortion of sensory perceptions. He continues to smoke in an attempt to achieve an effect. His parents and others are thought to be alarmists; he can see no harm in "smoking a little pot." He is unaware that increased smoking over a period of time will likely deprive him of the ability to adequately resolve his internal conflicts.

When we examined the effects of marihuana on the adolescents in our study, we were struck by the accentuation of the very aspects of disturbing bodily development and psychological conflicts which the adolescent had been struggling to master. Marihuana accentuates the inconsistencies of behavior, the lack of control of impulses, the vagueness of thinking, and the uncertainty of body identity which Anna Freud described.[12] Moreover, dependency and passivity are enhanced at a time when the more natural course would be to master dependent yearnings and to become independent. Rebellion toward parents and authority is increased while the adolescent is struggling toward abandoning such rebellion. His uncertainty about sex grows while he smokes marihuana. The desire to be independent diminishes while he is smoking with his peers.

While the adolescent is struggling to master his feelings about bodily growth surges, he is confronted with further changes in the mental image of his body if smoking marihuana. Also, while he is struggling to master new physical, intellectual, and emotional strengths, he is hampered by marihuana. This leads to further anxiety.

Moreover, while struggling to make order out of the sudden flood of new sounds and colors incident to normal brain maturation, he is inundated by the changes in sensory perceptions which are the hallmark of marihuana use. While valuing clear thinking, coherent speech, alertness of reasoning, good attention span, and concentration, he is now confronted with at least temporary interference with these activities.

Our study showed no evidence of a predisposition to mental illness in these patients prior to the development of psychopathologic symptoms once moderate-to-heavy use of cannabis derivatives had begun. It is our impression that our study demonstrates the possibility that moderate-to-heavy use of marihuana in adolescents and young people without predisposition to psychotic illness may lead to ego decompensation ranging from mild ego disturbance to psychosis.

Clearly, there is, in our patients, a demonstration of an interruption of normal psychological adolescent growth processes following the use of marihuana; as a consequence, the adolescent may reach chronological adulthood without achieving adult mental functioning or emotional responsiveness.

We are aware that claims are made that large numbers of adolescents and young adults smoke marihuana regularly without developing symptoms or changes in academic study, but since these claims are made without the necessary accompaniment of thorough psychiatric study of each individual, they remain unsupported by scientific evidence. No judgment on the lack of development of symptoms in large, unselected populations of students or others who smoke marihuana can be made without such definitive individual psychiatric history-taking and examination.

FOOTNOTES

[1] Dependence on cannabis (marihuana), COMMITTEE ON ALCOHOLISM AND DRUG DEPENDENCE and COUNCIL ON MENTAL HEALTH. *JAMA* 201:368–371, 1967.

[2] Bromberg W: Marihuana intoxication: Clinical study of *Cannabis sativa intoxication. Amer J Psychiat* 91:303–330, 1934.

[3] Talbott JA, Teague JW: Marihuana psychosis. *JAMA* 210:299–302, 1969.

[4] Marihuana and society, COUNCIL ON MENTAL HEALTH. *JAMA* 204:1181–1182, 1968.

[5] Marihuana thing, editorial. *JAMA* 204: 1187–1188, 1968.

[6] Ames F: A clinical and metabolic study of acute intoxication with *Cannabis sativa* and its role in the model psychosis. *J Ment Sci* 104:972–999, 1958.

[7] Allentuck S: Medical aspects, in *The Marijuana Problem in the City of New York, 1941,* reprinted in Solomon D (ed): *The Marijuana Papers.* New York, Bobbs-Merrill Co Inc, 1966, pp 269–284.

[8] Isbell H. Gorodetzky CW, Jasinski D, et al: Effects of (—) Δ^9-trans-tetrahydro-cannabinol in man. *Psychopharmacologia* 11:184–188, 1967.

[9] Hartmann D: A study of drug-taking adolescents, in Eissler S, Freud A, Hartmann H, et al (eds): *The Psychoanalytic Study of the Child.* New York, International Universities Press Inc, 1969, vol 24, pp 384–398.

[10] Wieder H, Kaplan EH: Drug use in adolescents: Psychodynamic meaning and pharmacogenic effect, in Eissler S, Freud A, Hartmann H, et al (eds): *The Psychoanalytic Study of the Child.* New York, International Universities Press Inc, 1969, vol 24, pp. 399–431.

[11] Gershon S: On the pharmacology of marihuana, *Behav Neuropsychiat* 1:9–18, 1970.

[12] Freud A: Adolescence, in Eissler S, Freud A, Hartmann H, et al (eds): *The Psychoanalytic Study of the Child,* New York, International Universities Press Inc, 1958, vol 16, pp 255–278.

[13] Pearson GHJ: *Adolescence and the Conflict of Generations.* WW Norton & Co Inc, 1958, pp 1–186.

ADDRESS BY U.S. AMBASSADOR TO FRANCE, ARTHUR K. WATSON

Mr. TOWER. Mr. President, a copy of an address made by U.S. Ambassador to France, Arthur K. Watson, delivered April 21 to a luncheon meeting of the Anglo-American Press Association in Paris, has come to my attention.

The address is a succinct statement of the administration's position abroad. I do not believe that it has received wide attention here. I ask unanimous consent that the text of Ambassador Watson's address be printed in the RECORD.

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

ADDRESS BY U.S. AMBASSADOR TO FRANCE ARTHUR K. WATSON

Mr. President, Ladies and Gentlemen: It is a pleasure to be with you for a second time during the 1970–71 season. I thank you particularly, Mr. President, for the gentle introduction.

While we are not exactly adversaries, nor even necessarily separated by a generation gap, representatives of governments and representatives of the press have been known to have their differences. Indeed, it has often been said that in the American representative system, which has no vote of confidence procedure, the press plays the prime role of loyal opposition. In theory, you are ready to question and challenge any administration.

The theory is amply supported in fact.

Some people regard the government-press relationship as a state of constructive tensions. Others, of course, don't bother with the adjective.

But let me try to put this relationship in another, somewhat over-simplified way: It is your business to find and report the stuff from which headlines are made. It is my business to conduct the affairs of the United States in France in a way that we will not provide the raw material.

It may be paradoxical, if not foolhardy, that I have come among you today without undue compulsion. The fact is I believe profoundly in this constructive tension that both separates and connects us. In the final analysis we are all Jeffersonian in our belief in a free press.

We are both, in our separate ways, seeking enlightenment and, thanks in no small part to you and your colleagues, we do not lack fact or opinions.

But the promise of ultimate and positive answers in international affairs remains a seductive one. All too often the equations are studded with unknowns or half-knowns.

All too often we seem to face, on any given issue, only an array of choices, all of them bad. And always we deal with the marvelously unpredictable, infinitely variegated human being.

Thus if you came here today expecting to be illuminated by electric bolts of instant wisdom, I shall disappoint you.

Instead, I am going to borrow shamelessly an approach to our affairs from an old acquaintance, James Bryant Conant. He set forth this approach as a means of understanding science and scientific advance. As I recall it, Dr. Conant said that basic scientific concepts are developed from observed or experimental data and are fruitful of new experiments or observations. These, in turn, may lead to still more fruitful concepts.

Now, there is nothing in Dr. Conant's formulation that says a scientific theory must be right, right in the absolute sense. No there are only two conditions: First, the proposition must be consistent with known data and second, it must be sufficiently sound for further work to be built on it. Indeed, its application in further work may lead to discoveries which eventually modify or replace it. Meanwhile, it has served to advance science.

This, it seems to me, is not a bad viewpoint from which to examine human affairs. Are we acting consistently with the facts? Are our concepts fruitful bases on which to construct advances in international affairs?

It is in this spirit that I offer you three summary comments on what I consider to be factual data; to suggest three propositions; and to register two conclusions.

As we survey the world scene, there are three fairly plain groupings of evidential data which I by no means have time even to sumarize today, but which I find basic to any coherent view. They are:

One: The massive evidence of cumulative change. The world is not what it was in the 1950's, or even the 1960's. It is not what it was last year. Specifically, the configuration of power that emerged from the second world war is gone forever, and with it many of the assumptions that have been shaping foreign policies since 1945. Today the 127 members of the United Nations comprise an increasingly complex and varied world, with economic, social, political, and military power widely distributed and constantly in flux.

The second piece of basic data is this: The huge and distressing array of stubborn, sometimes explosive problems in today's world is not always amenable to solution and often not even to significant influence, by any single nation, superpower or not. Often these problems are beyond prompt and effective resolution by the combined forces of groups of nations. We have here a new and surprising natural law. As the capacity of large nation-states to apply overwhelming destructive military power has increased, their capacity to influence the behavior of smaller nation-states has declined.

Third: The Nixon administration has developed a comprehensive foreign policy consistent with the perceived realities and published it in detail. The latest Presidential report, dated February 25, 1971, is called "U.S. Foreign Policy for the 1970's, Building for Peace."

I find this third piece of data remarkable in at least two aspects:

First, it jettisons conventional wisdom about the conduct of diplomacy. President Nixon has provided both his defenders and adversaries, domestic and foreign alike, with a precise statement of our objectives. In two "State of the World" messages, the Nixon administration has laid out with frankness and detail both the facts and assumptions on which our policies are based, and the policies and objectives themselves. This must be the most frank and comprehensive public statement of foreign policy by a Chief of State in all history.

Secondly, this detailed enunciation of our foreign policy has received a remarkable acceptance at home and abroad.

How many critics have you read or heard who challenge the facts on the world situation as presented in these documents?

How many have you read who seriously challenge the objectives as set forth by President Nixon?

Who in Congress has risen to say that "U.S. Foreign Policy for the 1970's" falsely represents the situation in the world or our national plans to deal with it?

The arguments and criticisms have been on other matters, and I intend to get to them as we look at certain propositions. It would be impossible in the time we have—as well as gratuitous—to repeat or even summarize major points from the document. Instead, as I suggested earlier, I have drawn from it three propositions.

Here is my first proposition: The policy is a reasonable coherent, and practical statement of national programs and goals in a changing and complex world. If this is untrue, and the document is erroneous in any basic respect, we should know it. If it is unacceptable to any major part or parts of the American people, we should know it. If it is unacceptable to our friends and allies, they should be heard. If, indeed, it is unreasonable in the view of our adversaries, that needs to be known with urgency.

The acceptance of the administration's "Foreign Policy of the 1970's", so far as I can judge, has been excellent. Neither the assumptions nor the objectives have been basically challenged at home or anywhere else in the free world.

Yet, there is criticism of our foreign policy. And why? There are, I think, several reasons aside from the quite valid assumptions that anything can be improved. One that I sometimes sense is that some people have simply not read the President's document. They are opposing the American policies of another era.

Others, it appears to me, refuse to accept the document at face value. They attribute to the administration secret and devious designs. They raise specters of a widened war in Southeast Asia, for instance, as though our government would undertake today with 284,000 men what it would not do two years ago with half a million. And yet another reason is that events in this troubled world do not move as fast as words. To many, today's word must be today's deed.

My second proposition is this: The Nixon foreign policy, to use Dr. Conant's phrase, is a fruitful concept. It codifies and organizes known data. It offers means to deal with data in manageable terms, area by area, problem by problem. Without any claim to omniscience, it provides a framework on which to buttress further fruitful labor.

Let me illustrate. Something over two years ago, when this administration took office, we were clearly at a low point of our postwar international fortunes. I say this in no pejorative or partisan fashion, for I have never wished an American President, of either party, ill will or misfortune. I describe a fact. The United States was the object of the largest, bitterest, and in some ways most unanimous wave of criticism in our history in world affairs.

The future of NATO was considered dubious. The Alliance for Progress had fallen into neglect and nothing had been offered in its place. The war in Southeast Asia looked insoluble. There was a shooting war between the Arabs and Israelis, threatening to draw other powers into the conflict. The will, and capacity, of the United States to maintain its far-flung commitments were almost everywhere in doubt. Mind you, I am not discussing ancient history. I speak of a period all of you have experienced as citizens or covered as newsmen.

Today you need only to look around you to make your own judgment on whether U.S. foreign policy for the 1970's represents progress. NATO is alive and well. Negotiations are going forward on a multiplicity of issues among a myriad of countries. We are deep into the strategic arms limitations talks and four power discussions on Berlin. A seven-sided negotiation on expansion of the Common Market is in full swing, and there are peacemaking initiatives in the Near East in every bi-lateral and multi-lateral channel available.

The tragic tangle of Southeast Asia remains tragic and tangled. But make no mistake about it; we are withdrawing on schedule. Everywhere in the world, the American presence is being scaled to meet the more clearly defined requirements of our essential national interests and obligations. We are going about our international affairs with purpose, vigor, and a minimum of waste motion.

My third and final proposition today is this: The Nixon foreign policy offers a viable alternative to an American retreat into isolationism. We were, I regret to say, in the mood to take that alternative two years ago. President Nixon made this point strongly on February 25, saying, "Our friends are revitalized and increasingly self-reliant while the American domestic consensus has been strained by 25 years of global responsibilities." He added: "Partnership that was always theoretically desirable is now physically and psychologically imperative."

Let us take an example. It is the troubled area from the Southern and Eastern Mediterranean littoral to the Persian Gulf and Indian Ocean. For generations these have been, for all practical purposes, European seas. Following the devastation of World War II, the European influence receded. To some extent, American naval and air power moved into the vacuum. Now, over the last few years, Soviet naval power has become increasingly visible in the entire area, most notably in the Mediterranean. Meanwhile, the political complexion of the region has been altered hugely by changes in sovereignty, changes in government, the Arab-Israeli conflict, and social and political evolution.

The United States has, in this region, the same interests it has for the world as a whole. In the words of the President: "America's interest in the Middle East—and the world's interest—is that the global structure of peace not be allowed to break down there."

America, it is true, has business interests in the area but, in the case of Europe and Japan, the interest is direct and immediate. The United States takes 4 percent of its oil requirements from the area. Western Europe relies on the area for more than 80 percent of its oil and, in the case of Japan, 90 percent. The implications of this relationship, it seems to me, are plain.

Lest I be misunderstood, I hasten to add that I am neither predicting nor asking for an American withdrawal from Europe generally nor the Mediterranean specifically. The President has pledged that the United States will maintain and improve its own forces in Europe, given a similar approach by our allies, and will not reduce them unless there is a reciprocal action from our adversaries. We shall do our share, and observe our commitments.

At the same time, we welcome the growing economic strength and unity of Western Europe, the steadily improving standard of

living, the increased freedom of movement of both goods and people across borders. But Western Europe must look outwards as well as in. It must fully realize that not only its health and growth, but its survival is dependent on an intricate and comprehensive web of relationships with other countries and areas. I speak not only of tariffs and trade. I speak in terms of economic and technical assistance, educational exchange, unilateral and multilateral development assistance, both the military and non-military aspects of peacekeeping, interlocking programs in the field of scientific development and environmental control, and much more.

Thus my three propositions. If they are valid, they lead further to two conclusions.

The first is this: The Nixon foreign policies are working. Our government has recognized, with a remarkable candor and realism, what the problems and perils are in the world today and what we can and cannot do. We are following every available avenue toward peace. Where discussion is possible, we are talking. Where cooperation is possible, we are working with others.

The second conclusion is this: The Nixon Doctrine represents the most important change in American policy in two decades. One can make what the analysts call a straight line projection of U.S. foreign policy from the late 1940's, with the birth of the great and creative design which became known as the Marshall Plan. NATO, Point Four, SEATO, CENTO, The Alliance for Progress, and finally Viet-Nam came from this matrix.

This administration has already changed American policy far more fundamentally than has been recognized by any but a few observers. Now, today, we are beginning to see the fruits of the policies.

TYONEK, ALASKA, MANAGEMENT CORP.

Mr. HARRIS. Mr. President, in considering how to fashion a settlement of Alaskan Native claims with justice and equity, it is relevant to examine available evidence as to how Native villages may be expected to utilize settlement proceeds. The village of Tyonek, on Cook Inlet, provides a useful example. In 1963, oil was discovered on Tyonek property, and the Tyoneks subsequently were paid $13 million for oil leases. Today, the Tyoneks are among the most prosperous and secure of all Alaskans, and the Tyonek Management Corp. is a model for rational, comprehensive community development. The story of the Tyoneks is told in an article written by James E. Bylin, published in the Wall Street Journal of April 12. Mr. Bylin's article indicates that waste and inefficient use of resources would by no means result from a just and generous settlement of Alaskan Native claims. I ask unanimous consent that the article, entitled "What Will Alaska Natives Do With Riches? A Wealthy Indian Village Offers an Example," be printed in the RECORD.

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

WHAT WILL ALASKA NATIVES DO WITH RICHES? A WEALTHY INDIAN VILLAGE OFFERS AN EXAMPLE

(By James E. Bylin)

TYONEK, ALASKA.—This small village looks as if it were designed for Southern California and then mistakenly got delivered to the Alaskan wilderness.

The paved streets are lined with comfortable ranch houses, some of them nestled in cul de sacs. Trees pleasantly dot the terrain. In the center of town rests a modern, multicolored school. The chief clue to the nature of its inhabitants, who can hardly be called typical suburbanites, is the village's only church, topped by the tell-tale "onion" common to Russian architecture.

Despite its looks, Tyonek is a native village, home to the Yonek Indians who, like most natives in Alaska, belong to the Russian Orthodox church.

Tyonek (population: 200) is definitely an aberration among Alaska's nearly 200 native villages, which are largely distinguished by their poverty. But it is also a model of what may lie in the fairly near future for the some 60,000 natives—Eskimos, Indians and Aleuts—scattered over the state. For after decades of complex disputes over the ownership of Alaska, the land claims of the North appear headed for a settlement. And even if the natives don't receive all they're demanding, they can expect a bonanza that would have made envious the sourdoughs who sought gold in the frozen north in 1898.

President Nixon recently proposed that the natives be compensated with $500 million in cash—payable over 20 years without interest—as well as a 2% share in Alaskan oil revenue (up to another $500 million) and 40 million acres of land. The White House impetus could induce Congress to pass a bill this session; until the claims are settled, the natives probably could hold up federal permits for an oil pipeline across Alaska. Though the natives want a more lucrative deal, Donald R. Wright, president of the Alaska Federation of Natives, called the President's move "a positive and constructive contribution toward achieving a just settlement of our land rights."

A BRIGHTER DAY

The natives want the $500 million, but payable over nine years with interest. They also want the 2% oil royalties, but in perpetuity. And they want 60 million acres of land. They boosted the land demand from 40 million acres in January, with Mr. Wright announcing that "inflation has taken hold."

Whatever the settlement, it will spell a new, brighter day for the natives. That day, however, has already dawned for the Tyoneks, who illustrate what a monetary windfall can—and can't—accomplish.

In 1963, the village differed little from its destitute counterparts. Located 46 miles southwest across Cook Inlet from Anchorage, it was an isolated jumble of log shacks heated by camp stoves. The seasonal salmon run and a little trapping in the winter provided a subsistence living for the Tyoneks, a tough but quiet people chary of strangers. If a Tyonek worked hard, he might earn $1,000 a year. A diet of fish and wild game was supplemented with the bare necessities—milk, flour, beans and the like—available at a tiny store run by the Bureau of Indian Affairs. The village school was a one-room affair. And every few years, a public health official would surface to check out the Tyoneks.

That year, though, oil was discovered in Cook Inlet, and oil men began sniffing about the shore-side village and adjacent land. They wanted to explore it and applied to the federal government for leases. The Tyoneks sought advice from an old friend, Stanley McCutcheon, an Anchorage lawyer who had hunted and fished with the villagers as a boy.

After some legal wrangling, it was determined that the Tyoneks could lease the land and use the money themselves. Their lease sale yielded $13 million, primarily from Humble Oil & Refining Co., a subsidiary of Standard Oil Co. (New Jersey). That's equal to $65,000 for every man, woman and child in Tyonek.

HOMES AND A RUNWAY

The Tyoneks easily could have squandered the new-found riches. But Mr. McCutcheon and village elders helped map a combination improvement-and-investment program, transforming the tribal council into a board of directors for the Tyonek Management Corp. to manage the money.

The top priority: improved housing and living conditions.

Most shacks were razed, and, at a cost of nearly $3 million, the Tyoneks had some 60 prefabricated ranch houses shipped in from Seattle. One villager, Willard McCord, the father of six, can still gaze down from his six-bedroom home to the 10-by-12-foot cabin where his family used to live. Each family received a furnished home fitting its needs, at an average cost of nearly $50,000 per family. The village put up $250,000 and the Bureau of Indian Affairs some $750,000 for the new school, which has five classrooms, a multipurpose room, lunch facilities and a gymnasium. (The old one-room school, including the teacher's quarters, was about half the size of the new gymnasium.) With 72 pupils and five teachers, the school boasts an enviable 14-to-1 student-teacher ratio. Regular visits by a doctor were also instituted, though the village doesn't have a full-time doctor.

The church was ornately refurbished, roads were paved and a 5,000-foot landing strip was put down. For visitors, an eight-room center was built, equipped with kitchen facilities. Grocery, hardware and clothing stores were erected, along with a snack bar.

In the spacious grocery store, which is complete with walk-in freezers, the Tyoneks can sample chop suey, pork tongue, beef goulash, pigs feet, TV dinners and pizza as well as more ordinary fare. "The store's intent is to sell food at Anchorage prices," says Elvest L. Hawkins, manager of Ernst & Ernst in Anchorage, the Tyoneks' accountant. "If they can break even, then it's fine."

WORKING AND LEARNING

In a sense, the Tyoneks work for themselves, with the Tyonek Management Corp. paying residents from investment income to rebuild the village. According to Mr. Hawkins, villagers now earn $7,000 to $12,000 annually. At the same time, often under the guidance of an adviser from Anchorage, they have been learning skills as electricians, mechanics and operators of the village's dozen pieces of heavy equipment, among other jobs. "But the village is still basically a fishing village," Mr. Hawkins says, adding that during the spring salmon run, "all other operations stop."

Meanwhile, the Tyoneks embarked on an ambitious investment program to insure a steady income. They bought several small office buildings in Anchorage and then built, at a cost of $2 million, two large office buildings. They also have interests in the company, a utility company and for a three-plane airline that has daily flights between the village and Anchorage.

With its improvements, the village now is worth about $11 million, Mr. Hawkins figures. He also calculates the Tyoneks have some $8 million out in investments, including $3.5 million in a nearby, newly built power plant, equipped with a 14,000-kilowatt gas turbine and a 4,000-kilowatt diesel-gas back-up unit.

The Tyoneks needed the power source for their new all-electric homes (most also have sprouted TV antennas), and it also provided more skills for the villagers.

"AS QUAINT AS POSSIBLE"

The lease money hasn't yet created a long-term source of employment, which is necessary to keep the Tyoneks in the village. This is a problem that other villages probably will also face if and when they begin receiving their settlement money. The village rebuilding work is winding down. Last summer, the villagers pushed roads out to lakes in the vicinity. (Mr. Hawkins says sport fishermen can use the lakes, but that the Tyoneks "like to be left to themselves in the village.") This summer, a community center may be the main project. Also in the future is the possible construction of docking facilities, which the villages don't have now.

But the Tyoneks hope to use the power plant as the bait to lure some type of small industry to the village, possibly a fish cannery. They have even prepared a brochure proclaiming that "opportunity awaits in Tyonek" and assuring prospects that power costs would be substantially cheaper than in Anchorage and that the prospects wouldn't be subjected to "sales, property or any local tax of any kind." The Tyoneks also would consider financing construction of an industrial building for lease. To date, though, they haven't had any takers.

From their village, the Tyoneks can watch oil rigs working in Cook Inlet. But their land has yet to yield any oil in commercial quantities, and the interest by oil companies has largely shifted to the distant North Slope. But the Tyoneks make it clear that while they want to upgrade their way of life, they aren't particularly interested in changing their life style. "I don't think the village will change," says Fred Bismark, the tribal chairman. "We're trying to keep it as quaint as possible."

POSSIBILITY OF A COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. CASE. Mr. President, in 1963 the limited nuclear test ban treaty was agreed upon. This was a useful and important action. But it fell far short of the comprehensive test ban which the United States and Russia had discussed for some time prior to that date.

The limited nuclear test ban treaty outlawed nuclear weapons testing in the atmosphere, outer space and under water.

Underground testing was still permitted chiefly because Russia and the United States were unable to agree on the number of on-site inspections to be permitted.

The U.S. rock-bottom position was that seven on-site inspections were necessary in order to provide reasonable assurance against violation of a comprehensive test ban. The Russians were willing to permit two or three, but not more, such inspections each year. So, a comprehensive treaty failed in 1963, but the limited treaty which was adopted made it very clear in its preamble that the United States, Great Britain, and the Soviet Union were united in the following objective: to achieve the discontinuance of all test explosions of nuclear weapons for all time—to desiring to put an end to the contamination of man's environment by radioactive substances.

There are indications, which I believe it would be irresponsible for us to ignore, that since 1963 we may have so improved our ability to distinguish between earthquakes and underground nuclear tests with a magnitude in excess of 4.0 on the Richter scale that a comprehensive test ban agreement is now possible.

Informal but authoritative reports which I have received in regard to discussion at a 7-day conference sponsored by the Pentagon's Advanced Research Projects Agency at Woods Hole, Mass., last July indicate that our capacity to distinguish between earthquakes and nuclear explosions has improved tenfold since 1963.

If in 1963 the United States considered it could safely agree to a comprehensive test ban if we were allowed seven on-site inspections each year, would it not seem self-evident that we could safely accept now the two or three on-site inspections the U.S.S.R. was willing to allow in 1963?

A highly competent authority in the field of nuclear disarmament, William Foster, formerly director of the Arms Control and Disarmament Agency, expressed the view recently in a speech in New Jersey that with our improved capacity to identify nuclear explosions by means other than on-site inspections, it would be feasible for us to accede to a comprehensive test ban treaty providing for no on-site inspections at all.

I do not presume now to pass judgment on this question. But I believe that enough has been brought to our attention to place upon us the responsibility to make a thorough inquiry as to whether a comprehensive test ban treaty may now be possible.

Accordingly, I shall ask the Senator from Arkansas (Mr. FULBRIGHT), Chairman of the Foreign Relations Committee, and the Senator from Maine (Mr. MUSKIE), Chairman of our Subcommittee on Arms Control, International Law, and Organization—of which I am the ranking minority member—that full hearings on this subject be held as soon as this can be done.

We will, of course, want to hear from the Atomic Energy Commission and the Joint Committee on Atomic Energy, both of whom carry particular responsibility for the development of atomic energy and nuclear weapons. Indeed the importance of the matter demands we hear from every source, scientific, military, and civilian, which may have a useful contribution to make.

But it is the Foreign Relations Committee and its Arms Control Subcommittee which has peculiar and primary responsibility within the Senate for progress toward greater control of arms. It is clear, therefore, that it rests upon us to initiate and carry through the inquiry I have urged.

In the light of the importance, from every standpoint, of a comprehensive nuclear test ban, we can surely do no less than look closely into the possibility that developments since 1963 may have made this great advance possible.

ADDENDUM

On Tuesday, May 4, I advised Senator MUSKIE that the foregoing statement would be released in the newspapers of Sunday, May 9. On Wednesday, May 5, he said that on Thursday, May 6, he would announce hearings by the Disarmament Subcommittee on a broad range of matters and that the possibility of a comprehensive test ban treaty will be among them. I welcome this initiative.

Mr. President, I ask unanimous consent that excerpts from an address by Hon. William C. Foster, referred to in my statement; a Washington Post article commenting upon the Woods Hole Conference; and a U.S. Arms Control and Disarmament Agency analysis of test ban negotiations through 1965 be printed in the RECORD.

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

EXCERPT FROM AN ADDRESS BY WILLIAM C. FOSTER, FORMER DIRECTOR, U.S. ARMS CONTROL AND DISARMAMENT AGENCY, FAIRLEIGH DICKINSON UNIVERSITY, TEANECK, N.J., FEBRUARY 26, 1971

Moving to the final item in my outline I would like to make a proposal which could be both psychologically and politically most useful. Let me tell you what it is.

I would recommend, as soon as possible, a comprehensive nuclear test ban—a total ban on all nuclear weapon tests, including underground tests.

This proposal of course is not by any means new. In fact we have long been committed to work toward a comprehensive test ban by the language of two treaties which we have ratified: The limited Test Ban Treaty and the Non-Proliferation Treaty. But we seem no closer to the actual conclusion of a complete test ban now than we were some years ago—although some have predicted that it may become possible if there are positive results from the SALT talks.

Well my idea is that we should not wait for that. First of all, because I believe a comprehensive ban on nuclear tests could be a considerable stimulus to the SALT talks. Let me try to explain why.

It was agreed between the United States and Soviet Governments that they would not discuss the substantive aspects of the SALT talks publicly. This is a sound idea from the standpoint of negotiations: For when negotiating parties go public they then have to dig in their heals and defend their public positions, thereby losing negotiating flexibility. From another viewpoint, however, this privacy is not an unmixed blessing, for it means that to a considerable extent these vital but highly complex talks become the private reserve of technicians, civilian and military, who are not answerable to the public. And given the mistrust which has grown up between the Soviet Union and the United States over the years, this means that groups of adversary technicians thus have an opportunity to nibble away at whatever proposals are made and almost literally to study them to death, while a concerned public is left in the dark.

I am not saying that this is happening: But I am saying that it could happen, and I think that one way to prevent this would be to inject—publicly—a new note of moral uplift and purpose into the whole arms control picture. I believe that if the U.S. and Soviet Governments, at the highest level, could agree fairly quickly on a comprehensive test ban, it would provide a valuable psychological uplift to the climate which underlies all of our arms control negotiations, including SALT.

Moreover, it is fully within our scientific competence to monitor adequately such a total test ban. With our present means of instrumentation and other sources of information, it is not conceivable that the Soviets could carry out clandestine testing on a scale which could affect the strategic balance. Also, we must remind ourselves constantly of a fact which is obvious but frequently

overlooked: In weighing the risks of an arms control agreement we must also take into account the alternate risks of not having an agreement, of having instead a continuing arms race.

Now this brings me to another point: I believe that a ban on all nuclear testing, in addition to serving the immediate purpose I referred to, would also deal a blow at the very heart of the nuclear arms race. In the near term it might have relatively little effect on the on-going weapons programs of the United States and the Soviet Union; but in the long range, it would slow down and ultimately end innovations in nuclear warheads. It would be like taking the test tube away from the chemist. By this one simple step, which would be readily comprehensible to all, we could ring down the curtain on many further wasted investments in mass destruction.

When Averell Harriman was talking about arms control to Khrushchev one time he said, "Mr. Chairman, the way for you to get more things for a better life for your people is to sign the Test Ban Treaty."

Khrushchev banged the table (not with his shoe) and exclaimed, "You are right!"

As one consequence, we got the limited Test Ban Treaty.

In other words—as Mr. Khrushchev seems to have realized—there is much that can be accomplished through forthright ideas that immediately catch the imagination.

We have been working toward arms control for many years, but up to now we have many times been diverted by undue emphasis on technical detail. Perhaps it is time for us to show in a demonstrative way that we are not just expert technicians but that we are also human beings—that we have the wisdom, the moral courage and imagination to get off this moving train which is taking us nowhere but to oblivion.

[From the Washington Post, Apr. 11, 1971]

TINIEST A-BLASTS IDENTIFIABLE NOW

(By Thomas O'Toole and Marilyn Berger)

Such dramatic strides have been made in detecting distant underground atomic explosions that scientists can now discriminate between earthquakes and the smallest nuclear tests conducted either by the United States or the Soviet Union.

These scientific gains are expected to have a sweeping impact on the diplomatic front and promise to remove one of the last obstacles to a ban on underground testing of atomic weapons. That obstacle is U.S. insistence on as many as seven inspections a year of the two Soviet test sites, and Soviet refusal to allow any inspections.

"There is absolutely no more need for on site inspections," one conservative U.S. arms expert declared. Any decision against an underground test ban from here on in is purely political."

The improvements in explosion detection now enable seismometers as far away as 4,000 miles to pick out weapons tests with less force than one kiloton. One kiloton (1,000 tons of TNT) is one-twentieth the force of the bomb dropped on Hiroshima in 1945 and a thousand times smaller than the warhead on the Minuteman missile.

Present capacity to detect tests of less than one kiloton is better than a 20-fold gain over what scientists were able to do five years ago and covers just about every weapons test the United States and the Soviet Union have conducted since testing in the atmosphere was banned by treaty in 1963.

There have been tests of less than half a kiloton, but these are believed to have been experimental explosions largely unrelated to weapons.

The gains in detection and the work that led up to them were discussed last summer in a meeting sponsored by the Pentagon's Advanced Research Projects Agency. The proceedings of that meeting have been declassified and published and are now being circulated among politicians, diplomats and disarmament experts.

The White House has seen the Woods Hole report, but it being cautious about what the report implies can be done to bring about a ban on underground weapons testing.

"We're aware of the work that's been done and of the reports describing this work," said one White House source. "The feeling here is that there's no sense of enough of a breakthrough to start any new kinds of disarmament negotiations."

The White House conceded things could change if Congress grew interested in the detection developments, and the first reactions to the Woods Hole report from Capitol Hill suggested that Congress might become quite interested.

VIEWED AS A BOOM

"A test ban would be a boon to the people on both sides," said Sen. Frank Church (D-Idaho). "I'd strongly favor a test ban whenever competent scientific opinion held that these explosions could be identified."

"I've been aware that we've been making progress in this field," said Sen. George D. Aiken (R-Vt.), a member of the Foreign Relations Committee and of the Joint Committee on Atomic Energy. "I'd be in favor of anything we could do that would prohibit the spread and use of atomic weapons."

Sen. Mike Gravel (D-Alaska) and Sen. Hubert H. Humphrey (D-Minn.) said they favored a comprehensive test ban, and Sen. Edmund S. Muskie (D-Maine) said if there were a breakthrough in detection technology he might, as chairman of the Subcommittee on arms control, schedule hearings on the matter.

"If scientists can detect the very small nuclear explosions, it would be a major step towards an agreement on a total nuclear test ban," Muskie said. "Such an agreement would be very opportune, since it would provide a means for verifying that certain types of qualitative improvements will not be made in nuclear weapons systems. It would be a great boost to the pace and progress of the SALT talks and movement towards a non-proliferation treaty."

The United States has conducted 228 atomic weapons tests underground in the eight years since the Limited Test Ban Treaty was signed, most of them at the Nevada test site. The Soviet Union has had, by the Atomic Energy Commission's edited count, 47 underground weapons test in the same period.

The question of a ban on underground weapons testing first came up 10 years ago, when diplomats from the United States and Soviet Union began the talks that led to the ban on atmospheric testing.

At the time, U.S. scientists could detect underground tests in the Soviet Union that were equivalent in earthquake force to 4.75 on the Richter scale, which is about the same as 20 kilotons (20,000 tons) of explosive energy. Since many weapons tests are below 20 kilotons, the United States felt that on-site inspections of Soviet test sites were a necessity for an underground test ban to work.

The Soviet Union rejected the proposal for on-site inspections and has stayed with that position ever since.

START OF PAYOFF

In the last 10 years, the United States has spent more than $300 million on surveillance and detection research, and it is this work that has begun to pay off as far as detection technology goes.

"There hasn't been any spectacular breakthrough," one American scientist said. "Just a lot of hard work and a steady flow of unspectacular gains."

Scientists have long been able to pick up the seismic disturbances of small underground explosions, but below 20 kilotons they could never tell if their instruments had detected an atomic test or a natural earthquake. The reason was that most of the seismic waves generated by quakes and small explosions were remarkably similar.

More sensitive seismometers, the use of seismometer arrays to mask out background earth noise and learning to recognize certain long period surface motions triggered by underground explosions changed all that.

"This was the key to the detection of small explosions," one scientist explained. "Underground tests move the surface of the earth up and down in a different way than earthquakes do and the difference seems concentrated in surface motions of very long periods, motions that occur once every 20 seconds or so."

In the last four years, seismometer arrays in Norway and in four states in the United States have been used to study the seismic motions of more than 400 earthquakes, many of them outside the United States and at least 20 inside the Soviet Union.

At the same time, the seismometers studied more than 50 underground explosions at all five United States and Soviet sites, the two in Nevada, one at Amchitka Island in Alaska, at Semipalitinsk in Siberia and Novaya Zemlya Island in the Arctic Ocean.

"The surface waves are consistently different for underground explosions than for earthquakes for all of the events we studied," one scientist wrote in the Woods Hole report. "This difference or discriminant is nearly always more pronounced for long-period waves than for those of shorter periods."

The scientists who conducted the studies say the only way to get around the new detection technology would be to set off a very small atomic device that was buried several miles in desert sand. The trouble with that, they claim is that there are no known deserts whose dry sands go that deep.

REVIEW OF INTERNATIONAL NEGOTIATIONS ON THE CESSATION OF NUCLEAR WEAPON TESTS, SEPTEMBER 1962–SEPTEMBER 1965—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

KHRUSHCHEV-KENNEDY LETTERS, DECEMBER 19, 1962–JANUARY 7, 1963

Writing to President Kennedy on December 19, Premier Khrushchev announced a significant change in Soviet policy. He stated that the time had come, now that the Cuban crisis was over, to "put a stop to nuclear tests once and for all." Both sides agreed that national means were adequate for the control of tests in the atmosphere, in outer space, and underwater. But he saw American insistence on international control and inspection for underground testing as the "main obstacle in the way of an agreement." He would like to think that the President appreciated the truth of Soviet arguments that national means were also adequate for this environment, but the President had been "unwilling thus far to recognize this reality openly."

Premier Khrushchev referred to the Soviet proposal for automatic seismic stations and repeated Tsarapkin's offer to accept these stations at Kokchetav, Bodaibo, and Yakutsk. The Soviet Union would, however, be willing to discuss alternative sites in the Central Asian, Altai, and Far Eastern seismic zones. He saw no need for automatic stations in the Caucasian and Carpathian seismic zones, since these areas were "so densely populated that it would be virtually out of the question to conduct nuclear tests there." As Tsarapkin had indicated, foreign personnel could participate in the delivery of apparatus to and from the automatic stations, with appropriate antiespionage precautions. The Soviet Premier described this element of international control as "an important gesture of goodwill on the part of the Soviet Union."

Finally, he offered to accept an annual quota of two to three on-site inspections, since the Kennedy Administration apparently had to have this to get a comprehensive treaty through the United States Senate. And he asserted that Ambassador Dean had previously indicated that the proposed quota would be acceptable:

"We have noted that on 30 October 1962, in discussions held in New York with Mr. V. V. Kuznetsov, the First Deputy Minister for Foreign Affairs of the USSR, your representative, Ambassador Dean, said that in the opinion of the United States Government 2–4 on-site inspections a year in the territory of the Soviet Union would be sufficient. At the same time, according to Ambassador Dean's statement, the United States would be ready to work out measures to rule out any possibility of espionage being carried out under cover of these inspection vists. Such measures might include the use of Soviet aircraft flown by Soviet crews to transport the inspectors to the site, the screening of aircraft windows, a ban on the carrying of cameras, etc.

We have given consideration to all these points, and with a view to overcoming the deadlock and reaching a mutually acceptable agreement at last we would be prepared to agree to 2–3 inspections a year being carried out in the territory of each of the nuclear Powers, when it was considered necessary, in seismic regions where any suspicious earth tremors occured. Control of the agreement on the prohibition of underground nuclear testing would, of course, mainly be effected by national detection systems, operating in conjunction with the automatic seismic stations. On-site inspections could be carried out with the precautions against the misuse of control for intelligence purposes mentioned by Ambassador Dean.[1]

In his reply of December 28, President Kennedy hoped that the Soviet Premier's suggestions would "prove to be helpful in starting us down the road to an agreement." He was encouraged by Soviet acceptance of the principle of on-site inspections, which were essential "not just because of the concern of our Congress," but because they went to the "heart of a reliable agreement." There have to be ways of reducing or removing suspicion by one side or the other and to provide the "element of assurance . . . vital to the broader development of peaceful relationships."

As Ambassador Stevenson had indicated, the United States was prepared to accept reasonable security provisions to assure the Soviet Union that inspectors would not engage in "espionage" while en route to the area of inspection.[2] The President thought that there had been "some misunderstanding" about the Dean-Kuznetsov talks:

. . . Your impression seems to be that Ambassador Dean told Deputy Minister Kuznetsov that the United States might be prepared to accept an annual number of on-site inspections between two and four. Ambassador Dean advises me that the only number which he mentioned in his discussions with Deputy Minister Kuznetsov was a number between eight and ten. This represented a substantial decrease in the request of the United States as we had previously been insisting upon a number between twelve and twenty. I had hoped that the Soviet Union would match this motion on the part of the United States by an equivalent motion in the figure of two or three on-site inspections which it had some time ago indicated it might allow.

The President found some difficulty in Khrushchev's implication that on-site inspection should be limited to seismic areas:

. . . It is true that in the ordinary course we would have concern about events taking place in the seismic areas. However, an unidentified seismic event coming from an area in which there are not usually earthquakes would be a highly suspicious event. The United States would feel that in such a circumstance the U.S.S.R. would be entitled to an on-site inspection of such an event occurring in our area and feels that the United States should have the same rights within its annual quota of inspection."

"Perhaps your comment would be that a seismic event in another area designated for inspection might coincide with a highly sensitive defense installation. I recognize this as a real problem but believe that some arrangement can be worked out which would prevent this unlikely contingency from erecting an insuperable obstacle."

He thought the three locations suggested for automatic seismic stations in the U.S.S.R. were "all outside the areas of highest seismicity." They would be helpful in increasing the detection capability of the system, but the President doubted that "they would have the same value in reducing the number of suspicious seismic events by identifying some as earthquakes." He believed that the automatic stations should be located in the regions of highest seismicity and that a number would be needed in the Kamchatka and Tashkent areas. The number of automatic stations on Soviet territory could be reduced somewhat by arranging stations in Hokkaido, Pakistan, and Afghanistan. And the problem of identification could be reduced if the "stations on Soviet territory were sited in locations free from local disturbances and could be monitored periodically by competent United States or international observers who took in portable seismometers and placed them on the pedestals."

The President did not believe that any of the problems were insoluble. He suggested that a Soviet representative might meet with ACDA Director William C. Foster at a mutually convenient place.[3]

Replying on January 7, Premier Khrushchev was satisfied that the President had correctly evaluated the Soviet proposal. He understood that the President did not object to "national means of detection in conjunction with automatic seismic stations," as the basis of control.

The Soviet Premier stated that the proposed sites for automatic stations on Soviet territory had been carefully selected and had certain advantages. Although Soviet scientists thought the Kamchatka and Tashkent regions suggested by the President would be inferior to the Kokchetav and Yakutsk sites, the Soviet Union would agree to install automatic stations near Seimchan (for Kamchatka) and Samarkand (for Tashkent) if the United States so desired. He assumed that the Bodaibo site was satisfactory to the United Sttaes. A site on the Kamchatka peninsula itself would not be acceptable to the Soviet Union "in view of the serious interference which would result from the proximity of the ocean and the intense volcanic activity." In short, the Soviet Union was willing to relocate two of the three automatic stations it had previously offered to accept. It also anticipated that the United States would designate prospective sites on American territory.

He believed that the inspection question could be settled, but he did not offer to raise the annual quota he had previously proposed:

"We are convinced, Mr. President, that every possibility now exists for reaching agreement on the question of inspection also. Throughout the recent period, as you know, we have been told on repeated occasions by the Western side that if we agree in principle on inspection the way will be open to an accord. It has always been our view, as it still is, that there is no need for inspection at all; and if we now agree to a quota for two or three inspections a year, we do so solely in order to remove the remaining differences for the sake of bringing about agreement.

As you see, we have taken a most important step to meet your views. The quota of inspections in the territory of each of the nuclear Powers which we are proposing is an adequate one; your representatives themselves admitted during the negotiations that there is no need to verify all or a high proportion of significant suspicious events in order to deter States from attempting to violate the treaty. In this connexion, they mentioned an annual number of inspections which virtually coincides with the quota we are proposing. It stands to reason that the most rational course would be to carry out inspections in the seismic areas in which the greatest number of unidentified seismic events are likely to occur. If, however, you consider it necessary, we would have no objection to inspections being carried out in aseismic areas also, provided that the annual quota we have indicated is not exceeded."

He agreed with the President's suggestion regarding the protection of sensitive installations in the inspected area.

Premier Khrushchev had no objection to the meeting between American and Soviet representatives suggested by the President. He stated that N. T. Fedorenko, Soviet representative to the United Nations, and S. K. Tsarapkin, Soviet representative to the Eithgeen Nation Disarmament Committee, had been designated to meet Mr. Foster in New York.[4]

FOOTNOTES

[1] *Documents on Disarmament, 1962*, vol. II, pp. 1239–1242.

[2] See *ante*, pp.15–17.

[3] *Documents on Disarmament, 1962* vol. II, pp. 1277–1279.

[4] *Ibid., 1963*, pp. 1–4.

INFORMAL TALKS, JANUARY 14–31, 1963

The informal talks suggested by President Kennedy took place in New York and Washington. ACDA Director Foster represented the United States, and the Soviet delegation was led by Ambassadors Federenko and Tsarapkin. They were joined by Sir David Ormsby-Gore, British Ambassador to the United States.

During the talks the President directed the Atomic Energy Commission to postpone underground testing in Nevada. The United States remained ready, however, to resume its test program at any time; it had "no intention of again accepting an indefinite moratorium on testing, and if it is clear we cannot achieve a workable agreement we will act accordingly," the President warned.[1]

Both sides agreed that a system of nationally owned and operated seismic stations would report to an international data-collection center. The United States thus dropped its former demand for international supervision of manned posts. The United States and the Soviet Union exchanged preliminary lists of manned seismic stations, and they agreed that automatic stations would be used to supplement them. The Soviet confirmed their previous offer to allow the automatic stations to be periodically checked by international personnel.

But it was impossible to reach agreement on the numbers of on-site inspections and automatic stations. On this issue, the Soviets adopted a "take it or leave it" attitude toward the Khrushchev proposals and refused to discuss other questions until the United States accepted them.

Mr. Foster made it clear that the two or three inspections a year and the three automatic stations offered by Premier Khrushchev were not adequate. The United States would agree on seven automatic stations, if they were suitably located and equipped, and the Soviet Union agreed to build new manned stations where needed. It proposed deferring study of the number of inspections until certain related questions were settled. These questions, which had been discussed at some length at the Geneva Conference for the Discontinuance of Nuclear Weapon Tests, involved inspections procedures, staffing, and

[1] *Documents on Disarmament, 1963*, p. 16.

criteria. Scientific criteria had to be agreed on to determine what seismic events would be considered unidentified and therefore eligible for inspection, and the treaty would have to specify who would make the determination. Moreover, there had to be some agreement on how the inspection teams would be composed, selected, and despatched. The Soviets refused to discuss these questions.

The talks were finally terminated at the suggestion of the Soviet representatives, who proposed that negotiations be returned to the Eighteen Nation Disarmament Committee at Geneva. When he announced the end of the talks, Mr. Foster stated that the United States would give "priority attention to efforts to achieve a nuclear test ban treaty" when the Committee resumed its work.[2]

Commenting on the results of the talks, Secretary of State Rusk said that the Soviet Union might well be confident of its ability to find out about American tests, because the open nature of society made it difficult to preserve secrecy. The United States was not in the same position:

"But our situation is different, because we are concerned about the possibility of secret tests in a vast area, much of it sparsely populated, inhabited by a closed society, where the ordinary means of information about what is going on in the country are simply not available. Therefore to us the idea of on-site inspection is not simply a political question involving the acceptance of on-site inspection in principle but is the practical problem of establishing arrangements which in fact do provide assurance that agreements are being complied with.

From this point of view the two or three on-site inspections suggested by the Soviet Union are not enough. We ourselves do not have instruments at the present time which could make those two or three on-site inspections enough. If the Soviet Union has such instruments—and they may have—but if they have such instruments, they have not agreed to the urgent invitations of both the United States and the United Kingdom to come forward with the technical means which might take the place of on-site inspections.

So, in summary, we have on the one side a rejection of the practical necessity and utility of on-site inspections and on the other side a fundamental need to have assurance that in fact such agreements would be carried out.[3]

[2] *Ibid.*, p. 28.
[3] *Ibid.*, pp. 28–29.

NEGOTIATIONS IN THE EIGHTEEN NATION DISARMAMENT COMMITTEE, FEBRUARY 12–JUNE 21, 1963—U.S. EFFORT FOR SERIOUS NEGOTIATIONS

The Eighteen Nation Disarmament Committee resumed its discussions on February 12. On that date President Kennedy stated that prospects for a test-ban agreement now seemed more encouraging because of Soviet acceptance of the principle of on-site inspection, but "very important questions" still had to be settled.[1] He later emphasized the value of a test ban as a measure to curb the possible proliferation of nuclear weapons to countries that did not already possess them. If the test-ban negotiations failed, the number of nuclear powers would increase in the next 5 to 20 years; an "alternative . . . so dangerous keeps me committed to the effort of trying to get a test ban treaty." Proliferation, he pointed out, involved the risk of the acquisition of nuclear weapons by irresponsible governments and the increased danger of accident which might "initiate a general conflagration." He said that a test-ban agreement would not actually guarantee an end to proliferation, but he did not think that the Soviet Union would sign a test-ban agreement unless it shared the American view that a test ban might be "a weight in the scale against proliferation."[2]

In his opening statement at the ENDC, ACDA Director Foster saw some reason to hope for success. The Khrushchev-Kennedy letters provided a common basis for negotiation. Both sides now agreed on the use of nationally owned and operated detection networks, which "would submit data regularly and in a uniform manner to an international data-collection centre." They agreed on the use of automatic seismic stations to supplement the data collected by national stations. They also agreed that there should be an annual quota of on-site inspections.

He pointed out that the area of disagreement centered on the number of automatic seismic stations and the size of the on-site inspection quota. Here the Soviet Union still insisted on only three automatic stations and two or three inspections. Mr. Foster reaffirmed the previous American offer to agree to seven automatic stations under certain conditions. The United States still regarded up to 10 inspections as necessary but would reexamine the question if the Soviet Union produced scientific information that substantially reduced the number of unidentified seismic events.

Recalling that the President had clearly indicated the inadequacy of the Soviet inspection quota in his December 28, 1962, letter, Mr. Foster could not understand why the Soviet Union decided to participate in the January talks if its position was inflexible. He stressed that flexibility was needed at Geneva. During the past 3 years the United States and the United Kingdom had repeatedly modified their verification proposals:

"The United States and United Kingdom delegations have thus shown that they can be flexible within the rock-bottom limits imposed by the present state of scientific knowledge in seismology. However, we must know the parameters of the problem with which we are grappling. We must see in clear detail how many seismic events the proposed world-wide system will be likely to detect and identify so that we will have some idea of how many residual unidentified events will be eligible for inspection. We cannot accept any number of inspections in the annual quota which does not allow the inspection of a reasonable proportion to such events. We must also ask about the general outline of provisions to be adopted to determine how on-site inspections will work in practice before we can commit ourselves to any fixed number of automatic recording stations and on-site inspections."

He denied the Soviet charge that the West wanted discussion of technical details in order to postpone agreement. Many important features of verification were "not mere details at all, but . . . essential to ensure the effectiveness of inspections as a deterrent and as a contribution to the confidence of both sides." A sensible agreement on an inspection quota was not possible, he said, until the following characteristics of the inspection process were known: (1) the nationality of the inspection teams, (2) the criteria which made seismic events eligible for inspection, (3) the size of the area to be inspected, and (4) the arrangements for selecting events for inspection. Although the general Western position on these issues was known, he concluded, the Soviet Union had so far refused to comment on any of them.[3]

The immediate Soviet response was not encouraging. First Deputy Foreign Minister Kuznetsov declared that the Soviet proposals for automatic seismic stations and two or three on-site inspections showed the sincere interest of the U.S.S.R. in reaching agreement. He demanded that the United States state clearly whether it really wanted a test-ban treaty, and he asserted that it had not done so during the January talks. He also charged that the recent resumption of American underground testing violated the General Assembly resolution and left no doubts as to the intentions of the United States.[4] A Tass statement of the same date made a similar argument.[5]

THE U.A.R. QUESTIONS

Feeling that the nuclear powers should clarify their positions, the U.A.R. representative asked them the following questions:

1. Could they confirm that the area of agreement achieved in the previous negotiations still existed?

2. Why would four or five on-site inspections be more dangerous to state security than two or three?

3. Why would not four or five inspections be as adequate to deter violations as eight or ten?

4. Had the West merely prodded the U.S.S.R. to accept the principle of a very small inspection quota?

5. When would on-site inspections be necessary in practice?

He suggested that compromise solutions could be found on the issue of whether to discuss the inspection quota or procedures first: The nuclear powers could submit new draft treaties or working papers, or they might work out a common draft with brackets indicating unagreed language, as had been done with the draft treaty on general and complete disarmament.[6]

Mr. Foster replied along the following lines:

1. With "certain notable exceptions," considerable progress had been made on technical issues prior to November 28, 1961, but "any apparent measure of agreement" was overturned by the Soviet proposal of that date. Difficulties would be reduced if the Soviet Union now agreed to "advance its position from where we were in November 1961."

2. Since there was no "intrinsic security disadvantage" in on-site inspection, there was no reason why a larger number could not be accepted under proper safeguards.

3. It might be possible to reduce the number of inspections the United States had requested, but the Soviet proposal fell below the fraction required for deterrence.

4. The United States and the United Kingdom had indeed urged the Soviet Union to accept the principle of on-site inspection in order to reestablish a common basis for negotiation. Once it had done so, however, "we concluded that the question of numbers within reasonable limits would make little difference to the Soviet Union." The West also felt that the modalities of inspection "would present little problem if the Soviet Union honestly agreed to the principle of on-site inspection."

5. The Western position on inspection had previously been made clear to the Soviet Union. Mr. Foster summed it up as follows:

"The United States and the United Kingdom believe that national detection networks assisted by automatic seismic stations will detect and locate annually a large number of seismic events whose origin cannot be determined from seismic readings alone. Located events will be those whose signals have the characteristics of waves from earthquakes or explosions, are consistent in time and are recorded at a sufficient number of detection stations to establish the approximate position and time of the seismic event. Secondly, we indicated that some events might be discarded from that group of located events on the basis of certain characteristics which can be determined from seismic records. Finally, events which have been located and which have not been discarded through the employment of agreed criteria, which I have just described, would be inspected if selected by

Footnotes at end of article.

the other side. No military purpose lies behind our suggestion that the other side should choose the events eligible for inspection; we have indeed already made it clear that we are willing to conclude arrangements to exclude sensitive areas."

The Soviet Union had apparently implied a system of this kind when it first proposed an inspection quota in 1960, but the present Soviet position was not known.

Mr. Foster announced that the United States would be willing to adopt any of the procedures suggested by the U.A.R. representative, and he urged the Soviet delegation to consider them carefully.[7] The Soviet Union did not comment.

U.S. OFFER OF SEVEN ON-SITE INSPECTIONS

Without waiting for the Soviet Union to express its views on other issues, the United States decided to specify a new on-site inspection quota. Mr. Foster met Mr. Kuznetsov privately and explained the American position on the inspection system. In the context of that kind of verification framework, he told Mr. Kuznetsov, the United States would be willing to accept an annual quota of seven on-site inspections.[8]

THE SOVIET POSITION

On February 22 Mr. Kuznetsov assured the Eighteen Nation Disarmament Committee that the Soviet Union still favored the cessation of tests. His statement showed, however, that there had been no change in the Soviet position. He maintained that national means alone were sufficient to insure effective control of all types of tests. Since this was so, he continued, Western inspection demands were really "attempts to achieve some other purpose" or to block agreement.

The Soviet Union was willing to accept a limited amount of international control as an "important political concession" to the West. Mr. Kuznetsov repeated previous Soviet offers to accept an annual quota of two or three on-site inspections, three automatic seismic stations, and an international commission of scientists. He denied that there was any scientific justification for the Western position, and he emphatically declared that the number of on-site inspections and automatic seismic stations was not a subject for bargaining.

Mr. Kuznetsov said it was up to the United States to "take the first constructive step and to reach agreement on the basis of the compromise which it has itself proposed"—a reference to the two to four inspections Ambassador Dean had allegedly offered him in October, according to the Soviet version. He opposed Mr. Foster's proposal to discuss inspection procedures before deciding on the number of inspections. Although he agreed that inspection procedures would have to be settled, he took the position that the basic questions should be dealt with first.

Finally, he renewed previous Soviet charges that continued underground testing by the United States prejudiced the negotiations. And he opposed reconvening the tripartite subcommittee, as the Western Powers had proposed. Instead, he advocated continued discussion of the test-ban question in the plenary conference.[9]

Ambassador Stelle denied that American underground tests made negotiations difficult. In this connection, he recalled that the United States and the Soviet Union had agreed on the Joint Statement of Agreed Principles and the composition of the Eighteen Nation Disarmament Committee during the Soviet tests of 1961. On the other hand, experience with a moratorium had not been satisfactory:

". . . From 1958 to 1961 the United States and the United Kingdom negotiated in good faith for a nuclear test ban treaty under conditions of a unilateral moratorium. During a long part of the time, at least towards the end of that period, the Soviet Union was preparing actively for a massive resumption of tests. Past experience does not seem to indicate that a moratorium is useful for negoatiations. . . ." [10]

The way to stop tests was to "achieve a sound test ban treaty."

He said there was no dispute between the United States and the Soviet Union on the use of national detection systems. In defending their merits, Mr. Kuznetsov was "banging on an open door." The United States did not, however, accept the Soviet claim that national systems could identify all seismic events. American scientists believed there would still be a residue of events which could be identified only by on-site inspection.

As for the on-site inspection issue, he pointed out that the United States and the United Kingdom had progressively reduced their demands but that the current Soviet proposal for two or three inspections was essentially the same as the quota originally proposed by the Soviet Union. But this figure had never been acceptable to the United States, as Mr. Kuznetsov suggested. Ambassador Stelle said the United States regretted the misunderstanding that had arisen regarding the Dean-Kuznetsov talks, but that this misunderstanding should have been removed by the President's letter of December 28, 1962. "The number of two or three on-site inspections," Ambassador Stelle stated, "has never been acceptable, and is not acceptable, to the United States." [11]

In Washington, the United States Arms Control and Disarmament Agency commented that Soviet rejection of subcommittee negotiations was a discouraging development. The Soviet Union appeared to demand acceptance of its proposals on the numbers of on-site inspections and automatic seismic stations as the only condition on which agreement could be reached. The Agency declared:

"We have made it clear that we cannot accept these figures. The United States is directing its efforts to working out a sound and reliable agreement. We are prepared to negotiate on all elements of the necessary verification system and it is the system as a whole which must be reliable. We regret the unwillingness of the Soviet Union to discuss this wider range of questions." [12]

In spite of Soviet adamancy, the United States persevered with its efforts to reach agreement. President Kennedy remained convinced, as he told his news conference on March 21, 1963, that this was one way to discourage nuclear proliferation:

". . . the reason why we keep moving and working on this question, taking up a good deal of energy and effort, is because personally I am haunted by the feeling that by 1970, unless we are successful, there may be 10 nuclear powers instead of 4, and by 1975, 15 or 20.

"With all of the history of war—and the human race's history unfortunately has been a good deal more war than peace—with nuclear weapons distributed all through the world, and available, and the strong reluctance of any people to accept defeat, I see the possibility in the 1970s of the President of the United States having to face a world in which 15 or 20 or 25 nations may have these weapons. I regard that as the greatest possible danger and hazard." [13]

ANGLO-AMERICAN MEMORANDUM OF POSITION APRIL 1, 1963

During the month of March, the American and British delegations at Geneva developed the Western position on the modalities of inspection. The Soviet delegation, adhering to the position set forth in Mr. Kuznetsov's statement of February 22, persisted in refusing to discuss modalities unless the West accepted its proposals for two or three inspections and three automatic seismic stations.

On April 1 the American and British delegations submitted a memorandum describing the arrangements they proposed for inspection on the territory of the United States, the United Kingdom, and the Soviet Union. The memorandum stated the following general principles:

"1. There now exists a new basis for agreement on a nuclear weapon test ban arising from the exchange of letters between Chairman Khrushchev and President Kennedy. Under this basis for agreement each nuclear side also would place primary reliance on its national detection stations for the collection of seismic data, supplemented by the use of automatic seismic stations. Each nuclear side would use a small number of on-site inspections to check the nature of potentially suspicious unidentified events. It is a system which differs from the kinds of systems under discussion by this Conference before the last recess.

2. The United Kingdom and the United States have also indicated that, under certain conditions related to the conduct of inspections, they would accept an annual quota of seven on-site inspections in the territory of each nuclear power. This reduction in the number of inspections emphasizes the need to maximize the deterrent effect of each on-site inspection. This, in turn, will enhance the feeling of confidence each nuclear side will have in the verification system, and, consequently, in the fact that treaty obligations are being observed.

3. With this end in view, the position of the United Kingdom and the United States is strongly influenced by the concept of reciprocal inspection, in accordance with which each nuclear side plays a primary role in the arrangements concerning on-site inspection in the territory of the other. Members of the international staff of the commission would also participate in the inspection."

The memorandum outlined the following procedures for on-site inspection: Within 60 days after a seismic event occurred, a state could designate it for inspection. The designating state would send a statement to the international commission indicating the time and place of the event, accompanied by technical data including "four clearly measurable and mutually consistent arrival times" and "P-wave arrival times at three different stations," as had been provided in article VIII of the Anglo-American draft comprehensive treaty of August 27, 1962. The statement would indicate that the event could not be identified as an earthquake, by the use of agreed criteria to be listed in the treaty.

The international commission would transmit the statement to the state on whose territory the event had occurred, and that state would have 1 week to provide any data it wished to submit. During that week the designating state could send its personnel, accompanied by international staff, to retrieve data from the automatic seismic stations.

The designating state would have one more week to analyze any additional data provided by the other state or obtained from the automatic stations. During this week, it would have to decide whether to select the event for inspection. If it decided to do so, it would make a new statement describing the area selected for inspection, which would not exceed 500 square kilometers. It would also inform the receiving state of the time and place of arrival of the inspection team.

The receiving state would have 5 days to reply. In its reply, it would set forth arrangements for the reception of the inspection team. It could also indicate if a sensitive installation was located in the area to be inspected. If it did this, the designating state would have the right to cancel the inspection without loss to its quota. A state which felt that the procedure for excluding sensitive installations was being abused could withdraw from the treaty.

As the United States had previously indi-

Footnotes at end of article.

cated, the receiving state would provide transportation to the site of the inspection, and it could institute security safeguards in transit, provided that the inspection team got to the site promptly. The team would "consist partly of persons from the inspecting nuclear side and partly of persons from the international staff." At least 14 members, including the team leader, would come from the "designating nuclear side." The host country could assign observers to accompany the team at the site.

In the area, the inspection team would carry out ground and low-level aerial observation for any evidence of a nuclear test. Unless drilling was required, it would have to complete its activities in 6 weeks. If drilling were necessary, the team leader would notify the host country. After the inspection was over, the team leader would submit a report to the international commission within 30 days.

The Anglo-American memorandum also outlined the way in which automatic seismic stations could be set up in the United States and the Soviet Union. Each nation would build the stations on its own territory, "in accordance with agreed specifications." Recorders and instruments would be provided by the other nuclear side. There would be seven stations in the Soviet Union and seven in the United States.

Each station would consist of a sealed vault and a separate structure. The host country would transmit information from the unsealed instruments to the international commission and the other nuclear states at frequent intervals. The other side would have the right to visit each station eight times a year to obtain data from the sealed instruments. The stations "could also be visited within the annual limit for routine recovery of data, maintenance, calibration of instruments, installation of improved instrumentation or checking of seismic noise levels." [14]

Ambassador Tsarapkin declared that the memorandum was not aimed at opening the way to an agreement. In his view, it showed that the Americans and British persisted in "maintaining their old position in regard to . . . an increased number of annual inspections and automatic seismic stations." He accused them of trying to "impose a discussion of technical matters on the Committee." He again emphasized that it would be a "sheer waste of time" to discuss technical matters "in the absence of agreement on the main questions." He also attacked the scientific validity of the Western position.[15]

SCIENTIFIC BASIS OF THE WESTERN POSITION

The Western position had changed greatly since 1961; because of revised scientific findings, the Western Powers had reduced the annual number of inspections from 20 to 7. The magnitude of the change was even greater than these figures indicated: The Anglo-American draft treaty of April 18, 1961, called for the inspection of 20 events above the threshold of seismic magnitude 4.75 (equivalent to the 19 kilotron explosion).[16] There was to be a moratorium on subthreshold testing while further seismic research was carried out, with the expectation that the threshold would later be lowered or eliminated.

Later, the United States and the United Kingdom amended the draft treaty to take account of the possibility that the number of seismic events on Soviet territory above the threshold might be smaller than the 100 they then estimated. The amendment proposed a sliding scale of 12–20 inspections per year, depending on the number of unidentified events above the threshold.[17] Thus, under this proposal, about one-fifth of the unidentified events above the threshold would be inspected.

In March 1962, at the beginning of the negotiations in the Eighteen Nation Disarmament Committee, the United States offered to drop the threshold without increasing the number of on-site inspections.[18] As we have seen, the United States indicated in August 1962 that it was willing to further reduce the number of inspections if the Soviet Union accepted the principle of obligatory on-site inspections.[19] There was no threshold in the Anglo-American draft comprehensive treaty of August 27, and the number of on-site inspections was left blank.[20] On October 30 Ambassador Dean suggested 8–10 inspections to Mr. Kuznetsov, and in February 1963 Mr. Foster offered him a quota of 7 inspections.[21]

There were those in the United States who felt that the reduction of the number of on-site inspections was a dangerous concession. Speaking in the United States Senate on March 7, Senator Humphrey answered these critics. He reviewed the negotiations and pointed out that the number of unidentified seismic events was now much lower than had formerly been believed. He therefore maintained that the quota of seven inspections proposed by Mr. Foster was entirely adequate:

". . . It is argued that the number of inspections being proposed by the United States is not adequate. The number of inspections is adequate when one compares the number with the total number of events in the Soviet Union that would be highly suspicious. At one time the United States proposed to have 12 to 20 inspections when it thought there might be as many as 70 to 100 unidentified underground events equal to a 19-kiloton explosion. At the same time we proposed not to inspect for 3 years any event which was below this size. In other words, for a 3-year period we were willing to forego inspection altogether for all small underground tests. And we were proposing to inspect roughly 1 out of 5 unidentified events above the equivalent of 19 kilotons.

Today we are proposing that all unidentified events be subject to inspection—no more moratorium; no threshold—even though we presumably are not worried about small tests any more than we were then. We simply think this provides greater deterrence to a cheater. As to large seismic events, the number of those that are really most suspicious, that is, that give no indication of being an earthquake, number only about a dozen, as compared with the previous estimate of from 70 to 100. We can easily maintain the same ratio of inspections to number of events and have some inspections left over for the smaller events." [22]

On April 1 Ambassador Tsarapkin attempted to exploit Senator Humphrey's speech to support the Soviet position. He argued along the following line: The United States had previously taken the position that one-fifth of the unidentified seismic events should be inspected. Senator Humphrey was now saying that there would be only about a dozen important and suspicious unidentified events each year in the Soviet Union. Hence, in Tsarapkin's view, the Soviet proposal of two or three inspections was quite adequate:

"The rest is a matter of simple arithmetic. If the number of such events in the Soviet Union is about a dozen, that is ten to twelve a year, then if we apply the aforementioned ratio—to verify one event out of five—we find that the number of inspections per year should not be more than two to two and a half. As you see, the figure of two to three inspections a year proposed by the Soviet Union represents a very generous response on the part of the Soviet Union, and on that basis it should be possible to reach agreement without delay." [23]

Ambassador Stelle replied that the "highly suspicious" 12 seismic events mentioned by Senator Humphrey had been selected from "a much larger group of events above seismic magnitude 4.75 which had been detected, located and not eliminated as earthquakes on the basis of the seismic data." Moreover, the detection threshold was no longer 4.75, but 4.0—equivalent to a 2 kiloton explosion in tuff. Consequently, he pointed out, "This system would detect a considerably larger number of events in the Soviet Union, including a large number which would not have been identified as earthquakes." There could be as many as 150 unidentified events each year in the Soviet Union, "some of which would be more suspicious than others." Ambassador Stelle hoped that there would be no further Soviet attempts to "twist Senator Humphrey's statement" and make it appear that "he somehow differed from the United States delegation" on this question.[24]

Testifying before the Joint Committee on Atomic Energy in March 1963, Assistant ACDA Director Long explained that the number of earthquakes in the Soviet Union of a given magnitude was 2½ times smaller than had previously been believed. Excluding those earthquakes whose depth of focus could be determined as 60 kilometers or more, there would be about 170 shallow earthquakes in the Soviet Union each year greater than seismic magnitude 4.0 (equivalent to a 1 kiloton explosion in tuff). But not all 170 seismic events would be equally suspicious. About 55 percent of them would give some seismic evidence of natural origin and could therefore also be excluded. That would leave 75 for which there was no evidence of natural origin. For such geographical reasons as proximity to foreign countries, 45 of these could also be ruled out, leaving a hard core of about 30.[25]

SOVIET POSITION HARDENS

Any hope that the Soviet Union might yet adopt a more flexible position on the inspection issue was dampened by an interview of April 20 between Premier Khrushchev and the editor of *Il Giorno*. In this interview, Premier Khruschev repeated the Soviet charge that the United States had reneged on an offer of two to four inspections. He therefore denied that the American proposal of seven inspections was a concession, since the United States was really "stepping backward." He warned that the question might arise on the Soviet side of "whether we too should not return, as did the United States, to our own former positions and withdraw our assent to the holding of two to three inspections a year, since we are firmly convinced that national means are sufficient for the detection of all kinds of nuclear tests." [26]

The United States and the United Kingdom nevertheless made a new demarche through their embassies at Moscow. As President Kennedy described it at his news conference of April 24, "the United States made proposals for intensification of the negotiations and suggested some procedures by which those negotiations might be speeded up." He was "not overly sanguine about the prospects for an accord." He and Prime Minister Macmillan had written to Premier Khruschev "in an effort to see if we could develop some means by which we could bring this matter to a climax and see if we could reach an accord . . . to prevent diffusion." [27]

On May 8 the President told his news conference that he was "not hopeful at all." He thought it would be a "great disaster" if there was no agreement that year: "If we don't get it now, I would think perhaps the genie is out of the bottle and we'll never get it back in again." [28] Two weeks later, he said that the genie was "neither in nor out right now, but . . . we'll know by the end of summer whether it's finally out." [29]

AFRICAN SUMMIT RESOLUTION

Other states showed a continuing interest in the test ban. The African Summit Conference, meeting at Addis Ababa, resolved

Footnotes at end of article.

on May 25 to "oppose all nuclear and thermonuclear tests." [30]

TRIPARTITE JOINT MEMORANDUM, JUNE 10, 1963

The three African members of the Eighteen Nation Disarmament Committee—Ethiopia, Nigeria, and the U.A.R.—spelled out their views in a joint memorandum of June 10. They were convinced that the nuclear powers could reach a comprehensive agreement, "under satisfactory and safeguarded conditions," in the immediate future. They found that the positions of the two sides were close and stated that the world would "not understand or condone their failure to bridge the residual final gap."

They believed that a test-ban treaty would inhibit the spread of nuclear weapons, end radiation hazards, and release energy and funds for peaceful endeavors. They felt that high-level direct contacts between the nuclear powers would be of great help, and they urged them not to "let this propitious moment slip away." They appealed for consideration of the suggestions of the nonaligned countries.

On the key issue of inspection, they stated that science might show in the future that on-site inspections were unnecessary. "For the time being, however," they recognized that "three, four or so, yearly truly effective inspections—or an adequately proportionate figure spread over more years" might be needed. They urged the nuclear powers to "accept a reasonable compromise-quota of inspections contingent upon . . . effective modalities on inspection."

They stated that agreement on modalities should be sought in the following areas: (1) location of seismic events, (2) criteria of eligibility for inspection, (3) composition and role of the International Scientific Commission, (4) procedures for initiating inspections, (5) composition of inspection teams, (6) conduct of inspections, (7) size of the inspected area, and (8) safeguards against abuse of inspections.[31]

VIEWS OF THE EIGHT

The views of the Eight were summarized in a paper circulated by the Secretariat on June 10. None of them denied the need for on-site inspections. Some suggested possible compromises on the size of the annual inspection quota. Ethiopia suggested that the quota might vary between a minimum of three and a maximum of eight inspections a year, and the U.A.R. did not see why both sides could not accept a quota of 4–5 inspections. There might be a sliding scale, with the quota increasing or decreasing over a period of years, Sweden suggested. That nation also noted the possibility of tying the quota to a longer period of time than 1 year. India suggested a clause providing for reexamination of the quota after the first year. Both Brazil and Sweden emphasized the need for technical discussions, and several countries made suggestions on procedures for discussing inspection quotas and the modalities of inspection.[32]

DODD-HUMPHREY RESOLUTION

Meanwhile, the apparent deadlock on the issue of on-site inspections led to renewed interest in a limited treaty. On May 27 Senator Dodd (Dem., Conn.) and Senator Humphrey (Dem., Minn.), joined by 32 other Senators of both parties, submitted a resolution proposing an agreement to ban tests in the atmosphere and underwater, where testing could be monitored without on-site inspections on Soviet territory. Even if the Soviets rejected this proposal, the resolution continued, the United States should publicly declare that it would not conduct atmospheric or underwater tests as long as the Soviet Union abstained from them. Finally, the resolution stressed the need for the United States to be prepared if the Soviet Union suddenly resumed atmospheric or underwater testing.[33]

PRESIDENT KENNEDY'S AMERICAN UNIVERSITY SPEECH

Following the earlier initiatives of the United States and the United Kingdom in Moscow, President Kennedy announced in a speech at American University on June 10 that the United States, the United Kingdom, and the Soviet Union had agreed to high-level discussions at Moscow "looking toward early agreement on a comprehensive test ban treaty." At the same time, he declared that the United States would not conduct nuclear tests in the atmosphere as long as other states did not do so. The President added that this was not a "substitute for a formal binding treaty," but he hoped that it would "help us achieve" one—just as a test-ban treaty, though no substitute for disarmament, could lead to it.

The President said that the test-ban treaty was the "one major area" where the end was in sight, and he emphasized the importance of the treaty:

". . . The conclusion of such a treaty—so near and yet so far—would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security; it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards."

* * * * *

"While we proceed to safeguard our national interests, let us also safeguard human interests. And the elimination of war and arms is clearly in the interest of both. No treaty, however much it may be to the advantage of all, however tightly it may be worded, can provide absolute security against the risks of deception and evasion. But it can, if it is sufficiently effective in its enforcement and if it is sufficiently in the interests of its signers, offer far more security and far fewer risks than an unabated, uncontrolled, unpredictable arms race.

The United States, as the world knows, will never start a war. We do not want a war. We do not now expect a war. This generation of Americans has already had enough—more than enough—of war and hate and oppression. We shall be prepared if others wish it. We shall be alert to try to stop it. But we shall also do our part to build a world of peace where the weak are safe and the strong are just. We are not helpless before that task or hopeless of its success. Confident and unafraid, we labor on—not toward a strategy of annihilation but toward a strategy of peace. [34]

THE SOVIET REACTION

The President's speech was published in *Pravda* and *Izvestiya*, and it attracted considerable attention in the Soviet Union. In a press interview of June 15, Premier Khrushchev said that the speech was "a step forward in a realistic appraisal of the international situation and stressed the need of finding ways to rid mankind of the arms race and the threat of a thermonuclear war." He stated, however, that the Soviet position on verification for an underground test ban remained unchanged. The Soviet Union still refused to "throw open" its territory "for inspection for the purpose of espionage." Although the Soviet Union regarded national facilities, combined with automatic seismic stations, as a "dependable guarantee" to detect any violations, it had offered to agree to 2–3 inspections as a political concession. Premier Khrushchev regretted that the West had not "properly appreciated" this offer, and he said that the success of the forthcoming Moscow negotiations depended on the United States and the United Kingdom. [35]

FOOTNOTES

[1] *Documents on Disarmament, 1963*, p. 31.
[2] *Ibid.*, p. 59.
[3] *Ibid.*, pp. 33–38.
[4] *Ibid.*, pp. 44–47.
[5] *Ibid.*, pp. 50–51.
[6] ENDC/PV.99, pp. 12–17.
[7] ENDC/PV. 100, pp. 6–9.
[8] *Documents on Disarmament, 1966*, p. 76.
[9] *Ibid.*, pp. 60–72.
[10] ENDC/PV. 101, p. 42.
[11] *Ibid.*, pp. 41–45.
[12] *Documents on Disarmament, 1966*, pp. 72–73.
[13] *Ibid*, p. 113.
[14] *Ibid.*, pp. 141–145.
[15] ENDC/PV. 119, pp. 25–26.
[16] *Geneva Conference*, pp. 489–490.
[17] *Ibid.*, pp. 537–538.
[18] *International Negotiations*, pp. 200–201.
[19] See *ante*, p. 12.
[20] *International Negotiations*, p. 293.
[21] See *ante*, pp. 44–45.
[22] ENDC/82, p 32.
[23] ENDC/PV.116, p. 21.
[24] ENDC/PV.119, pp. 16–17.
[25] *Documents on Disarmament, 1963*, pp. 86–88.
[26] *Ibid.*, pp. 174–175.
[27] *Ibid.*, pp. 181–182.
[28] *Ibid.*, p. 183.
[29] *Ibid.*, p. 194.
[30] *Ibid.*, p. 195.
[31] *Ibid.*, pp. 203–206.
[32] *Ibid.*, pp. 206–214.
[33] S. Res. 148, 88th Cong., 1st sess.
[34] *Documents on Disarmament, 1963*, pp. 215–222.
[35] *Ibid.*, pp. 222–228.

CONCLUSION OF THE LIMITED TEST-BAN TREATY: BACKGROUND

On June 21, 1963, the ENDC recessed to await the outcome of the Moscow negotiations among the United States, the United Kingdom, and the Soviet Union. Before the negotiations got under way, there was a significant change in Soviet policy. As we have seen, the Soviet Union rejected the Anglo-American proposal of August 27, 1962, for a treaty limited to tests in the atmosphere, in outer space, and underwater, and insisted on a comprehensive treaty, without accepting the on-site inspections that the West considered necessary for monitoring a ban on underground tests.

After the Cuban crisis, important changes in the positions of both sides made it seem for a time that it might be possible to agree to a comprehensive treaty. The Soviet Union offered to accept automatic seismic stations on its territory and to agree to a small number of on-site inspections each year. The United States dropped its demand for international supervision of nationally manned posts and reduced the size of the annual inspection quota it had previously proposed. In spite of this rapprochement, however, the ENDC negotiations became deadlocked because the Soviet Union adamantly refused to discuss any other issues unless the West accepted its proposals for 3 automatic stations and 2–3 inspections, and the West considered these numbers inadequate.

SOVIET UNION OPTS FOR LIMITED TREATY

Speaking in Berlin on July 2, 1963, Premier Khrushchev again accused the West of demanding inspections for intelligence purposes and declared that the Soviet Union would "never open the doors to NATO spies" and that this was "not a subject of bargaining." At the same time, however, he announced that the Soviet Union now favored a limited treaty, since a comprehensive treaty seemed to be impossible:

"Having carefully weighed up the situation, the Soviet Government, moved by a sense of great responsibility for the fate of the peoples, declares that, since the Western

Powers are impeding the conclusion of an agreement on the cessation of all nuclear tests, the Soviet Government expresses its readiness to conclude an agreement on the cessation of nuclear tests in the atmosphere, in outer space and under water."

TOP BUSINESSMEN OPPOSE LOCKHEED BAILOUT

Mr. PROXMIRE. Mr. President, the top businessmen in the country are strongly opposed to the unprecedented Lockheed bailout being proposed by the administration. According to the Wall Street Journal, opposition to Federal loan guarantees for the Lockheed Corp. was almost universal on the part of the prestigious Business Council during its annual meeting at Hot Springs.

Business leaders considered the Lockheed loan guarantee to be a dangerous precedent. Mr. President, I could not agree more. The administration seems to be taking the position that large companies, merely because of their size, cannot be permitted to fail. If this becomes the official policy of the U.S. Government, the trend toward industrial conconcentration will be accelerated. Moreover, governmental interference in the corporate affairs of our Nation will be substantially increased. The Nation's top business leaders have good reason to be concerned about the Lockheed bailout. It could drastically weaken our free enterprise system.

During 1970, there were over 10,000 business failures of small and medium sized firms. No one has proposed that we guarantee these 10,000 firms against failure. Why should Lockheed be treated any differently? Why is the administration showing such favoritism to a firm which has consistently demonstrated managerial incompetence and bad judgment?

Mr. President, the Lockheed bailout would be a serious mistake. I hope the Congress will not go along with this latest attempt to protect big business from the consequences of their mistakes. Mr. President, I ask unanimous consent to place in the record the article from the Wall Street Journal describing the Business Council meeting.

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

ADMINISTRATION'S BID TO BAIL OUT LOCKHEED IS WIDELY OPPOSED BY TOP BUSINESS LEADERS

(By Albert R. Hunt)

HOT SPRINGS, VA.—The nation's top business leaders overwhelmingly oppose the Nixon administration's effort to bail out Lockheed Aircraft Corp. with $250 million in loan guarantees.

This sentiment was repeatedly echoed, often privately, by members of the blue-ribbon Business Council at its spring meeting here. "There appears to be almost universal opposition to government intervention in the Lockheed situation," said one council member.

During the sessions the businessmen also expressed:

—Strong doubts that inflationary pressures are significantly receding and particular worry about the possibilty of a new burst of inflation next year.

—Continuing skepticism over the administration's forecast of a rapid economic recovery this year. They generally predicted that the unemployment rate will remain higher than 5% until late next year.

—Surprisingly little concern over the international monetary crisis, although several executives said the complexities of the situation baffled them.

—Deep concern over growing antibusiness sentiment in the country. But they were admittedly perplexed over how to cope with this problem.

A "DISTURBING PRECEDENT"

Many of the businessmen were plainly troubled by the Lockheed proposal. "As a precedent, it disturbs me," said Donald M. Kendall, president of PepsiCola Inc. and a close friend of President Nixon. Asked whether a Lockheed failure could dangerously undermine business confidence, he responded, "It would affect my confidence."

Some council members, including William M. Allen, chairman of Boeing Co. and Fred J. Borch, chairman of General Electric Co., even were actively drumming up opposition to the administration's proposal, according to one participant at the meetings. GE reportedly has attacked the plan because Lockheed's L1011 plane would use a Rolls-Royce engine, which competes against GE's own jet engine.

Mr. Borch's opposition particularly antagonizes administration officials. "It seems pretty hypocritical that in the same week GE would ask Congress for reimbursement for its expenses on the supersonic transport plane, and then oppose any effort to help Lockheed," one administration man fumed.

But these officials conceded that the Lockheed proposal faces a tough uphill fight in Congress. "As of now, our chances are certainly less than 50–50," one insider said. Some top officials are known to believe the only chance for favorable congressional action is to broaden the proposal so other companies also could qualify for similar guarantees.

Over the weekend, Senate Democratic Majority Leader Mike Mansfield of Montana said it isn't "the function of a democratic government to pick up the tab for the failures of private enterprise," the Associated Press reported. But the Senate Leader added he "wouldn't be surprised" if Congress approved the Lockheed request.

GLOOM ON INFLATION

On the question of the economy, all the council's leaders voiced concern that although inflation appears to be abating somewhat, the problem is far from under control. "Inflation is still the No. 1 problem in this country and I'm frankly not optimistic about making much progress over the next year," one corporate executive said.

Irwin Miller, chairman of Cummins Engine Co., said wage and price controls are necessary to reduce the unemployment rate to the 4% level. Mr. Miller also called for a reinstatement of the 7% investment-tax credit in place of the administration's proposed liberalization of depreciation guidelines and suggested this should be accompanied by an increase in the corporate tax rate.

But George Shultz, director of the Office of Management and Budget, said he disagreed "sharply" with Mr. Miller's call for controls. He said inflationary pressures have been moderating "for a number of quarters." And at a press conference, Mr. Miller said the reaction of his fellow businessmen to these proposals was "substantially unfavorable."

Some of the economic advisers to the council, however, expressed concern that the current "expansionary forces could rekindle inflation in 1972," and generally agreed that "no increase in monetary and fiscal stimulus is currently required." These advisers reiterated their forecast of three months ago that the gross national product will total about $1.05 trillion this year, rather than the $1.065 trillion forecast by the administration.

JOBLESS RATE

The advisers predicted that real output will grow about 3% this year and that inflation "isn't expected to exceed 4.4%," down from last year's 5.3% pace. But they predicted only a "moderate drop" in unemployment to about 5.5% by year-end. On Friday, the Labor Department reported the jobless rate edged up to 6.1% last month from 6% a month earlier.

In response to questions, R. V. Hansberger, president of Boise Cascade Corp. and chairman of the council's economic committee, said the jobless rate will remain above 5% until "late 1972." The Nixon administration has said the unemployment rate will be in the area of 4% by the middle of next year.

The business leaders also forecast a "weak third quarter" this year because of the current heavy steel buying in anticipation of any possible strike. But the economic consultants agreed a steel strike would have only a "very minor impact" on the economy, Mr. Hansberger said.

THE MONETARY ENIGMA

The businessmen said they were watching the international financial situation closely, but voiced few hard opinions on this subject. "It's all so complex it's difficult to figure out what's happening," confessed one corporate chieftain.

Vice President Spiro Agnew, however, told the businessmen the international problems wouldn't be allowed to impede U.S. economic growth. "We shall continue to take appropriate action to reduce the temporary glut of dollars abroad," the Vice President said in a prepared text for his dinner address to the business leaders. "But what we will not do is put the U.S. economy through the wringer in order to deal with a temporary situation."

Much of the three-day meeting was spent discussing the increasing public criticism of business. Thomas W. Benham, executive vice president of Opinion Research Corp., told the businessmen that surveys show an increase in antibusiness sentiment in every year since 1965.

Most of the business leaders agreed that business' image problems largely are caused by the increased interest in consumerism and envronmental matters and by the problems of inflation. And a number of businessmen conceded that some of the criticism was legitimate.

CHALLENGE TURNED DOWN

There wasn't any consensus, however, on how to deal with this problem. C. B. McCoy, chairman of Du Pont Co., suggested that "head-to-head contact with critics" is often desirable. But a short while later, at a press conference, James M. Roche, Chairman of General Motors Corp., turned down a debate challenge issued a few weeks ago by consumer advocate Ralph Nader. "I see no benefit in anyone from General Motors debating Mr. Nader," he said, asserting that GM always has responded to Mr. Nader's many criticisms of the company.

Ironically, the staunchest defender of business turned out to be a government official—Commerce Secretary Maurice H. Stans. He said surveys show that business "is more than 99.44% pure" in that buyers are fully satisfied with transactions. Pressed on this point, Mr. Stans later conceded this was only his own "personal estimate."

Despite differences over the Lockheed proposal and the economy, the businessmen generally expressed satisfaction with President Nixon. A number, however, were less enthusiastic about Mr. Agnew. "The vice President has said a lot of things that needed to be said," observed one council member. "But I think he's really polarized the coun-

try," he added. In contrast, many businessmen heaped lavish praise on Treasury Secretary John B. Connally, who canceled his scheduled appearance before the group because of the international financial crisis.

THANK YOU, MR. HOOVER

Mr. HANSEN. Mr. President, since the Russian Revolution during the second decade of this century, the Communist Internationale has always marked the month of May as a time for special note-taking and displays of power. We have all, on occasion, been witnesses to news releases and television films of May Day parades and agitation throughout the world on these occasions. There is one date during this month which Communists and criminals alike look upon with something less than appreciation. That date is, of course, today, which marks the date that the Honorable J. Edgar Hoover became Director of the Federal Bureau of Investigation.

It is more than coincidental that as the head of the greatest law enforcement agency in the world stands at the helm today, those who do not wish to live within the legal processes that have made this Nation great, seek to cause his downfall through false criticism and wild, unsubstantiated allegations.

The Nazi saboteurs, who were literally plucked from the sea by the FBI under Mr. Hoover's leadership, were unsuccessful in forestalling our defense programs during the dark days of World War II. The Russian explosion of the atomic bomb was linked directly to American quislings exposed by the FBI. It goes without saying that the very name of J. Edgar Hoover and the initials FBI have struck terror in the hearts of untold thousands of criminals.

If we were to look at a day-by-day account of Mr. Hoover's activities over the past almost half a century, it would read like a chronicle of American history. From the days of "Ma" Barker and Alvin Karpis through the present days of Bernadine Dohrn, he has been there in the very front rank.

Each American citizen should hope that his leadership, which is a symbol for law and order, continues as long as his health permits.

Throughout government our responsibilities have multiplied manifold over the years. Our entire country has moved from a primarily agrarian one to a highly mobile and industrialized society. As the fragile variables of our times have changed and been tossed like petals in the wind, the stalwart integrity and unfailing dedication to duty of Mr. Hoover have withstood the passage of time. Although lawless few have attempted to discredit with unrelenting criticism through the years, the integrity of this single man has provided the moral leadership and example for thousands of men who have been privileged to call themselves FBI agents.

On this occasion, I wish to take a moment from our busy schedule to say quite simply—Thank you, Mr. Hoover.

DISASTROUS DROUGHT IN TEXAS

Mr. BENTSEN. Mr. President, a disastrous drought is gripping much of my State of Texas. It is one of the worst natural disasters in recent years. As a result of the drought, many of the State's ranchers and farmers face economic ruin, many small businessmen in the drought-stricken areas are in financial straits, and many farm workers face continued unemployment.

The drought is one of the worst natural disasters in Texas in recent memory. Congress passed legislation which provides the kind of aid needed in such disasters, but that aid is contingent on the initiation of the program by the President.

I have repeatedly called on President Nixon to declare the affected areas of Texas as a major disaster area in order that the many programs could be effected. The Governor of Texas has formally requested such a declaration.

The President has not responded. About all that has come from the administration has been publicity efforts. The Department of Agriculture has taken a few modest, but very ineffective, steps to help.

I fear that the President and his advisers are not fully aware of the dimensions of the terrible drought which grips much of my State, and parts of other States. In the hope that someone at the White House follows the CONGRESSIONAL RECORD, I ask unanimous consent that the article from Business Week of April 24 be printed in the RECORD. I call special attention to the comment that many farmers have lost their farms because of debts resulting from the drought.

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

BITTER HARVEST IN THE SOUTHWEST

An unseasonal spring drought stretched across a massive section of the southern U.S. this week, causing fires in some states and concern for cotton, cattle, and wheat production in others.

Fires burned out of control in the Florida Everglades, destroying wildlife and recreational areas and even closing a west Miami freeway because of thick smoke. Parts of Southern California, which usually has flash fires in the fall, not the spring, were also in danger.

Most concern was focused in the southwestern states of Oklahoma and Texas, leading producers of cotton, cattle, and wheat. Agriculture Dept. officials estimated that crops worth as much as $4-billion may have been lost. So far, cattle prices have held remarkably steady, but Everette B. Harris, president of the Chicago Mercantile Exchange, says he expects that a shortage of milo grain will drive up its price, and subsequently the price of meat in three to six months. Milo grain is an important feed for fattening cattle before they are sold.

In Texas, State Agricultural Commissioner John C. White says that $500-million of the $4-billion the state expected to earn from agriculture this year is threatened. Texas produces almost one-third of the country's cotton, and many nonirrigated fields in the state have been too dry to plant. Now planting deadlines have either passed or are looming perilously close. In addition, many of the state's 11-million beef cattle are in danger of starving on the parched land.

"We're just now getting our livestock industry back in shape after the drought of the Fifties," says White. "Now we're on the brink of liquidating some pretty good herds."

FEED SHORTAGE

In Texas and Oklahoma, wheat losses are expected to reach $100-million, according to the Agriculture Dept., which says the diminished crop comes at a critical time. Last year about 15% of the nation's corn was lost to the Southern corn leaf blight, and USDA officials say the damage this year may run even higher. Cattle feeders had hoped to use more wheat for fattening steers.

"Nobody's going to say exactly what will happen to the crops now," says Claude Freeman of the Agriculture Dept.'s grain division, "but in the meantime, those markets sure are going to be bullish as far as price is concerned."

There was some hope for relief during the week as thunderstorms, hailstorms, and tornadoes—and sometimes rain—hit parts of the affected area, but generally the rain was too light and scattered. "One rain can't break a drought," says White. "It would take several substantial rains over a period of weeks to bring our row crop situation back to anywhere approaching normal."

Cattle are also suffering and are being rushed to market without being fattened. Many Texas and Oklahoma ranchers have culled their herds, and some have sold out completely. There have been record cattle sales in such livestock centers as San Antonio, Fort Worth, and Oklahoma City. But when rains fell a week ago, cattlemen who had brought their animals to auction in San Angelo, Tex., loaded them up again and took them back to the ranges.

William McMillan, executive vice-president of the American National Cattlemens Assn., says there still has not been any mass liquidation of herds, but "if some really good rain doesn't come along soon, we're going to get some major relocation of beef cows." This means that ranchers, after selling their lighter animals, will feed the rest on rented grass pasture in areas unaffected by the drought. They will try to preserve their basic breeding herds, however much it costs them, so they can build the herds up again over the next eight to 10 years.

But in Oklahoma, James N. Ballinger, president of the state board of agriculture, said: "There are isolated instances where people are already losing their livestock or farms because of indebtedness."

AID

Soon after the drought's magnitude became clear, President Nixon invoked a section of the Disaster Relief Act to help stricken cattlemen in Texas. This would provide some federal money to help bring in hay for livestock.

The President also ordered Agriculture Secretary Clifford Hardin to put several aid programs into action. One would make grain owned by the Commodity Credit Corp. available at reduced prices to eligible farmers and ranchers in affected counties; another would permit the farmers and ranchers to graze livestock on cropland taken out of production under the cropland adjustment program.

But ranchers and farmers complained that the President had not gone far enough. Texas and Oklahoma officials declared that conditions warranted federal loans in addition to feed programs. "I don't have any quarrel with the President," said Texas' White, "but the disaster is already here." Senator Lloyd Bentsen (D-Tex.) wrote to Nixon asking him to declare a large part of the state a major disaster area. The governor of Oklahoma also asked for federal help. For his part, Nixon instructed Hardin and George Lincoln, director of the Office of Emergency Preparedness, to fly to Texas to assess drought conditions and frame recommendations.

One notable exception to the hard-hit cattle spreads is the massive King ranch in southern Texas. Mindful of the terrible drought of 1916–18, Robert J. Kleberg, Jr., 75, the innovative boss of the operation, developed types of drought-resistant grass. Safe himself, he is worried about his less

fortunate neighbors. "I think they're in a lot of trouble," he says.

And it may get even worse. Basing its findings on studies of the Southwest as far back as the 1930s, the Atmospheric Physics & Chemistry Research Laboratory in Boulder, Colo., is predicting that the 1970s will be the most severe decade of drought in U.S. history.

THE LATE WHITNEY M. YOUNG, JR.

Mr. HARRIS. Mr. President, the late Whitney M. Young, Jr., was so identified with the contributions made to the civil rights movement that his other accomplishments were often overshadowed. Many do not know that he had risen to the highest position of leadership within his chosen profession of social work. At the time of his death he was the president of the National Association of Social Workers and in that capacity prepared a message for the March issue of the National Association of Social Workers News which, I think, has special interest at this time. As usual, his manner was to state the facts about an issue, to shed light on the ways that the problem might be resolved and to quietly educate to bring about a greater social unity. This last message from Whitney Young dealt with the welfare crisis which this country has yet to face in a forthright way, in a definitive way and in a just way.

Mr. President, I ask unanimous consent that the message of this great statesman, humanitarian, and dear friend of mine be printed in the RECORD.

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

MESSAGE FROM WHITNEY M. YOUNG, JR.

Once again, public assistance has become a flamboyant subject for public debate. The avalanche of publicity in the press and on radio and television in recent weeks has been almost overwhelming. But instead of giving the public the information they really need to know in order to support a drastically improved welfare system, the media have been presenting stories that can only make matters worse.

The public hears about a handful of recipients living in plush hotels in New York City because of a temporary housing crisis, rather than about the thousands living in hovels. Or about a few families in California that fudge a little on AFDC, instead of the millions who aren't receiving the aid they are entitled to.

After reading and listening to these reports, who can blame the public for thinking. Why on earth should we lend our votes or sympathy to welfare reform? Remember, most people learn about welfare only through these sources. They certainly don't hear from the poor themselves, who are too busy just trying to make it with their poverty.

BEHIND THE HEADLINES

How do we change this situation? We don't stand still, that's for sure. We act and act decisively; we strike now while, the issue is hot. As social workers and members of NASW, we should organize immediately to clear up the confusion, tell the facts behind the headlines, expose the contradictions in government actions, and clarify the nickel-and-dime solutions of most public assistance programs.

We should move today to (1) inform the public about what is really going on in welfare, (2) lobby Congress to pass a completely upgraded Family Assistance Plan, and (3) halt the actions of states that arbitrarily restrict welfare payments to the poor. On this last point, we should get behind the National Welfare Rights Organization.

NWRO is involved in a difficult struggle in Nevada. Last January, the state cut off welfare assistance to 3,000 women and children and reduced payments for 4,000 more—that is 50 percent of the welfare population there!

"It is imperative that we expose the fraud and illegality of Nevada's action as a notice to the country that repressive moves will meet massive resistance," proclaims a recent NWRO bulletin, also warning that "similar threats are being made in California, Washington, Illinois, Rhode Island, New Jersey, and elsewhere."

Whatever we do, we should tell the public what we are doing and why. They have to hear from social workers as much as they hear from reporters and government officials. In the telling, we should share all the facts we know so the public can begin to understand the problems and contradictions welfare recipients face. Then maybe we can get them to think more analytically on welfare and with less emotion.

THE ELOQUENCE OF FACTS

Here are just a few points we ought to make clear. All are taken from official federal and state sources.

Based on recent data, Daniel P. Moynihan, former special adviser to President Nixon, noted that the United States devoted the lowest percent of GNP to welfare of any Western nation—7 percent compared to 17 percent in West Germany, which gave the most.

Of the 12.8 million individuals now receiving public assistance in this country, 6 million are children and another 3½ million are aged, blind, or physically and mentally disabled. What kind of welfare system do we have that wants to deny or restrict assistance to people in such dependent categories?

Of the 4.9 million children on AFDC at the end of 1970, 3.5 million were without fathers in the home. For the other 1.4 million, the fathers were dead, incapacitated, or unemployed. Do we really know what we're talking about when the suggestion is made that welfare mothers be forced to work and leave all these children home alone or with strangers?

The current Nixon Family Assistance Plan phases out benefits to a family of four on public assistance when it earns in excess of $3,920. The U.S. Department of Labor says a family of four requires well over $6,000 to just subsist minimally in this day and age. The government that tells you you need six will give four. Does this make sense?

In January, HEW cut off federal aid for AFDC in Indiana and Nebraska, effective April 1. The ruling resulted from the failure of these states to make cost-of-living adjustments to maximum AFDC payments as required by federal law. What kind of a welfare system do we have that may have to penalize two states by taking away the funds that go to poor children and families?

There is a lot more to tell the public, of course. The important thing now is that we can begin saying something as persistently as we can. The media and the government, regardless of their reasons, cannot continue to disregard the findings of current research and the knowledge of thousands of social workers who know as much or more than most so-called experts on the social problems draining the spirit and resources of our nation.

Let's start talking louder and acting more today.

FANNIN'S COURAGE

Mr. HANSEN. Mr. President, all of us have some deeply etched memories of the May Day activities here in Washington, D.C.

There is, of course, a decidedly marked difference of opinion as to what was—or was not—accomplished by the most recent example in Washington of the pursuit of violence.

Be that as it may, an editorial published in one of last week's issues of the Arizona Republic pointed up how a great many of us feel about the recent demonstrators and disrupters and calls attention to the courage displayed by the distinguished senior Senator from Arizona.

Because the editorial points up Senator FANNIN'S steadfastness and reflects the feelings of many of us in the protests just concluded, I ask unanimous consent that it be printed in the RECORD.

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

FANNIN'S COURAGE

Sen. Paul Fannin showed the kind of courage that is necessary to overcome the leftist wolfpacks sniping at Washington's heels when, confronted by a mob demanding that he stay away from work, he replied that he would not be intimidated and drove away.

The leftists slashed a tire and he had to pull over to change it. What's important is that Paul Fannin refused to be intimidated, refused to knuckle under to gang tactics. It is that kind of determination that prevented roving gangs from holding the nation's capitol in a state of siege, and Paul Fannin deserves the respect of all Americans.

WISCONSIN FIRM STUDIES NOISE IN THE HOME

Mr. PROXMIRE. Mr. President, for some time now there has been considerable discussion and research into the problems of job-related noise—especially in heavy industry.

Studies have shown that the hearing and nerves of persons who work around loud machinery on the job can be affected by the noise.

Now, a study conducted by the environmental design department of the University of Wisconsin, Madison, for Koss Electronics, Inc., of Milwaukee, shows that people who spend a lot of time in a normal residential kitchen—and that would be primarily housewives—may be similarly affected.

The research report "The Auditory Environment in the Home" points out that people in the kitchen are under constant bombardment from the groan of the garbage disposal, the din of the dishwasher, the bleat of the blender, and other noisy alliterations.

This study represents seminal research in an area which undoubtedly will come under close examination in years to come. I congratulate the staff members of the university and the Koss firm who worked on the project.

Mr. President, I ask unanimous consent that some remarks by Mr. John Koss and an article about the study, published in the New York Times, be printed in the RECORD.

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

EXCERPT OF REMARKS OF JOHN C. KOSS IN DISCUSSING THE STUDY "THE AUDITORY ENVIRONMENT IN THE HOME"

"Koss Electronics became convinced that there was a pressing need to know more about noise in the home—How bad is the problem? Can it get worse? How can it get better? To find out this information, we provided a grant to the Environmental Design Center at the University of Wisconsin. This is an unusual post-graduate department, probably the only one of its kind in the country. Because of its interests and ours, The Auditory Environment in the Home Study brings together information, indicates causes and effects, and hints at new directions that go beyond the specialized interests of Koss and can best be tackled by a general awareness and concerted action.

"The research shows that noise in the home is too loud, too strong, and too disturbing. Virtually our last vestige of quietude is being eroded away . . . and hardly anyone has paid it any attention in any meaningful way.

"One of our reasons for making this study public is the hope that other manufacturers of products for the home, space designers, architects, engineers, and builders will heed and act upon the implications of these findings.

"We at Koss strongly urge such action and call upon each of these segments to engineer and design noise out of the home. If attacked at the base—by putting the human first in the design process—it can be done. And the consumer force can exert the kingpin power of not standing still for anything less."

[From The New York Times, Feb. 6, 1971]

ENOUGH NOISE TO MAKE ANYONE SULK

(By Rita Reif)

Even Joan Sutherland wouldn't have been heard above the garbage disposer's growl, the blender's roar, the diswasher's hum, the exhaust fan's moan and the thunderous storm of water unleashed from the kitchen faucet.

And she wasn't even there to try. In fact, the taped sounds heard in the Top of the Met restaurant earlier this week had no musical competition from the stage a few floors below in the Metropolitan Opera House. The occasion was an ear-splitting demonstration of what women have long suspected—that the kitchen is the noisiest room in the home.

The demonstration was part of a report, "The Auditory Environment in the Home," that also showed kitchen noises are increasing at the rate of 5 per cent a year and may well be contributing to home accidents.

CONDUCTED OVER TWO MONTHS

The host was Koss Electronics, Inc., a Milwaukee producer of hi-fi equipment and stereophone headsets, sponsors of the $6,000 study. The research project, conducted over a two-month period last summer by a team of two architects, two industrial designers, a psychologist and a human factors specialist consulting with a psychiatrist, was done in the Environmental Design Department at the University of Wisconsin.

John Koss, president of the electronics concern, made it clear that hi-fi equipment producing "pleasurable sound for some and noise for others" was not covered in the study. Only sound irritants, or "noise as unwanted sound" were surveyed, he said.

According to Byron C. Bloomfield, an architect and professor at the university, housewives deserve "hazardous duty pay." He told of the decibel rates of applicances that were recorded during the study and played back during the luncheon.

"The terror of the kitchen—the garbage grinder—sounds like this after a pork chop dinner," he continued. The level was 88 decibels, 23 decibels above what this study contends is an acceptable sound level for kitchen appliances. The blender, described by Mr. Bloomfield as "the most piercing noise in the kitchen," was rated at 87. So was the vacuum cleaner when used on hard surface floors. Electric can openers measured 70, knife sharpeners 80, dishwashers 68 and refrigerators were the quietest kitchen appliance of all—rating 45 decibels.

Surprisingly, he said, water makes more of a racket running full blast in a kitchen sink (77 decibels) than in an enclosed shower (75 decibels).

"But the bathroom has sound irritants, too," he pointed out in an interview before the meeting. Electric shavers had been tested and measured at 92 and 88 decibels, he said. These and all tests were done with sound measured at the normal ear distance of the appliance operator from the machine.

The research included visits to private homes. In one test, the researchers measured the sounds produced over a 20-minute period while a woman prepared lunch for her two children. Squeeze toys, china plates hitting metal cabinets and one child banging the table top measured as high as the home appliances in operation—between 70 and 80 decibels.

Donald C. Hay, an industrial designer and chairman of the environment department at the university, who cited the estimated 5 per cent increase in kitchen noises, added that to tone down the noise level to 65 decibels or below would probably add about 5 percent to the cost of appliances.

"But we feel it would be worth this to consumers," he said.

Dr. Jack C. Westman, a psychiatrist, said the kitchen was "like a boiler room" and reported that the noises were adding to the "tired mother syndrome," producing headaches, gastrointestinal symptoms and nervous tension.

EMOTIONAL EXHAUSTION

"For example," Dr. Westman said, "a mother may be required to be a cook, friend to a neighbor, customer on the telephone, child caretaker, pet caretaker, wife and housekeeper. All of these demands, particularly when placed upon a mother of young children exposed continuously to a noisy environment, can result in emotional and physical exhaustion."

Studies of African communities where conditions were quieter have shown that what is considered the normal progressive hearing loss in the Western world did not occur as quickly nor to the same degree, he said.

"It is entirely possible then," he pointed out, "that prolonged exposure to noise in the Western world has been taking its toll on the population's hearing without our awareness."

TITLE TO NATIVE-OWNED LANDS IN ALASKA

Mr. HARRIS. Mr. President, John Teal, Jr., is a distinguished conservationist and one of the world's foremost experts on arctic ecology. He is presently serving as professor of human ecology at the University of Alaska. Mr. Teal is principally responsible for the successful effort to preserve, protect, and domesticate the musk ox, which he believes may become an important factor in the various economies of the world's circumpolar region.

Mr. Teal is also an interested and informed observer of the Alaskan Native land claims movement, and a strong supporter of the position adopted by the Alaska Federation of Natives, now embodied in S. 835. Mr. Teal regards land as the chief resource in arctic economies, and has recently provided me with a document in which he addresses the question of conveying formal title to the Natives for a substantial portion of the lands they have traditionally used and occupied. Because I consider Mr. Teal's thoughts to be worthy of the attention of the Senate, I ask unanimous consent that his memorandum be printed in the RECORD.

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

SOME THOUGHTS ON CONVEYANCE OF FORMAL TITLE TO NATIVE-OWNED LANDS IN ALASKA

It seems reasonable to suppose that the delivery of title to the lands in Alaska owned by the original or native citizens will be no cause for fear that these lands will be bundled up and removed from Alaska, or taken to Asia or some other continent. They will remain in Alaska, utilized and husbanded under the domain of the United States by their original owners. unquestionably American citizens. Their status as an integral part of our country, deeds in owners' hands, will be indistinguishable from that of the wide farmlands of our Midwest, the ranchlands of the Southwest, or the rock farms of New England. The owners, as American citizens, will have precisely the same responsibilities and obligations to their government as do residents in other parts of the country, and the government will have the same rights of eminent domain. Consequently, the American people as a whole need fear no loss through a recognition by Congress of the just title due to the owners; in fact, the status quo will be preserved, now properly validated and registered.

* * * * *

The likelihood is that, in terms of acreage, the extent of the claims is far too modest for practicality. Bare subsistence in an Alaskan food-gathering economy required about a thousand acres per person, and we are all aware that there has been inflation during the past century. More than a fifth of Alaska, well over 100 million acres is represented by coastal-tundra-mountain lands which from about 17,000 years ago to this very day are inhabited *only* by the original owners, the so-called native persons. For example, on the entire Arctic Slope there is only one full-time non-native resident. Yet the natives state that they will welcome settlers who come to live full-time and will do their best to accommodate them. For purposes of best utilization title should be given for not less than 100 million acres (to our society at large, the least desirable parts of Alaska). And perhaps, for the sake of administrative book work, the Bureau of Land Management should inform the owners that they have been given credit for the 17,000 years of "proving" their homesteads and grazing lands, and the passing of functional titles from generation to generation.

* * * * *

For several centuries the better organized nations have proposed a doctrine of "effective use and occupation" as the criterion of land ownership, and this has, when convenient, been interpreted to mean agriculture use. However, agricultural use, based upon particular southern forms of plants and animals, has often been inconvenient or unrealistic, and observers have noted other forms of effective use and occupation. Thus,

to rid themselves of the difficult burdens of title based upon agriculture, the wide-roaming British invented valid claims based upon the stamping and mailing of letters from a small telephone booth set up on shore; when floating ice made the shore uncertain, they invented the Sector Principle by which one could divide, say, Antarctica or the Arctic Islands like a pie from an armchair in London; the Spaniards invented a system of land claims based upon the imbedding of a Cross at the low water mark of a beach; we Americans started a History, long accustomed to the retention of land ownership by basic populations no matter what the conquest, by the invention of removing the population; the Texan with his longhorns and the Wyoming Basque with his sheep did their agricultural validation without touching the land with a plow, merely turning animals loose, occasionally, indeed, fighting the agricultural fence-builders, it is even questionable that the settler in New Hampshire, wandering amongst his giant boulders, was engaged in agriculture at all.

Therefore, there cannot be doubt that the natives of Alaska, jealously preserving through the millenia the lands which grew and sustained their food supplies and other needs, (even engaging in that most respected of "proofs", warfare to keep their land), fully met, on both individual and tribal bases, the criteria of that "effective use and occupation" which delivers title. Their "agri-culture", perhaps an extreme example of loose-herding, nevertheless was their vital concern, and when European man arrived the herds were there in plenty, and there was no sign of such despoilation under original ownership as has occurred during the past century of enlightenment. As owners, the natives have been, for one reason or another, good caretakers. But principally, we must in logic and fairness remember that they have for generations met the internationally agreed standards for land ownership.

* * * * *

The historical record shows that when we "purchased" Alaska from Imperial Russia in 1867, we bought a pig-in-a-poke, since Alaska belonged, not to the Russians, but to the native people. At best, we bought Russia's claim to the right to govern. The native owners were never asked nor consulted in any way about the purchase, not even if Alaska were for sale. Their basic rights to the land, however, were recognized in the Organic Act of 1884, and subsequent official documents. But the written deeds have yet to be delivered although nearly a century has passed. In many states even squatters' rights convey title in less than a decade.

* * * * *

While on the one hand the Alaska natives should retain title to that one fifth of Alaska, or 100 million acres which they alone inhabit, on the other hand they plan to relinquish four fifths to the government, asking a price roughly equivalent to the cost of building the proposed Pipeline. Precedents for such compensation or payment exist in our history, for example, in the purchase of Manhattan from the Indians for $26 (although a case there could be made out for overcharge). To satisfy our Puritan ethic regarding the frugality of our neighbors, we can be sure that the native people, as those most likely to retain life-long residence in Alaska, will use the money up there and to its best advantage, some of it even going for the establishment of those social, educational, and vocation institutions so long promised by our government. Neither the land nor the money will be packed away to another continent: all of it will remain under the domain of the United States and used by American citizens. It will be, in a true sense, a payment to ourselves.

* * * * *

It is not unreasonable to suppose, were we to purchase England from the Irish, especially without informing the English, that our Attorney General, or his wife, would do some phoning about. At the very least he could be expected to caution the Treasury Department to use restraint; and we can be certain that individual Englishmen would retain title to their farms if for no other reason than that our concepts of democracy, liberty, and property are based upon their land rights, or that it gives us a warm feeling to say that "an Englishman's home is his castle".

No less a response is due the Alaskan natives and their land rights. By the purchase of Alaska we may have extinguished Russia's claim to the right to govern; in no way did it extinguish, any more than did conquests or treaties or purchases at other times in history, the individual rights of the Alaskan inhabitants to title to their land. If we claim that it did, then we are shaking our own foundations most seriously.

It would be a source of great satisfaction to millions of Americans who attempt to live by your national ideals, which are essentially those of fair play between men, if, as we approach our 200th Anniversary, a generation—ours—were at last to begin the practice of fair play with our native fellow citizens. There is no way in which anything can be lost by the swift conveyance of written title; everything stays here. A feeling of consistency and a great deal of self-respect is to be won.

URGENT NEED TO CONTROL POLLUTION

Mr. STEVENSON. Mr. President, in recent years few issues have captured the country's attention more than the urgent need to control the pollution of our environment. This issue has evoked nationwide concern because it affects the immediate well-being of all Americans. Realization of this vital truth has led to increasing demands for responsible political action. The distinguished Senator from Wisconsin (Mr. NELSON) has been championing the environmental cause for many years. He was a leader in the fight against pollution long before it became politically fashionable, and he has compiled an enviable record as a wise and far-sighted authority in this field.

It was largely due to his initiative that Earth Day was established a year ago, and that event was so successful that it was expanded to Earth Week this year by Presidential proclamation. On this occasion, Senator NELSON addressed the Wisconsin Legislature, summing up the achievements of the environmental movement and pointing out some of the difficulties which threaten its future progress. I believe that the speech warrants close attention and study, so I ask unanimous consent that it be printed in the RECORD.

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

REMARKS TO JOINT SESSION OF WISCONSIN LEGISLATURE BY SENATOR GAYLORD NELSON TUESDAY, APRIL 20, 1971

Mr. Speaker, Governor Lucey, Lieutenant Governor Schreiber, Senators, State Representatives, and friends. Thank you for the invitation to speak here today for Earth Week in Wisconsin.

I proposed Earth Week because it seemed appropriate to have an annual environmental observance for the representatives of this and every state to meet to review environmental progress and to set goals and plans for the future.

From the response, it is clear that Earth Week has been established nationwide, with broad support and participation from Alaska and Hawaii to Maine.

It hasn't always been this way. For years, conservationists have been fighting their battles without getting serious attention either from the press, the politicians, the public, or the polluters themselves.

Meanwhile, everybody—institutions and individuals alike—continued to dismiss Pollution as the price of Progress.

And with massive advertising budgets, industry sold the American public on the idea that free enterprise can do our social planning for us, set our national priorities, shape our social system, even establish our individual aspirations.

Pesticide manufacturers convinced the farmers that the panacea for their needs was to dump ever increasing quantities of pesticides on their crops, even though the result has been tougher pests and more pollution.

Automobile manufacturers sold an increasingly affluent American public on instant obsolescence and the idea of two cars for every garage.

Then Government was persuaded to step in with a huge program to lay an apparently endless carpet of concrete which still hasn't been able to accommodate the rising glut of cars and which has resulted in the destruction of mass transportation within our cities and between them.

For the consumer society that had been created, our technology and immense resources cranked out an endless stream of gadgets, with the question always being, Will It Sell, never Is It Safe, Is It Needed, or Will It Pollute.

Polluters managed to frighten off any serious effort at control by calling the smoke coming out of the factories "the smell of prosperity," and threatening to close down if anybody complained.

The result of this headlong pursuit of Gross National Product as our Holy Grail has been environmental destruction we couldn't even have conceived of thirty or forty years ago.

We've seen the Great Lakes being methodically degraded, one after the other, in one of the most shocking environmental tragedies in history.

Lake Erie, for many purposes a dying lake . . . Lake Michigan, under serious assault; Green Bay, its southern end rapidly being converted into another Lake Erie . . . Lake Superior, the largest and deepest, and as yet, the cleanest, of them all, now threatened.

Then thousands of inland lakes clogged and stinking with algae . . . and rivers packed with so many wastes they've sometimes become firetraps.

Now the ocean itself is showing the scars . . . with a twenty square mile dead sea off New York City and raw sewage being swept up the Florida coast in the Atlantic off Miami Beach.

Huge oil spills in the Gulf and in Santa Barbara . . . poisoned air over our great metropolitan areas . . . devastating pollution of many of the major watersheds in the land . . .

DDT in mothers' milk . . . poison gas in Utah sheep and in the Atlantic Ocean . . .

Congestion and blight in every major city . . . billboards and litter from urban slums to the deepest wilderness . . .

Carbon monoxide counts from auto ex-

haust on State Street in Madison soaring to levels comparable to those in Chicago and Philadelphia.

In one way or the other, the environmental crisis exploded everywhere, from Alaska and California to Wisconsin to Maine.

Then, as the sound, sight, smell, and touch of the environmental assault began to impinge on the life of every individual, public concern quietly began to develop across the country.

Finally, on Earth Day last April, that concern flowered in a vast, peaceful demonstration involving tens of millions of people from grade school students to elderly citizens.

For the first time, the issue of environmental quality became a part of the national political dialogue, forcing every public leader in government, schools, churches, business, labor, to take notice.

Successes began to flow from the power of this new, broad-based movement . . .

Congress passed the Clean Air Act setting a deadline for ending automobile pollution and directing new standards on air pollution sources.

The National Environmental Policy Act was passed, requiring an environmental investigation of all Federal projects.

The Environmental Education Act was passed, authorizing new aid and a higher priority for this vital subject.

The first Federal legislation to deal with the environmental dangers of pesticides was enacted.

The Federal subsidy to the SST was rejected, marking an entirely new view of our civilization's idea of progress.

The Corps of Engineers was forced by Congress to stop choking off water to Everglades National Park.

Environmental law firms sprang up across the country, taking the "public interest" as their client. Successful suits delayed the Trans-Alaska Pipeline, forced a review of Federal pesticide policy, and founded broad new concepts of environmental right and responsibility.

In short, environmental action on a broad scale had finally become possible, as people all across the spectrum of American life demanded that the right to a decent environment be adopted as a fundamental aim of this society, just like a decent education, health care, housing, jobs, justice.

In fact, it all happened so fast that many in this country were caught unprepared, still believing the whole issue was a fad, a passing fancy.

Now that it has become apparent the environment is one of the toughest issues the country faces, some of the promises of the recent past have suddenly begun to fade.

While many industrial leaders in this country have moved vigorously to shoulder responsibility for reducing pollution, others have started attacking those who seek a better environment, calling them "doomsday prophets", "eco-freaks", or part of some kind of subversive movement.

Recently, the publisher of LOOK magazine, Thomas R. Shepard, Jr., blasted away at what he described as "the Disaster Lobby" in a Wisconsin speech.

Presumably out in front as a speaker for some of his advertisers, the publisher attacked everybody from opponents of indiscriminate pesticide use to the advocates of automobile seat belt installation and truth-in-packaging.

Mr. Shepard levelled the favorite charge in the current smear campaign: You're attacking the free enterprise system.

What the allegation really means is, "Give us the profit and you take the pollution."

Then in a speech a few weeks ago, General Motors Chairman John M. Roche launched a wild, swinging attack on corporate critics including environmentalists, making the incredible charge that these critics are assaulting America's reputation, creating an unfairly negative image of American corporations, and threatening the entire system of private business.

These are strong words coming from the head of the company which, with the other U.S. automakers, was charged by the government with engaging for 15 years in a conspiracy not to compete in the development of pollution control devices for the automobile.

The automakers finally negotiated an agreement with the government to refrain from such collusion in the future—meanwhile, suits filed on the same basis by a total of 28 states are still pending.

If the automakers had been working all that time—from 1953 to 1968—to develop pollution controls, we'd have a clean internal combustion engine by now.

This has not been the kind of corporate responsibility we should expect from the nation's biggest company.

In the most dramatic example of all of the new special interest assault, when it became apparent in December that the SST could go down to final defeat, the plane's supporters pulled together a massive coalition backed by hundreds of thousands of dollars.

In the effort to intimidate Congress and the American consumer into another unquestioning acceptance of a new technology with global environmental dangers, conservationists were labelled "extremists" and their concerns dismissed as "anti-progress."

When the President sent his modest, but sound environmental package to Congress, 200 U.S. industrialists, including some of the nation's largest polluters, went to the White House two days later to express their deep concern.

And in recent Congressional testimony, the National Association of Manufacturers threw their weight against standards that would require sound, effective pollution controls everywhere in the nation.

The crucial fact that the anti-conservation lobby insists on ignoring—and wants the rest of the country to ignore too—is that the cost to this country of the current pollution is massively greater than the cost of actually cleaning it up.

Every one of us has actually been paying a huge annual tax in the form of costs for pollution damages, and the dirtier the environment gets, the larger the bill becomes.

Under the false economy of the pollution status quo, dirty air does $13 to $15 billion in property damage in the United States annually. Yet for $7.5 billion, or about half the damage cost, some 80 percent of the problem could be eliminated.

Or if air pollution levels in major urban areas were reduced by 50 percent, the nation would save more than $2 billion in health bills alone, according to a recent study.

Water pollution does an estimated $12 billion in property damage each year . . . plus the immeasurable loss of a Lake Erie; or of a beautiful, productive wetland; or of an estuarine area, or of life and productivity in the ocean itself.

Solid waste . . . the mounting litter and garbage of our consumer society . . . levies additional billion dollar damage costs.

Strip mining is destroying the economic future of entire regions in the name of the easiest, cheapest way out of meeting our resource demands.

And while indiscriminate pesticide use continues to pose ever greater worldwide environmental hazards, farmers using other pest control alternatives are saving money while producing better quality crops.

All told, no one has ever successfully tried to estimate the total environmental damage bill we pay each year in ruined health and property, spoiled recreation, devastated resources, and diminished quality of life for all.

To sum up, this first Earth Week we find the environmental movement at a vital crossroads.

Either it will founder on industry scare tactics designed to defend what many have considered their right pollute.

Or it will reject the present attack and marshal the massive cooperative effort necessary to confront the fundamental problems posed by the environmental crisis.

Either we will let the old arguments and myths prevail, the old refrains by those who would preserve the frontier day attitudes that have polluted our air and water and scarred our land from coast to coast.

Or we will recognize and establish pollution control and in the near future the recycling of all wastes as good business for shareholders and the public alike.

To achieve a decent environment, the new standards must be tougher than ever before . . . for everybody.

From now on, the environmental commitment of politicians and industry will be measured not by their Promises but by their Performance.

Never again will there be another major campaign like the one in 1968 where all the Presidential candidates ignored the environmental issue. The environmentally-concerned American public is approaching the point where it will defeat the candidate who impedes environmental progress and will boycott any foot-dragging industrialist.

Our new goal is not No Technology, but New Technology designed to find ways of making all "wastes" valuable resources out of place that are circulated back into the economy instead of landing in the river or the sea.

Our goal is New Jobs and New Industry in environmental technology; in designing and building mass transportation; in restoring our urban areas and building new towns.

Our goal is a new measure of American progress, whose index is Gross National Quality, not just Gross National Product.

The cost of achieving a clean environment will be substantial . . . the cost of not acting will be greater than we have ever imagined.

In conclusion, I would like to quote an article from the Des Moines, Iowa, Register on Earth Day last year: ". . . Granted that ideas and institutions long established are not easily changed; yet today is the first day of the rest of our life on this planet. We will begin anew."

This is as appropriate today as it was last April 22nd. We have only just begun. We have the means, but only if we have the will.

And let me add that with the excellent and far-reaching package he has presented here today, Governor Lucey has taken a giant step forward in the effort to restore and protect the Wisconsin environment. These proposals reflect the Governor's initiative, creativity, and determination to meet the environmental challenge of today and tomorrow.

NATIONAL PETROLEUM RESERVES

Mr. PROXMIRE. Mr. President, a great deal of discussion has been devoted to alternatives to the present oil import quota program which is costing the American economy over $5 billion a year.

President Nixon's Cabinet Task Force on Oil Import Control recommended a

shift to tariffs as a means of controlling imports. Others, including General Lincoln, the head of President Nixon's Oil Policy Committee, have suggested that we ought to develop the technology to produce oil from oil shale or from coal economically.

Mr. President, one of the most promising alternatives that I have seen is the development of national petroleum reserves that would enable us to counter any threats to interrupt our supply of oil. It appears to be the most efficient means of protecting our national security.

Professors Mead and Sorensen have written an excellent analysis of the concept which is to be published in the University of Wisconsin's August 1971 issue of Land Economics. I ask unanimous consent that it be printed in the RECORD.

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

A NATIONAL DEFENSE PETROLEUM RESERVE ALTERNATIVE TO OIL IMPORT QUOTAS†

(By Walter J. Mead* and Philip E. Sorensen**)

The net social cost to the nation of the oil import quota system is estimated to be between one and four billion dollars annually. Quotas were originally instituted and now wholly justified on national security grounds. But an alternative program is available which offers both a known present degree of national security at lower cost and a higher degree of long-run national security. This paper presents the case for that alternative program.

OIL IMPORT QUOTAS

During World War II the United States shifted from a net oil exporting country status to a net importer status. In the postwar periods, imports expanded rapidly such that in 1957 crude oil imports amounted to 11.6 per cent of domestic demand. Faced with increasing foreign competition, the domestic oil industry, joined by the coal industry, persuaded the federal government to institute a program of voluntary restrictions on crude oil imports in 1957. The voluntary program proved to be ineffective and on March 10, 1959, President Eisenhower, by proclamation, ordered mandatory import quotas.

The President stated that "the basis of the new program, like that for the voluntary program, is the certified requirements of our national security which make it necessary that we preserve to the greatest extent possible a vigorous, healthy petroleum industry in the United States." The Trade Agreements Extension Act of 1955 provided that "whenever the Director of the Office of Defense Mobilization (hereinafter referred to as ODM) has reason to believe that any article is being imported into the United States in such quantities as to threaten to impair the national security, he shall so advise the President," and that the President "shall take such action as he deems necessary to adjust the imports of such article to a level that will not threaten to impair the national security." On April 23, 1957, and again on February 27, 1959, directors of ODM certified to the President that "Crude oil and the principal crude oil derivatives and products were being imported in such quantities and under such circumstances as to threaten to impair the national security." Neither the certifications nor any studies submitted prior to the certifications provided an economic analysis of the oil-import national-security relationship. There was no estimate of the economic cost of oil import restriction and there was no estimate of alternative means of satisfying a national security requirement.

A major motive of the oil industry in pressing for import quotas, as for any industry asking for a restriction in competition, was to obtain a higher price for its domestic product. The import quota system limits imports into Petroleum Administration Districts I to IV (the area east of the Rocky Mountains) to 12.2 per cent of estimated domestic production in these districts. Imports into District V (the area west of the Rocky Mountains including Hawaii and Alaska) are limited to the difference between (1) the sum of District V domestic production, shipments from Districts I–IV into District V, and overland imports from Canada and Mexico, and (2) total demand (at the desired price) in that District as estimated by the Bureau of Mines. Given this limitation on foreign supply, the price of crude oil in the United States has increased and the gap between United States crude prices and world prices of crude oil has widened until 1970. The Cabinet Task Force on Oil Import Control concluded that Middle Eastern crude oil could be imported into the United States at a free trade cost of $2.14 per barrel. Adding the existing tariff of 10½ cents per barrel the delivered price in the absence of quotas would be about $2.25 per barrel. The East Coast delivered price of domestic crude was estimated at $3.89 per barrel. Thus the East Coast premium due to oil import quotas was about $1.65 per barrel.[1] Market place support for this conclusion is offered in the fact that import quota tickets distributed free of charge to domestic refiners in 1969 traded at about $1.50 per barrel.[2]

The import quota system fails in several respects as a solution to the national security problem. Given import restrictions, domestic prices of crude oil and finished petroleum products rise above their free market levels. Thus (a) an economic efficiency problem is created. High domestic crude oil prices lead producers to develop submarginal fields and continue to produce from inefficient wells. Resources are misallocated and in the process the nation's security is damaged. (b) Restrictions on imports force the United States to accelerate the rate at which it depletes its domestic reserves. Since oil is a non-renewable resource, future security is sacrificed in order to obtain present security. (c) Industries such as the petrochemical industry which use oil as a feed stock in producing products sold on world markets are placed in a non-competitive position. These industries thus have an incentive to establish plants abroad. (d) The question of distributive equity arises. Consumers must pay higher prices for refined products while owners of crude oil resources receive windfall gains. The cost of whatever degree of national security we purchase through quotas is in no sense equally shared. (e) Finally, import quotas are not an effective method for securing a specific level of national security since there is no necessary relationship between the quota, on one hand, and the volume of reserve productive capacity on the other. In view of these problems we should inquire—is there a better way to meet our national security requirements?

THE NATIONAL DEFENSE PETROLEUM RESERVE PROPOSAL

The most attractive alternative method of providing a reliable future petroleum supply for security purposes appears to be a shut-in domestic petroleum reserve. McDonald has suggested that the Federal Government "purchase wholly or partially developed petroleum reservoirs and set them aside as a reserve to be drawn upon in the event of emergency."[3] This "explicit national defense reserve" would utilize the lowest cost method of oil storage, its in-situ natural state. Where entire reservoirs are dedicated to a national defense reserve and properly maintained, there is no loss through oil migration, evaporation, or deterioration. That quantity of petroleum estimated to be needed for future emergency supply may be provided by reservoir acquisition. If the need for reserves increases, additional reservoir purchases can be made. Geographical needs for reserve capacity may be provided by appropriately located acquisitions and by pipeline construction. The present import quota system, in contrast, is haphazard. In various ways, both domestic and foreign exploration and production are heavily subsidized, but no provision is made for an explicit reserve capacity. If excess capacity is equal to national defense needs, it is purely a chance event.

The Record of Naval Petroleum Reserves.— There is a little known but highly significant history of military petroleum reserves in the United States. In 1909, President Taft, by executive order, temporarily withdrew from the public domain 38,073 acres of potential oil land located in the Elk Hills field southwest of Bakersfield, California, an area later designated as Naval Petroleum Reserve No. 1. Subsequent additions to this Reserve have increased the total acreage to 46,095 acres, of which 81 per cent (79 per cent of the known oil) is owned by the Federal Government. The remaining 19 per cent is owned by Standard Oil Company of California.[4] In June, 1944, the Federal Government entered into a "Unit Plan Contract" with Standard which gave to the Navy "full and absolute power to determine from time to time the rate of prospecting and development on, and the quantity and rate of production from, the Reserve," including the right to "shut in wells on the Reserve if it so desires."[5]

Estimates provided by the Navy indicate that the Elk Hills Petroleum Reserve as presently developed contains 1,363,435,000 barrels of recoverable oil (utilizing known primary recovery methods), plus 1.8 trillion cubic feet of gas. This oil reserve amounts to approximately one-third of the current annual United States crude oil consumption. The current rated efficient productive capacity of the Elk Hills Reserve is 160,000 barrels per day (58.4 million barrels per year) available on a 60-day notice basis. The Navy has also estimated that with an additional $100 million for capital investments, the 60-day emergency productivity of this Reserve could be efficiently increased to 350,000 barrels per day (127.75 million barrels per year) which would approximately equal current foreign imports into the West Coast, not counting imports from Canada. Initial output levels may be increased further with additional development investments.

Reserves in the Elk Hills field are currently known to be in three different zones. The largest is the Stevens zone, estimated by the Navy to contain 854.15 million barrels[6] or nearly two-thirds of the presently known Elk Hills Reserve. This zone is partially developed by 236 wells. All but one of these is in complete shut-in status but fully producible on a 60-day notice. The single exception is producing from a different Stevens zone field inside the Elk Hills Unit and is operating only to protect the Reserve from an adjacent well operated by Atlantic-Richfield Company. This single well is currently producing at a rate of only 20 barrels per day. In addition, outside of the Elk Hills Unit several operators are producing on private land from Stevens zone oil. This has forced the Navy to produce approximately one million barrels per year from adjacent Reserve lands.

The Shallow zone in the Elk Hills Reserve had its static equilibrium disturbed by early and wartime production and is subject

Footnotes at end of article.

to water encroachment and possible migration to privately owned properties outside of the Reserve unit. In order to protect its reserve the Navy is producing approximately one million barrels of oil per year from this zone to evaluate equipment, monitor reservoir performance and prevent water encroachment. This amounts to 0.3 per cent of the estimated reserves in this zone. Finally, some production is taking place from the least developed and the smallest of the three zones, the Carneros. Annual production currently amounts to about 0.4 per cent of its estimated reserve.

In addition to the Elk Hills Reserve, there are three other designated naval petroleum reserves. Oil was discovered in the Buena Vista Hills area, immediately south of the Elk Hills Reserve in 1910. In 1912, President Taft set aside 30,181 acres as Naval Petroleum Reserve No. 2. However, 63 per cent of this acreage was already subject to private claims, and thus only 37 per cent of NPR No. 2 is in government ownership. Unlike Elk Hills, this Reserve is not covered by a unit operating agreement. Consequently, private owners are producing oil from this field on a commercial basis and the Navy, in order to protect the public interest in the Reserve, has been forced to lease its mineral interests for commercial production. Thus, NPR No. 2 is not a true national defense petroleum reserve but is, rather, in the same defense status as an existing productive oil field in private ownership. As of January 1, 1969, NPR No. 2 had estimated reserves (Navy owned) amounting to 23,054,200 barrels of oil, and its current annual production, 2.6 million barrels, is approximately 11 per cent of its remaining reserves. It has no additional standby capacity.

Naval Petroleum Reserve No. 3 is more renowned for its scandalous history than as a petroleum reserve. By executive order, President Wilson designated the Teapot Dome area in Wyoming as a naval petroleum reserve in 1915. In 1921 President Harding transferred administration of the petroleum reserves from the Navy to the Secretary of the Interior. In 1922 the Teapot Dome Reserve was leased to the Mammoth Oil Company formed by Harry F. Sinclair, while Elk Hills reserves were leased to the Pan-American Petroleum and Transport Company, owned by Edward L. Doheny. The U.S. Supreme Court determined that the lease arrangements were products of "conspiracy, corruption and fraud" and ordered the lands to be returned to the Navy in 1927. Following the Supreme Court judgment, the Teapot Dome Reserve was shut-in until 1952. In 1949 and 1959, oil was discovered on private lands adjacent to the Reserve and the Navy was subsequently forced to withdraw oil from the Reserve in order to avoid a drainage loss. In 1968 production from NPR No. 3 amounted to 313,000 barrels. Estimated reserves are a relatively modest 50 million barrels. Thus, protective production is running at a rate of 0.6 per cent per year.

Since oil is a migratory common property resource, commercial production from adjacent private lands drawing on the same oil reservoir has forced the Navy to engage in matching commercial production from the above three Reserves in order to protect the public ownership. This production is contrary to national defense reserve objectives. The obvious solution is for the Federal Government to purchase adjoining private interests that tap reservoirs which are part of the Reserves. To date, funds have not been made available for this purpose.

Naval Petroleum Reserve No. 4 was established in Alaska by President Harding by an Executive Order signed in 1923. This Reserve encompasses 23,680,000 acres which is more than 500 times as large as Elk Hills in terms of geographical area. It is located on the North Slope of Alaska directly west of the major Prudhoe Bay discoveries. Although three oil fields have been discovered and gas is currently being produced, the total Reserve has not been adequately evaluated. A drilling program carried on between 1944 and 1953 was limited to the relatively shallow Cretaceous zones, while the deeper zones in which Prudhoe Bay oil has been found have not yet been explored. Estimates concerning the recoverable reserves from NPR No. 4 have varied from 4 to 25 billion barrels.[7]

For NPR No. 4 to qualify as a ready reserve, standby delivery capacity must be made available. The Cabinet Task Force on Oil Import Control estimated that a 3 million barrel per day standby capacity would require a pipeline from the North Slope to Valdez, Alaska having an initial cost of $1.9 billion. Furthermore, in order for this reserve capacity to be of maximum military use, oil should be delivered by pipeline to the Chicago area. This involves an additional, but not estimated, cost. Annual maintenance cost for the pipeline only is assumed by the Task Force to amount to $20 million per year. The high cost of idle capacity under Arctic conditions may be offset by some potential advantages in terms of reserve size and absence of private claims within the Reserve.

The Opportunity Cost of a Petroleum Reserve. The merits of the explicit National Defense Petroleum Reserve proposal must be judged, first, on the basis of its net social cost relative to alternative methods, and second, by comparison of the physical effectiveness of the proposed and alternative methods of supplying oil in emergencies.

The social cost of the proposed alternative is the cost of foregone opportunities, plus the cost of standby equipment maintenance and of standby pipeline capacity. By holding otherwise productive reserves idle, we forego the right to produce oil on an economic liquidation basis. The foregone opportunity involves an interest cost on the immobilized capital. This cost will be estimated by calculating the market price for a developed petroleum reservoir such as Elk Hills, and then imputing an interest cost to the immobilized capital in order to obtain an annual capital cost. We will then add the estimated cost of continuing maintenance for a shut-in reserve held in standby status. We must identify the annual cost of maintaining all of the necessary equipment for an operating oil field, even though the field in fact is shut-in. Finally, we will add the estimated annual capital and maintenance cost for standby pipeline capacity which must be available to connect the reserve field with a pipeline grid.

In order to estimate the costs outlined above, we will use the Elk Hills Petroleum Reserve as a case study. Elk Hills is currently the most fully shut-in of the nation's developed oil fields. Further, there is an adequate cost history of shut-in field management at Elk Hills that may be drawn upon. In order to estimate the important capital costs, we will determine the price that a willing buyer would pay to a willing seller to acquire an entire oil field such as Elk Hills. We assume that this figure will be representative of the per-unit capital cost of meeting any defined level of national security needs by means of reserve expansion.

The present value of a delineated petroleum reserve in its future wellhead value, minus both the additional capital costs necessary to recover the oil and the lifting costs, all discount to the present. The Elk Hills Reserve is estimated to contain 1,363,435,000 barrels of oil. Assuming an orderly rate of commercial production at a stable daily output for five years, followed by a logarithmic declining output thereafter for a total 43-year depletion period, the initial level of production amounts to 127,750,000 barrels per year. The annual output based on this production schedule is shown in Table 1. Using early 1970 oil prices, the wellhead value of Elk Hills oil was $3.00 per barrel.[8] The cost of lifting the oil would be low during the early period of production and would rise steadily thereafter as field pressure is reduced. We have accepted Navy estimates that the initial lifting cost would amount to 25 cents per barrel and would increase logarithmically thereafter until the 43rd year when the lifting cost would equal the value of the oil. At this point production would cease.

As noted earlier, the Navy has estimated that an additional $100 million of investment is necessary for full field development of the two currently known major reservoirs of the Elk Hills Reserve. We have assumed an additional $20 million capital investment for each of the first five years of production.

Table I shows estimated net income from commercial operation of the Elk Hills Petroleum Reserve, by year, through the productive life of the field. In order to compute the present value of expected future net income we need a discount rate which a representative oil company would use to capitalize income from an oil field. The present value thus obtained would approximate the price a willing buyer would pay to a willing seller for an oil property such as Elk Hills.

Footnotes at end of article.

TABLE 1.—ESTIMATED NET BEFORE-TAX INCOME, DISCOUNTED TO OBTAIN A PRESENT VALUE FOR THE ELK HILLS NAVAL PETROLEUM RESERVE

	Production (thousand barrels of oil)	Value at $3.00/bbl. for oil, plus gas at 41¢/bbl. of oil=$3.41 [1]	Lifting cost per barrel	Total lifting cost	Additional capital cost (millions)	Before-tax net income (value less costs)	Present value at 18 percent discount
Year:							
1	127,750	$435,627,500	$0.25	$31,937,500	$20	$383,690,000	$325,158,006
2	127,750	435,627,500	.25	31,937,500	20	383,690,000	275,558,484
3	127,750	435,627,500	.25	31,937,500	20	383,690,000	233,525,245
4	127,750	435,627,500	.25	31,937,500	20	383,690,000	197,899,628
5	127,750	435,627,500	.25	31,937,500	20	383,690,000	167,710,899
6	117,205	399,699,050	.27	31,645,350		368,023,700	136,327,019
7	98,277	335,124,570	.29	28,500,330		306,624,240	96,255,481
8	88,405	301,461,050	.31	27,405,550		274,055,500	72,906,980
9	69,096	235,617,360	.33	22,801,680		212,815,680	47,979,295
10	57,937	197,565,170	.35	20,277,950		177,287,220	33,872,496
11	48,581	165,661,210	.38	18,460,780		147,200,430	23,833,222
12	40,735	138,906,350	.41	16,701,350		122,205,000	16,768,000
13	34,156	116,471,960	.44	15,028,640		101,443,320	11,795,829
14	28,640	97,662,400	.47	13,460,800		84,201,600	8,297,226
15	24,015	81,891,150	.50	12,007,500		69,883,650	5,835,984

Footnote at end of table.

	Production (thousand barrels of oil)	Value at $3.00/bbl. for oil, plus gas at 41¢/bbl. of oil=$3.41 [1]	Lifting cost per barrel	Total lifting cost	Additional capital cost (millions)	Before-tax net income (value less costs)	Present value at 18 percent discount
16	20,136	$68,663,760	$0.53	$10,672,080		$57,991,680	$4,104,071
17	16,884	57,574,440	.57	9,623,880		47,950,560	2,875,595
18	14,157	48,275,370	.61	8,635,770		39,639,600	2,014,881
19	11,870	40,476,790	.65	7,715,500		32,761,200	1,411,025
20	9,953	33,939,730	.70	6,967,100		26,972,630	984,501
21	8,346	28,459,860	.75	6,259,500		22,200,360	686,657
22	6,998	23,863,180	.81	5,668,380		18,194,800	476,886
23	5,868	20,009,880	.86	5,046,480		14,963,400	332,337
24	4,920	16,777,200	.92	4,526,400		12,250,800	230,560
25	4,126	14,069,660	.99	4,084,740		9,984,920	159,259
26	3,459	11,795,190	1.06	3,666,540		8,128,650	109,899
27	2,901	9,892,410	1.14	3,307,140		6,585,270	75,467
28	2,432	8,293,120	1.22	2,967,040		5,326,080	51,716
29	2,039	6,952,990	1.30	2,650,700		4,302,290	35,408
30	1,710	5,831,100	1.40	2,394,000		3,437,100	23,956
31	1,434	4,889,940	1.50	2,151,000		2,738,940	16,187
32	1,202	4,098,820	1.60	1,923,200		2,175,620	10,878
33	1,008	3,437,280	1.71	1,723,680		1,713,600	7,266
34	845	2,881,450	1.83	1,546,350		1,335,100	4,793
35	709	2,417,690	1.96	1,389,640		1,028,050	3,125
36	594	2,025,540	2.11	1,253,340		772,200	1,992
37	498	1,698,180	2.26	1,125,480		572,700	1,248
38	418	1,425,380	2.40	1,003,200		422,180	781
39	350	1,193,500	2.60	910,000		283,500	445
40	294	1,002,540	2.78	817,320		185,220	250
41	246	838,860	2.98	733,080		105,780	120
42	207	705,870	3.10	641,700		64,170	61
43	34	115,940	3.41	115,940		0	0
Total	1,369,435	4,669,773,350		465,496,610	100	4,104,276,740	1,667,343,242

[1] Gas is valued at 31¢/MCF at Elk Hills. The reserve estimates indicate that there are 1,363 cu. ft. of recoverable gas per barrel of oil. Thus, the value of the associated gas is 41¢/barrel of oil.

We have used an 18-per cent rate to discount *before-tax* net income. Given the existence of the depletion allowance and other tax arrangements favorable to oil production, oil industry taxes are minimal. In 1968, the twenty-one largest United States oil companies had an average effective federal income tax rate of 7.7 per cent.[9] From 1962 through 1968 this average tax rate varied from a low of 4.0 per cent to a high of 8.3 per cent. Accordingly, an 18-per cent before-tax rate of return in the oil industry is equivalent to approximately 16.6 per cent *after taxes*. Given the degree of risk involved in estimating oil reserves, together with uncertain future events (including tax legislation), an 18 per cent discount rate for *before-tax* income appears reasonable.[10]

We conclude that the present value of the Elk Hills Reserve is $1,667 million. The social cost of this immobilized capital is the annual interest cost. Utilizing a six per cent social time preference rate, the annual interest cost is $100.2 million or (dividing by 1,363,435,000 barrels of reserve) 7.3 cents per barrel of reserve per year.[11]

In addition, annual maintenance costs on the idle production facilities and management expenses must be estimated. To fulfill its objectives, a National Defense Petroleum Reserve must be maintained in a perpetual state of readiness. The equipment must be replaced when it deteriorates or becomes obsolete. These costs are avoidable by liquidating the Reserve and are therefore chargeable to it. In fiscal year 1969, total management costs (including administrative expenses) for the entire Elk Hills Reserve were $3,876,036. A four-million-dollars annual expenditure for maintenance and management is believed to be adequate. This amounts to 0.3 cent per barrel of reserve per year.

Finally, standby pipeline capacity must be available to transport oil to its major markets, or to connecting pipelines. Oil production from private lands surrounding the Elk Hills Reserve has been declining and idle pipeline capacity happens to exist at the moment. However, owners of these pipelines will expect to be compensated for providing continuing standby capacity. Furthermore, we are interested in generalizing our findings to other similar fields which might be purchased and added to the nation's petroleum reserves. Accordingly, we must estimate the social cost of standby pipeline capacity consisting of interest on an amortization of invested capital, plus maintenance costs. A 36-inch pipeline 100 miles long running from Elk Hills to Los Angeles involves a capital cost of about $50 million. Pumping stations and other facilities add another $10 million. Annual maintenance charges would amount to about $250,000. Assuming a 30 year pipeline life and that the pipeline company requires an 18 percent[12] before-tax yield on its invested capital, the annual interest and amortization cost amounts to $10.9 million. Adding the $250,000 annual maintenance cost this totals 0.8 cents per barrel of reserve per year.

The sum of all estimated annual social costs for a petroleum reserve similar to the Elk Hills Reserve is $115,350,000. This amounts to 8.5 cents per barrel of reserve per year.[13] Reserves can be made available indefinitely at approximately this cost by purchase of additional oil fields for inclusion in the Reserve system. Fields located far from a pipeline grid or in an environment involving high maintenance costs will involve slightly higher annual expenditures.

If a higher level of emergency production is desired, closer well spacing, additional field production facilities, larger pipeline capacity, and greater pumping capacity would be necessary, requiring additional investment commitments. Initial emergency production would be higher than provided in the commercial production schedule shown in Table I. The Navy estimates that with an additional investment of $278 million, initial year emergency production amounting to 453 million barrels may be attained (instead of 127.75 million barrels.)[14]

Again using a 6 per cent social time preference rate, the annual cost (interest and amortization) of an additional $278 million investment is $20.2 million. Standby maintenance costs would increase annual charges by another $10 million. Adding this to the $115,250,000 estimated above, we arrive at an annual social cost of $145.5 million. Thus, the annual cost of holding 1,363,435,000 barrels of oil in reserve indefinitely at a higher rate of initial emergency production becomes 10.7 cents per barrel of reserve.

Alternatively, the social cost of an in-situ reserve may be expressed as a cost per barrel of additional emergency oil supplies in some time period, say one year. Thus, the initial 453 million barrels of reserve production capacity is available at a carrying cost of $145.5 million, or 32 cents per barrel, for the initial year.

Comparison of the Import Quota and the Petroleum Reserve Alternatives. The social cost of the existing system of import quotas has been estimated by both the Charles River Associates and by the U.S. Department of the Interior. The CRA Study concluded that the annual social cost amounted to $3.9 billion.[15] The Department of the Interior estimated lower costs of the present system for two years, 1975 and 1980, under minimum and maximum assumptions about domestic production in these years.

Prorationing is assumed to continue under the quota system.[16] Resolving this difference of opinion and assumptions in favor of the quota system, we will use the USDI estimates of import quota costs, assuming a low level of domestic production in the absence of quotas.[17]

According to the analysis of the Interior Department, the import quota system will stimulate an increase in domestic crude oil production (in 1975) by 2.17 billion barrels at a social cost of $2.26 billion. This amounts to $1.04 per barrel of additional domestic production. Thus, utilizing the most favorable estimate of quota system costs, we find that the cost of providing petroleum for national defense emergencies is clearly less expensive under the National Defense Petroleum Reserve proposal (31 cents per barrel of initial year production) than under the quota system ($1.04 per barrel of annual production). Whereas shut-in petroleum reserves can be maintained indefinitely at the relatively low cost of 8.5 cents per barrel of reserves, high level domestic production of a non-renewable resource as provided by the quota system cannot be perpetual. Further, the already high cost of domestic production stimulated by the quota system will increase persistently as we continue to exhaust the lowest cost domestic reserves.

The Interior Department has also studied and published estimates on several alternatives to import quotas, not including a shut-in petroleum reserve alternative. (See Table II) According to the Interior Department analysis, salt dome storage at $0.39 per barrel per year is the least cost alternative studied.[18] While this alternative is considerably cheaper than import quotas, it is more expensive than shut-in petroleum reserves for the following reasons: (1) Oil for storage must be purchased in the current market rather than at a discounted present value from some fu-

Footnotes at end of article.

ture production date. (2) It must bear a lifting cost. (3) The purchased oil must be transported to the site of the salt dome. (4) Finally, it must bear the cost of pumping back into the ground for storage. Recovery and storage involve high capital costs on which interest must be computed. Finally, salt dome storage involves a net loss of some of the oil placed in storage.[19]

TABLE II.—COST OF STRATEGIC OIL RESERVE ALTERNATIVES

[Dollars per barrel per year of additional reserves]

Program	1975	1980
1. Salt dome storage	0.39	0.39
2. Oil shale, case II [1]	[2] 1.45	[2] .51
3. Present program (modified to exclude prorationing)	.67	.68
4. Oil shale, case I [1]	[2] 1.45	[2] .68
5. Steel tank storage	.98	.98
6. Present program (with continued prorationing)	1.04	1.04
7. Subsidize oil exploration, case I [3]	[4] 1.12	[4] 1.17
8. Oil from coal	[5] 1.35	[5] 1.35
9. Subsidize oil exploration, case II [3]	[4] 1.56	[4] 1.64

[1] Oil shale, case II assumes that an improved technology is introduced early enough to affect 1980 costs whereas case I assumes delayed technological innovation.

[2] 105,000 barrels per day available in 1975. 1,000,000 barrels per day available in 1980.

[3] Subsidy case I assumes a straight subsidy whereas case II assumes this subsidy plus a large field incentive.

[4] 3,500, 000 barrels per day available in 1978. 5,000,000 barrels per day available in 1981. 6,000,000 barrels per day available in 1983 at $1.21 per barrel for case I; $1.69 per barrel for case II.

[5] 100,000 barrels per day available in 1975. 1,000,000 barrels per day available in 1980.

Source: Letter from Mr. John Licca, Deputy Director, Office of Oil and Gas, U.S. Department of the Interior, to Mr. Phillip Areeda, Executive Director, Cabinet Task Force on Oil Import Control, Sept. 19, 1969. Table 1.

With respect to reserve reliability, there are additional doubts regarding the merits of restricting the importation of oil as a means of promoting U.S. national security. The Cabinet Task Force commented as follows. "The fixed quota limitations . . . bears no reasonable relation to current requirements for protection either of the national economy or of essential oil consumption. The level of restriction is arbitrary and the treatment of secure foreign sources internally inconsistent."[20] The economic rationalization behind import restrictions is that higher crude oil prices are needed in order to induce operators to explore for and develop new petroleum reserves. While the theory in general is valid for a limited time horizon, there is no specific relationship between the limitation of imports, on one hand, and the particular level of desired spare productive capacity, on the other. In fact, the reserve-to production ratio in the United States has been declining persistently, until the Prudhoe Bay discoveries in Alaska. In 1960 the ratio of proved reserves to annual crude oil production was 12.8. By 1969 this ratio had declined to 9.3. This decline in the reserve-to-production ratio should in fact be expected. Petroleum is a non-renewable resource. While higher prices will initially bring forth both expanded exploration and new discoveries, the best prospects will be exploited first. Having had favorable tax treatment for oil in the form of depletion allowances since 1926, and having had mandatory import restrictions since 1959, both exploration and production have been stimulated for an extended time period. The best prospects have been exploited, leaving the worst prospects for the present and future. This, indeed, is the major shortcoming of an oil import restriction program. It sacrifices future national security in order to obtain a higher degree of current self-sufficiency.

The Petroleum Reserve proposal, in contrast, would permit any desired level of strategic reserve. If reserve needs increase, reserves may be expanded through additional purchases. Having guaranteed whatever level of national security is desired, the nation would then be free to import low-cost foreign crude oil for current needs.

Whereas the Petroleum Reserve proposal provides for an increase in oil supplies from secure domestic reserves, the import quota system stimulates domestic exploration and development and thereby increases annual domestic supplies. The Quota system provides no reserve production capacity which may be drawn upon for additional oil supplies in the event of an emergency.

National security objectives are served when a nation allocates its scarce resources in an efficient manner. Whereas the present system of import quotas leads to high cost production and permits well-known pro-rationing inefficiencies, the Petroleum Reserve proposals, in the absence of quotas and prorationing, would permit the free market to allocate resources in a relatively more efficient manner.

McDonald has warned that there are some administrative problems arising out of both acquisition of a Petroleum Reserve system, and its management. Selection and valuation of reservoirs pose difficult problems since some of the most important variables are not subject to precise measurements. Multiple ownership interests raise equity problems. Favoritism charges might be heard frequently. Community pressure for various objectives might be mounted against the federal government. Once a large reserve has been established, producers might object that it would be used to exert governmental pressure on crude oil prices. Rules would be needed governing the start-up and close-down conditions. These, and perhaps other problems, must be compared with the lower cost and greater effectiveness of the proposed Petroleum Reserve system. And it should be noted that the present import quota system has its own serious set of administrative problems.

CONCLUSIONS AND PUBLIC POLICY IMPLICATIONS

A shut-in National Defense Petroleum Reserve is found to be the lowest cost available means of providing a national defense petroleum reserve as an alternative to the present oil import quota system. The social cost of this in-situ storage system is limited to the interest cost on the immobilized investment, the incremental maintenance and management expenditure, and the cost of standby pipeline facilities. The total social cost of this form of national defense reserve is estimated at 8.5 cents per barrel of reserves per year or 31 cents per barrel of additional emergency oil supplies for one year. This is significantly lower than the social cost of the present system of import quotas estimated at $1.04 per barrel per year, calculated on the basis of additional costs to society of incremental domestic production induced by the quota system. The second most attractive reserve alternative is oil storage in salt domes, estimated at 39¢ per barrel per year.

It is reasonable that in-situ storage should be the lowest cost possible storage form. Like any storage arrangement, society foregoes immediate consumption and must therefore bear the interest cost of an immobilized resource. In addition, any storage form will involve costs for equipment and standby pipeline capacity. However, unlike both salt dome storage and steel tank storage, there is no need to first recover the oil, transport it to a storage location and then replace it in storage. Furthermore, where an old field is 100 per cent owned by the Reserve, there is no cost of seepage, evaparation, or deterioration in field storage. Unlike the present oil import quota system, the shut-in storage proposal involves no interference with the market mechanism, and there is no consequent misallocation of resources due to artificially high domestic prices of oil and production from inefficient wells. Since the shut-in reserve proposal does not involve subsidized current production, it does not require a cash subsidy from consumers to owners of oil resources. The reserve proposal provides for an emergency increase in domestic oil supplies, not provided by the present system. Finally, since the proposal does not subsidize current production from dwindling U.S. petroleum reserves, it does not require that future national security be sacrificed in favor of immediate security.

Three public policy implications follow from this analysis. First, on June 11, 1970, President Nixon sent to Congress a draft of a bill to terminate twenty oil leases on federal lands in the Santa Barbara Channel and to compensate the lessees by producing and selling oil from the Elk Hills Naval Petroleum Reserve. The bill provided that "the Secretary of the Navy is authorized and directed to produce, by whatever means he deems necessary, sufficient oil from Naval Petroleum Reserve Number One to fulfill the requirements" for reimbursement of the lessees. The amount of the reimbursement is to be determined by legal action in the United States District Court. According to one estimate, the ultimate compensation may be in the area of $300 million.[22] If the payment required is near this amount, approximately 100 million barrels (about 7 per cent of the total Reserve) will have to be withdrawn from Elk Hills. While repurchase of the twenty oil leases in the Santa Barbara Channel may be appropriate given the environmental problems, there is no necessity to compensate the lessees with petroleum from a national defense Reserve. Instead, compensation for lease cancellation should pass through the normal Congressional appropriation procedures. This proposal failed in the 91st Congress and has been expanded and resubmitted to the 92d Congress. The new bill expands from 20 to 35 the number of leases to be repurchased. It further provides for exploration of Petroleum Reserve Number Four, for compensating both the Interior Department and the Justice Department for administrative costs arising out of the repurchase program, and for reimbursing the Treasury Department for rental income lost due to the lease cancellation, all to be financed by production and sale of Elk Hills oil.

Second, instead of Elk Hills reserves being reduced, their low cost and their high reliability characteristics suggest that they should be expanded. When the Elk Hills Petroleum Reserve is fully developed it will be sufficient to replace all non-Canadian imports into the United States west of the Rocky Mountains. Given the likelihood that Alaskan production will be available within a few years to further supply national security needs of this region, no large scale expansion of petroleum reserves is needed in District V. However, privately owned land in and adjacent to Elk Hills should be acquired to remove the threat of further drainage from the Reserve. Large scale expansion of petroleum reserves east of the Rocky Mountains is in order. Consideration should be given to acquiring privately owned oil resources adjacent to the Teapot Dome Naval Petroleum Reserve in Wyoming. Acquisition of these private lands would eliminate the necessity for offsetting production by the Navy and would expand the Reserve itself. Reserves should then be acquired in the important Gulf Coast producing area. For example, the recently discovered "Main Pass Block" No. 112 offshore from Louisiana, reported to be one of the largest U.S. oil fields,[23] might be purchased in its entirety and placed in ready-reserve shut-in status. Other fields in Texas, Louisiana, and Oklahoma, as needed, would then be acquired to complete the reserve system. In all cases, present owners would be fully

Footnotes at end of article.

compensated for the discounted present value of their holdings.

Third, oil import quotas are a costly, inequitable and unreliable method for assuring future strategic energy capacity. The rationale for oil import quotas rests entirely on national security considerations. A National Defense Petroleum Reserve would provide greater long-run security for the nation at a fraction of the cost imposed by the system of quotas. Quotas should be progressively eliminated and a National Defense Petroleum Reserve program should be established at the earliest possible date.

FOOTNOTES

† The authors wish to thank the John Randolph Haynes and Dora Haynes Foundation and the Sea Grant Program of the National Science Foundation for financial support of their research. While retaining complete responsibility for the analysis, we also want to express our appreciation for criticism and comments to M. A. Adelman, S. David Freeman, Richard L. Gordon, Stephen L. McDonald, and George J. Stigler.

*Professor of Economics, University of California, Santa Barbara.

**Associate Professor of Economics, Florida State University, Tallahassee.

[1] Cabinet Task Force on Oil Import Control *The Oil Import Question* (Washington, D.C., February 1970), p. 19.

[2] *Ibid.*, p. 260. The 1970 curtailment of Libyan oil production and the closure of the Trans-Arabian Pipeline (reopened in 1971) caused a shortage of oil available in the Mediterranean. Compensatory shipments have been made from the Persian Gulf around South Africa, as well as from other distant shipping points. As a result of the increased demand for tankers, shipping rates have increased sharply, temporarily eliminating the value of import tickets.

[3] Stephen L. McDonald, "Conservation Policies and National Securities," *Quarterly of the Colorado School of Mines*, October 1969, p. 154.

[4] Department of the Navy, "History of Naval Petroleum and Oil Shale Reserves," Mimeographed (June 30, 1969), p. 25.

[5] "Unit Plan Contract between Navy Department and Standard Oil Company of California Relating to Naval Petroleum Reserve No. 1 (Elk Hills)," Contract No. NOd-4219, June 19, 1944. As a consideration for entering into the Unit Plan Contract, Standard received the right to early recovery of 25,000,000 barrels of oil from its share of the Reserve, together with associated hydrocarbons, or ⅓ of Standard's share of the estimated recoverable oil in the shallow oil zone "whichever of said events shall first occur." *Ibid*, pp. 10–11.

[6] Department of the Navy, "Navy Report as of and to December 31, 1969, Elk Hills Field, Naval Petroleum Reserve No. 1," January 12, 1970, p. 4.

[7] The Cabinet Task Force on Oil Import Control, *op. cit.*, p. 306.

[8] While our analysis uses a 1970 (Spring) market oil price it overstates the social value of oil since both import quotas and market demand prorationing reduce the supply of oil and thereby create an artificially high price. On the other hand, the depletion allowance and other tax favors reduce the after-tax cost of production and thereby provide a slight stimulant to exploration and production which in turn artificially lowers the price. An Interior Department study in 1969 concluded that, in the absence of import quotas restricting imports into District V, the price of West Coast crude petroleum would decline about 75 cents per barrel. (Letter from Cordell Moore, Assistant Secretary of the Interior, to Senator William Proxmire, January 16, 1969). After the Interior Department study was completed, the price of domestic crude was increased approximately 25 cents per barrel without a corresponding change in the world oil price. Therefore, we may estimate that if artificial impediments to trade were removed, the price of West Coast crude petroleum under conditions prevailing at the time of the study would decline approximately one dollar per barrel. We would therefore be justified in using not $3.00 per barrel wellhead price, but $2.00 per barrel. The latter would more accurately reflect the social value of oil on the West Coast. Nevertheless, we have used the 1970 crude market price. We expect that additional petroleum reserves would be acquired before import quotas would be removed. Thus, present owners of any acquired reserves would not suffer a capital loss due to the U.S. price of crude oil falling to a competitive world level.

[9] U.S. Senate *Congressional Record*, July 14, 1969, p. 8029.

[10] In a 1956–57 study, Lanzillotti found that large firms used an average 14 per cent after-tax target rate of return in pricing products, and individual firms varied between 10 and 20 per cent. Robert F. Lanzillotti, "Pricing Objectives in Large Companies," *American Economic Review*, December 1958, p. 923.

[11] By way of comparison, if we assume a 10 per cent discount rate for both the private oil company and for society, the present value of the Elk Hills Reserve is $2,315 million, and the annual interest cost is $231.5 million or 17 cents per barrel of reserve per year. There is no reason for assuming that private and social rates of discount would be (or should be) equal in this situation. Cf. M. S. Feldstein, "The Social Time Preference Discount Rate in Cost-Benefit Analaysis," *Economic Journal*, June 1964, pp. 360–79.

Our analysis has not taken any credit for the possibility that crude oil prices in the future might continue to increase as they have in the past. A six per cent annual gain would eliminate the holding cost on oil reserves.

[12] Pipeline companies do not have the same tax advantages that oil companies enjoy. They are subject to rate regulation. An 18 per cent before-tax rate of return would produce approximately nine per cent after taxes.

[13] Alternatively, assuming a uniform 10 per cent discount rate for private oil companies, pipeline companies and society, the sum of all estimated costs is 17.8 cents per barrel of reserves per year.

[14] Instead of a constant rate of production for each of the first five years, followed by a declining rate of production for a total of 43 years, the added investment would permit the following liquidation schedule:

[In million barrels]

Year	Production	Year	Production
1	452.7	10	13.2
2	301.7	11	9.2
3	200.3	12	5.7
4	133.2	13	3.7
5	89.1	14	2.9
6	61.3	15	1.4
7	40.6	16	1.0
8	27.0	17	0.7
9	19.1	18	0.5

[15] James C. Burrows and Thomas A. Domencich, *An Analysis of the United States Oil Import Quota*, A Charles River Associates Research Study (Lexington, Massachusetts: 1970), p. 158. This analysis is based on 1968 data and assumes that prorationing would be impossible in the absence of import restrictions. Elasticity of demand is assumed to be —.05.

[16] United States Dept. of the Interior, Bureau of Mines, "The Cost of the Oil Import Quota Program: A Reconciliation of the Adelman, Blair, Charles River Associates, and United States Dept. of the Interior Estimates," mimeographed, Sept. 1969, Table 4. Like the CRA study, the USDI analysis assumes that prorationing would end with the termination of quotas. Demand is assumed to be highly inelastic, —0.02. *Ibid.*, p. 13.

[17] The social costs of the import quota system (net of income redistribution) consist of three elements. First, society bears the cost of inefficient production which is stimulated when the domestic price of oil is increased from the $2.14 competitive price to a $3.89 per barrel noncompetitive price created by the restriction of foreign competition. Second, American buyers suffer a loss of consumer's surplus through forgoing additional quantities of oil which might be purchased at lower competitive world prices. Third, society bears the additional cost of inefficiencies arising from state prorationing systems. Market-demand prorationing is possible only in a market insulated from competition. If import quotas were removed, continuation of the state market-demand prorationing system would be impossible. The estimate of the social cost of import quotas should be distinguished from the cost to consumers. The latter includes in addition the cost of transfer payments from consumers to the oil industry. The cost to consumers has been estimated in several studies. Adelman wrote that "the annual cost for this whole system of organized waste, including the import controls needed to insulate it from foreign competition . . . is just over $4 billion." M. A. Adelman, "Efficiency in Resource Use in Crude Petroleum," *Southern Economic Journal*, October, 1964, p. 105. Adelman's estimates for 1962 data were updated by John Blair for 1968 conditions. Blair's estimate indicated a consumer cost of $7.2 billion. United States Congress, Senate, *Hearings* before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, 91st Cong., 1st Sess., Part I, March 11, 1969, p. 40. The Charles River Associates report estimated consumer costs to be $6.2 billion for 1968, *op. cit.*, p. 7–17. The Cabinet Task Force estimated that the import quota system cost consumers $6.04 billion in 1969 and that this cost will increase to $9.69 billion by 1985, *op. cit.*, p. 262. The Interior Department estimates vary from $7.13 billion for 1975 to $8.15 billion for 1980, *op. cit.*, p. 8.

[18] The reader should be warned of cost comparability problems due to the use of estimates from diverse studies.

[19] Stigler suggested in private correspondence that "an unregulated system of oil productions would also hold reserves for emergencies. If the price of oil were not fixed in an emergency (a huge if), is there even a case for reserves?" If the government would guarantee, and if private owners of oil resources were willing to accept a guarantee, that oil prices would not be controlled or subjected to "jawboning" in any future emergency period involving a shortage of oil, then private owners would indeed have an incentive to provide for probable future shortages.

[20] Cabinet Task Force, *op. cit.*, p. 128. For a similar point of view, see McDonald, *op. cit.*, p. 153.

[21] McDonald, *op. cit.*, pp. 155–6.

[22] *Oil and Gas Journal*, June 29, 1970, p. 1.

[23] *Oil and Gas Journal*, June 1, 1970, *68*, p. 30.

EXPANSION OF WATER AND SANITARY SEWER SYSTEMS OF MONTGOMERY, ALA.

Mr. ALLEN. Mr. President, the Chamber of Commerce of the United States from time to time publishes case studies of outstanding accomplishments by cities throughout the United States which demonstrate how such cities have suc-

cessfully solved one of a variety of urban problems.

The March 1971 issue of the Urban Action Clearinghouse, published by the Chamber of Commerce of the United States is devoted to a case study of the response in Montgomery, Ala., to a critical need to expand and upgrade its water and sanitary sewer systems.

The problem was outlined as follows:

Twenty years ago, the City of Montgomery, Alabama, was deeply in debt and could not borrow money for expansion and improvement projects that were badly needed. One step to solution of its problems recommended by a financial consultant was to separate the water utility from the city and to establish an independent public corporation to handle the service.

The Water Works and Sanitary Sewer Board has served Montgomery well. When the Board of three private businessmen took over, Montgomery, with 106,525 people, was served by 31 wells, with a daily maximum capacity of 20 million gallons. The city dumped its raw sewage into the Alabama River and other streams and was a major polluter of the state.

Today, the Board, serving 140,000 people, provides a daily water capacity of 45 million gallons from a river water capacity of 45 million gallons from a river water treatment plant that can increase its capacity to serve one million people. Montgomery has 3 sewage treatment plants giving secondary treatment to some 26 million gallons of sewage a day. The Alabama River receives treated effluent.

Montgomery and the Water Works and Sanitary Sewer Board have prospered under this arrangement and, today, both have high credit ratings.

Mr. President, the initiative and foresight of the mayor and council and other civic leaders of the city of Montgomery to whom much credit is due is acknowledged in the case study. These individuals are to be commended for their selfless devotion to the community reflected in their outstanding achievements. We commend also the Chamber of Commerce of the United States for making available to the civic leadership of all cities the series of case studies published in its Urban Action Clearinghouse.

Mr. President, I am sure that many communities in the United States could profit by the Montgomery example. I ask unanimous consent that the case study of an important Montgomery, Ala., problem and the happy solution thereof be printed in the RECORD.

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

MONTGOMERY CREATES WATER WORKS AND SANITARY SEWER BOARD

PROJECT

Community Development of the Water and Sanitary Sewer Systems of the City of Montgomery, Alabama, to meet the needs of a growing community.

OBJECTIVES

1. to find a vehicle to help the city out of its financial crisis;

2. to take whatever action was required to free the water, and later sewer, system from economic shackles, to bring the systems up to date and continue development;

3. to develop a sanitary sewer system and remove pollution from the Alabama River; and

4. to evaluate at regular intervals the results of action taken.

SUMMARY RESULTS

1. The Water Works and Sanitary Sewer Board is now on a firm financial basis, with a credit rating of A by Moody.

2. As a result of transferring the water and sewer systems to the Board, as a public corporation, the City of Montgomery has been able to maintain a high credit rating, which is now A (Moody).

3. The Water Works and Sanitary Sewer Board assumed $5,316,000 of city indebtedness and paid the City of Montgomery $750,000 in cash for the system plus a franchise fee of $1,100 per month and five percent of the gross receipts from water sales. In addition, the Board has issued bonds totaling $20,000,000 (as of January 1, 1971) since it began operations January 1, 1950. In the meantime, the Board has increased the book value of the two systems from $8,804,098 to $41,950,235. The outstanding indebtedness of the Board as of January 1, 1971 was $16,172,000. The Board has increased its indebtedness in the amount of $10,856,000, and the value of its properties increased by $33,146,137. The Board also has in its Construction Fund over $3,000,000 for future contracts and $1,504,702.50 for debt service, thereby increasing its properties and cash by $37,653,839.50.

4. The Board now services 41,921 accounts, compared with 24,009 in 1952. Yet, Board personnel has increased only slightly from 129 merit system employees to 146.

5. The Board has more than doubled its water production capacity from a maximum of 20,000,000 gallons per day in 1950 to 45,000,000 gallons per day at the present. With its Tallapoosa Water Plant now in operation, production could be increased to 100,000,000 gallons per day. The water distribution system now has 620.00 miles of mains, compared with 261.2 in 1950. Storage capacity is now 21,500,000 gallons compared with 18,000,000 in 1950.

6. The Board has 460 miles of sanitary sewers, compared to 200 miles when the Board took over the sanitary sewer system in 1952.

7. The Board is now giving secondary treatment to some 10–12 million gallons of raw sewage daily in its Catoma Creek and Towassa Treatment plants, and completed a third plant (the Econchate), adding 14 million gallons of capacity daily, in 1970. This removes all of the city's pollution from the Alabama River to permit navigational and recreational development of the river as a part of the vitally important Coosa-Alabama regional development for Alabama and Georgia. When the Econchate plant was finished in November, 1970, the city's sewerage needs were taken care of for at least 20 years. Looking back, the City of Montgomery had no sewage treatment facilities until the Catoma Creek plant was dedicated on April 4, 1956.

8. Because of Montgomery's favorable water supply situation, fire insurance rates for business, industry and home are among the lowest for any city in the United States. Combined water and sewer rates are among the lowest for any city in the United States. Combined water and sewer rates are the lowest of any major system in Alabama where operation costs are not supplemented with taxes.

9. Water service revenue is now $4,200,000 per year, compared with $1,139,432 in 1953, the first full year of collections from a combined water-sewer charge. There have been three rate increases: 1950, 1957 and 1965. Each additional increase was approximately 30–35% on the average billing, publicized well in advance.

PROBLEM

Immediately following World War II, the City of Montgomery was caught in a squeeze between inadequate tax revenues and a debt of $12,500,000. The relationship between revenues, required payments on bonded indebtedness, and operating expenses was such that the city was in no position to borrow for the expansion and improvement projects needed due to population growth.

Despite the opposition of traditionalists who opposed interference from outsiders, Mayor John L. Goodwyn, in 1948, retained a New York financial consulting firm to help get the city on a firm financial footing. One of the firm's recommendations was that the city's water utility be put on a self-supporting basis. While consulting with financial experts, the Mayor had also engaged an engineering firm to make a full study of the city's water works facilities.

In the face of opposition, Mayor Goodwyn decided, with the advice of supporting citizens, that the only solution to the problem was to quietly establish, under state law, a public corporation known as the Water Works Board, to which the ownership of the entire water system would be transferred. This was permissible under Title 37 of the Alabama Code of 1940, passed by the State Legislature to provide relief for cities in the financial bind that Montgomery faced.

ESTABLISHMENT OF BOARD

The transfer of the properties of the City Water Works was accomplished by the establishment by the Mayor-Commission of the Montgomery Water Works Board in October, 1949, to become effective on January 1, 1950. The Board, a separate entity outside of the city's political control, owned and operated the city's water system and was able to increase revenues from the water system, and issue bonds for the enlargement and improvement of the systems, pledging the revenues of the system. The Board's life was originally limited to 30 years; this was later changed to be until the system is debt-free, at which time all property and income revert to the city.

When it was created, the Board assumed $5,316,000 of bonded indebtedness from the city which had pledged water revenues for repayment of the debts; it paid the city $780,000 for the system, and contracted to pay the city $1,000 per month as a franchise fee and 7% of the cash water receipts (later changed to 5% and $1,100).

This transfer immediately reduced the city's debt by $5,316,000, allowing other plans of the financial consultants to be put into effect, and improved the city's national credit rating and freed the tax dollar for other bond issues.

Legal Limitations

Under state law, the board was restricted by certain regulations to protect the public, namely:

(1) The Board must keep its records and books open at all times to the public.

(2) All bonds sold must be sold on a bid basis.

(3) Construction work and purchases made by the Board are awarded to the lowest qualified bidders.

(4) The Board cannot convey any property belonging to either system to private owners. The system remains the property of the people.

(5) The Board is legally bound to carry on its business exactly as outlined in a legal agreement with bond buyers.

(6) All Board transactions involving revenue from the sale of bonds must be approved by a trustee. The trustee for the Water Works and Sanitary Sewer Board is the First National Bank of Montgomery.

(7) The Board must return all properties of both the Water Works and the Sanitary Sewer System to the jurisdiction of the City Commission when the systems are free of debt.

EARLY ACTION

For membership on the first Water Works Board, the Mayor-Commission appointed three of the city's leading businessmen: N. J. Bell, III, Manager of one of Montgomery's largest estates; the late John Hodgson, owner

of a large construction business and wealthy dealer in real estate; and the late Rush Stallings, a successful Studebaker dealer.

The task of transfering and getting the system in operation on a successful basis, increasing its revenues and issuing bonds to put the system on a sound financial basis, was formidable for three private citizens. The Board met frequently and long and called in consultants, such as one experienced in the operations of an independent board.

In March, 1950, three months after the Board began operation, it simultaneously raised water rates an average of 30% and changed the billing system from a quarterly plan to a monthly billing. This was done to make it possible for the water works to sell $2,200,000 in revenue bonds so that the system could be enlarged and improved. The city needed 5 new wells, 2 reservoirs with a total of 4 million gallons storage capacity, additional pumping equipment, and distribution lines. The new billing was supposed to begin in January but due to confusion at the water works, did not start until March when citizens began receiving adjusted bills they did not understand. The public at this point was not fully aware that the Board had even been created, despite local media publicity. Due to opposition from some sources, the Mayor, on the advice of other citizens, had not publicized the city's action of creating the Board before it was an established fact. The lack of public information resulted in a tremendous flare-up of private opinion and the Board had to hire a local public relations consultant to publicize the entire situation: the creation of the board, the rate increase, billing system, the water needs of the city and the Board's plans.

After the original confusion subsided, due to the frequent public explanations through the media, the Board was able to proceed with its work. In July 1952, the original Board resigned, saying they felt the Board was established, and that they were compelled to return full time to their businesses. Three more businessmen were appointed by the Mayor and the two commissioners, for staggered terms.

A succession of bond sales followed: second series, for enlargement and improvement, $800,000, March, 1953; third series, $1,000,000 enlargement and improvement, March 1955; fourth series, $1,750,000, enlargement and improvement, September 1956; fifth series, $430,000 enlargement and improvement, April 1957.

INCLUSION OF SEWER SYSTEM

At this time, the city was still dumping raw sewage into a small creek on one side of the city and into the Alabama River on the other. The same population growth that demanded expanded water supply also made it necessary to build new sewage facilities, and in 1952, the State Health Department ordered that Montgomery's sewer system be enlarged and improved.

The city government had engaged an engineering firm in May 1951 for a survey on sewer needs. The firm recommended construction of a sewage treatment plant, a trunklike sewer from the southern and southeast area of the city, and enlargement and extension of the facilities for the east and southeast section of the city, at an estimated cost of $2,900,000. The city government began to study ways and means of carrying out the recommended projects.

Acting on a resolution of the Water Works Board requesting that the City Commission permit it to amend its certificate of incorporation, the city transferred the sewer system to the Water Works Board. This action also was permissable under Title 37 of the Alabama Code. In July, 1952, the Board became the Water Works and Sanitary Sewer Board of the City of Montgomery. All revenues from the water works, above operation and maintenance costs, already were pledged to improvement and retirement. This meant that a loan would have to be made to finance the sewer expansion program and a new source of revenue would have to be found to back such a loan. In order to move toward the sale of bonds for the sewer system, the Board had to place a sewer service charge on all users in the amount of 25% of their water bill.

Court test of service charge

The Board hoped that plans could go forward immediately with the sale of revenue bonds to finance the sewerage expansion program. However, legality of the service charge was tested in the courts in August 1952, with opponents calling the increase a tax. The Supreme Court of Alabama ruled in November 1953, that the Board could not legally collect the charge under the provisions of the law on which the charge was based. The court ordered all money collected under that provision be refunded, less a percentage for attorney fees. Refunds of approximately $250,000 were made accordingly, covering the period from September 1, 1952, through June 30, 1953.

In January 1954, after a rehearing of the case at the request of the Board, the Alabama Supreme Court ruled that the Board had the right to collect a service charge under a new law which was passed by the State Legislature in June, 1953, governing municipal collections on sewer service charges.

FACTFINDING COMMITTEE

In January, 1954, the Board, reacting to the adverse publicity of the past months over the sewer service charge and the accusation by a city official that it had not accomplished its purpose and should be dissolved, sent letters to 14 organizations in the city, asking them to take part in the formation of a Fact Finding Committee, to investigate the Board's record and report to the people of Montgomery. Fourteen citizens, representing such organizations as the Chamber of Commerce, Ministerial Association, PTA Council, Central Labor Union, League of Women Voters, Bar and Medical Associations, and Teacher Associations, devoted some 900 hours between January and July to this investigation. They interviewed city officials, representatives of firms with contracts with the Board and Board members, and when their report was issued, completely endorsed the work of the Board.

The board proceeds

With all obstacles cleared and the collection of an additional charge for sewer service a fact, the Water Works and Sanitary Sewer Board was now in a position to proceed with its plans for enlarging and improving the sewer system. Public interest in and sympathy for construction of the treatment plant was heightened by the fact that in 1953 the city experienced a polio epidemic, costing the lives of numerous children and some adults; and while the lack of facilities for treatment of the city's sewage was not determined to be responsible for the epidemic, the public was ready to support adequate treatment. Sewer bonds sold were in the amount of $2,000,000 in revenue bonds (November, 1954), for construction of the Catoma Creek Sewerage Plant, and $750,000 in additional bonds (July, 1955), for completion of the plant. The bond sales were made with approval of the Board's trustee, the First National Bank of Montgomery. Public approval was not required.

SEWAGE PLANT CONSTRUCTED

Groundbreaking ceremonies for the Catoma Sewage Treatment Plant were held on June 11, 1954, and the plant was put into operation on April 4, 1956. Before the plant was completed, millions of gallons of raw sewage poured into Catoma Creek daily, creating a public health menace to the city. The plant was designed to handle an average daily load of 9 million gallons, with a peak capacity of about 13 million gallons.

Change in Board

In November 1959, a political decision was reached by the City Commission to increase the membership of the Water Works and Sanitary Sewer Board from 3 to 5 members, with staggered six year terms. Whatever the political thinking of the Mayor-Commission may have been on this matter, the relationship between the Board and the City Government was not altered considerably. The Board, with its members appointed by the Mayor-Commission, continued to be made up of alert, intelligent businessmen of the city, and the strong leadership of the Board continued to hold sway over any political influence from the Commission.

Consolidation of bonds and billing

The Board concluded in 1959 that it was necessary to consolidate all the separate bonds of the water system and the sanitary sewer system to provide the necessary financing for the expansion of both systems. Consequently, the Board set in motion plans for a $10,000,000 bond issue which would retire all existing indebtedness at a cost of approximately $9,000,000 and would provide an additional $1,000,000 for additional construction on both the water and sewer systems. This plan was carried out, and the $10,000,000 in bonds were delivered on December 17, 1959.

A significant development which increased the financial capability and flexibility of the Board was to combine the water charge and the sewer service charge, effective January 1, 1960, into a single "water service charge". Montgomery was one of the cities to pioneer in establishing a single charge based on the philosophy that supplying water, taking it away, and treating it to remove pollution are all components of one water service charge. From January 1, 1960, the Board has made no charge for sewer service by that name.

Long-range survey made—River water plant built

In the years immediately preceding the decision to build a water purification plant which would utilize water resources from the Tallapoosa River, the Board had employed another engineering firm to make a comprehensive study which was submitted in August, 1962, of the entire water and sanitary sewer systems and to make a thorough projection of the needs of the city for thirty years.

Based on population estimates for the City of Montgomery, prepared by the firm, on the basis of the U.S. Census and Montgomery Chamber of Commerce figures, the indications were that the city would, by 1990, have an estimated population of 265,000. The engineers pointed out that many of the improvements required by the normal growth of the city would not produce additional revenues for many years. Availability of an adequate water supply at all times was described as a prime requirement for a favorable fire insurance rating. They not only recommended the construction of the Tallapoosa River Water Treatment Plant, but determined that with the development of the Coosa-Alabama River System for commerce and recreation, the city would need to construct additional sewage treatment plants.

The decision to build the river water treatment plant was based on long and careful engineering studies of the underground water resources of the city. As the Water Works and Sanitary Sewer Board sought to bring in new underground wells to augment the city's water supply, it became apparent that the underground supplies were not adequate to meet the need. Numerous test drillings were made by the Board in all directions from the city, and the result in most cases was unsatisfactory. The test wells showed that underground resources were either inadequate or the water located was filled with iron, salt or other chemical elements which rendered the supply unusable.

The decision to go to the river was a long,

arduous and highly contested procedure. Differences among the members of the Water Works and Sanitary Sewer Board reflected the strong disagreements of the people as to the necessity of spending $4,000,000 on a water purification plant when a single well could be drilled for around $40,000. A strong element of popular opinion also held that river water was impure, that it would change the chemical nature and even the taste of the underground source of water that Montgomery enjoyed at the time.

The most controversial and drawn-out issue was a proposed tapping fee. One Board member resigned because of this argument. In 1960 the Board had proposed raising the charge for connection to the system from $10 to $325. By 1962, the Board had reduced the proposed levy to $125 but this still brought a storm of protest and a strong campaign against the proposal from local home builders and real estate developers.

Open hearings were held by the Board for opponents to state their opposition. The Board had carefully developed information which indicated that the actual cost to the Board of connecting a new user was $59.37, including a ¾" meter, but developers were paying only $10 per tap. The $125 fee was finally established in 1964.

In all of these matters the Board proceeded slowly and with extreme caution in building up to the point where the public would accept the decision to build a river purification plant. It agreed with the engineers' proposed plan to tap the Tallapoosa River for a period of three or four years before the final decision to build the plant was made. In this way, the Board built up public sympathy for the idea, and when the time came to proceed with the construction of the plant, there was not a great deal of opposition to the plan. The Board's research and examination was accomplished through consultation with geological experts from the office of the State Geologist on the availability of usable underground water supply in the Montgomery area; well-drilling experts who had drilled the wells then in use, as well as numerous test wells; engineers with the State Bureau of Sanitation; water system consultants familiar with river water use for domestic supply; and financial consultants familiar with comparative costs in plant construction and operational costs and changes and additions in water mains that would be necessitated by the introduction of treated river water into the city supply.

In 1964 bonds were issued for $4,000,000, for the construction of a river plant to tap the resources of the Tallapoosa River.

The plant was dedicated on August 20, 1966. The cost of the plant, with its 2½ million gallon underground storage reservoir was $2,500,000, and the total cost of the new expansion, including some 8½ miles of new water mains and a one million gallon elevated storage tank was approximately $4,000,000.

Initial capacity of the plant was 20,000,000 gallons of water per day, which almost doubled the then existing capacity of the city's water system. Provisions were made to allow additions which would give the plant a daily capacity of 60,000,000 gallons. Actually, the plant could be increased to treat up to 100,000,000 gallons of water daily, which added to the 25,000,000 gallon well capacity was enough to serve a city of 1,000,000 people

SECOND SEWAGE TREATMENT PLANT

With the construction of the water purification plant, the city had taken care of its water supply problems for many years to come. However the city remained a major stream polluter.

The Board's first action toward meeting waste treatment requirements was to build the Catoma Sewage Treatment Plant, completed in 1956, to treat sewage from South and Southeastern Montgomery. But Montgomery and its adjacent military installations, Maxwell and Gunter Air Force Bases, were dumping some 12,000,000 gallons of raw sewage into the Alabama River daily. This constituted 45% of all the municipal wastes put into all Alabama streams, with 75% of the total of all Alabama's stream pollution going into the Alabama River.

Arduous efforts of the Coosa-Alabama Association, an organization dedicated to developing the Coosa and Alabama Rivers for navigational and recreational purposes from Mobile, Alabama, to Rome, Georgia, had made such progress that the Alabama River would be cleared for navigation as far North as Montgomery by 1971. The city, therefore, constituted 45% of all the municipal wastes put into all Alabama streams, with 75% of the total of all Alabama's stream pollution going into the Alabama River.

Based on the study's projections Montgomery needed an additional sewage treatment capacity of 17 million gallons daily (average) by 1970 in order to remove the city's pollution from the Alabama River by 1971.

Accordingly, the Board moved in this direction. The Towassa Plant, which was completed in 1968, has an average design load of 3,000,000 gallons daily. It was built at a cost of $1,936,317 (including outfall lines), and the Federal Government participated in the amount of $638,588.

In June, 1968, Board Chairman Joe L. Coleman announced that the Board planned a $6,000,000 bond issue for that July, to build a third plant which would be scheduled for completion in November, 1970—the Econchate Plant. The Department of the Interior participated by committing $2,010,360 to this construction. In all of its financing, the Board has delayed issuance of bonds until funds were actually needed.

Upon completion of the Econchate plant in 1970, the engineers estimated that the three plants would be operating at about two-thirds of their total design capacity of 26 million gallons per day, and that on this basis, the three plants with expansion of the Catoma Plant, would take care of the needs of the City until 1990.

Provisions have been made and land acquired to expand the three waste treatment plants and the outfall sewers and distribution lines to take care of unlimited development of drainage areas.

PROGRAM EVALUATION

In summary, the City of Montgomery, which in 1949 had 31 wells and no sewage treatment, today has a large water plant capable of serving 1 million people, and 3 sewage treatment plants. The city now has 140,000 residents.

Contracts have recently been let for State docks on the Alabama River at Montgomery. When industry follows the barges to the city, Montgomery will have no problems meeting its needs.

Further testimony of the success of the Water Works and Sanitary Sewer Board is that a movement is now beginning in Montgomery to have its airport under the management of a similar board.

Factors in success

One of the chief factors for the success of this Board in more than supplying the needs of the city has been in its long-range planning. From its beginning, the businessmen who composed the Board, utilized the services of experts, with surveys, studies and a 30-year plan, so that the Board always knew where it was and where it had to go.

Good management is another factor, first under General Manager Clarence Perry, and since 1965 under Nat. P. Wiley, Jr. Since 1952 the Board increased its accounts by 16,648 but has only added 17 employees. Management has utilized efficiency experts and runs the works with modern business methods and equipment. Even though it is not required by state law, all operators at the plants are certified. For the past two years the Water Works has received the best plant in the state award.

All of the businessmen who have served on the Board have been honest, dedicated men, interested only in improving the services to their city. The present members of the Board are: Chairman, Joe L. Coleman, owner of a business research service; O. B. Carr, insurance executive; Nimrod T. Frazer, Senior Vice President of a national investment banking firm; C. F. Halstead, contractor and owner of various businesses; and Richard E. Hanan, a wholesale distributor and investor.

The Board has always attempted to cooperate with business and industry. It has extended water and sewer lines, whenever financially practical from the standpoint of available funds and anticipated revenues, whenever and wherever requested. It has encouraged new building through its refunding agreement with builders. If the sought connection will not exceed three times the estimated annual water revenue to be derived, the Board does the connection at its expense. If it is more than three times the revenue estimated, the developer deposits the estimated cost and gets a refunding contract from the Board to recover his investment.

All users receive equal treatment. No favoritism is shown to any individual, business or agency. The City of Montgomery pays the Board $75.00 per year for each of its fire hydrants. All government agencies, local and federal, as well as public and charitable agencies, pay for service.

CHIEF PROBLEMS

The major difficulties of the Board lie not with the difficulties of construction and growth but with human management. They had problems with people who were not aware of what was happening in the beginning, with people who were against a sewer service charge, and with vested interests which were against a raise in tapping fees. Additional publicity, the courts, and time have solved these problems.

It must be pointed out that the Board is bound only by compliance with the law, its obligations to bond holders, and the approval of its actions by its trustees. Original organizations of the Water Works Board and the transfer of the sanitary sewer system to the Board were not given *wide* publicity before the actions were taken but full public service publicity was given by all local information media. Paid newspaper advertising prepared and paid for by the Board was used as a supplemental form of information. The Board, immediately after its establishment, initiated a policy of inviting all public information media to have representatives attend Board meetings, and all official Board records were declared open for public inspection.

Transferability

The steps taken by Montgomery can be adapted by any community whose legislature has passed the enabling legislation for the transfer of public utilities to a private board. The chief factor is the intelligent concern and willingness on the part of business leaders and private citizens to work at every level of government to serve the community's needs.

The creation of a Water Works and Sanitary Sewer Board is one method of solving these problems. Other areas might adapt county-wide systems (see Clearinghouse Case Study on Dayton, Ohio, Code 1548); might contract with neighboring municipalities for service, or might establish joint ownership with other communities through a utility district. A city can also contract with a private industrial firm and have these services performed under such contract. Each area must determine its needs and its feasible approach to this problem.

The Montgomery Water Works and Sani-

tary Sewer Board is a laudable example of successful delivery by a special-purpose board or district. There is a danger, not evidenced by Montgomery, of a lack of coordination with other government programs. There is also the point that this group can be self-perpetuating. Special district boards of this type are usually appointed and, therefore, are not directly responsive to public will. They are autonomous and therefore are not subject to control by a local elected governing body, including the government that created the board. The Montgomery experience demonstrates how well such a board can serve the public when it is made up of courageous, conscientious members aided by competent professional management.

Key contracts for additional information

Mr. N. P. Wiley, Jr., General Manager, Water Works and Sanitary Sewer Board of the City of Montgomery, Post Office Box 1631, Montgomery, Alabama 36102, AC 205/262–7904.

Mr. Joe L. Coleman, Chairman of the Board, Water Works and Sanitary Sewer Board of the City of Montgomery, Post Office Box 1631, Montgomery, Alabama 36102.

Mr. John J. Coffey, Jr., Senior Associate, Natural Resources and Environmental Quality, Community and Regional Development Group, Chamber of Commerce of the United States, 1615 H Street, N.W., Washington, D.C. 2006, AC 202/659–6174.

Miss Lynn DeBlois, Director, Urban Action Clearinghouse, Chamber of Commerce of the United States, 1615 H Street, N.W., Washington, D.C. 20006, AC 202/659–6172.

WATER WORKS AND SANITARY SEWER BOARD

Past board members, term of office, and occupation

Carl W. Bear, 1952–1955, Lawyer & Vice Pres. of Lumber Co.

Charles N. Covey, 1954–1959, Insurance and sales executive.

A. H. Darby, 1955–1960, Meat Packing Co. representative.

Ed S. Watts, 1959–1962, Developer and financier.

Arnold Blackwell, 1960–1967, Real estate developer.

N. P. Wiley, Jr.[1] 1960, Sales engineer.

N. J. Bell, III, 1949–1957, Executor of Bell estate.

John S. Hodgson, 1949–1953, Contractor and developer.

Rush Stallings, 1949–1955, Automobile dealer.

Silas D. Cater,[2] 1950-1965, Secretary to Board & City Clerk.

Aaron Aronov, 1952–1953, Developer and financier.

B. Coleman Beale, 1952–1959, Financier.

WATER AND SANITARY SEWER PROJECTS: 1960-69

	New construction by board	Paid on refunding contracts	Oversized mains paid by board	Sewer projects assessed by city	Total valuation[1]
Year:					
1960	$309,569.00	$143,721.00	$41,165.00	----------	$494,455.00
1961	188,838.00	160,120.00	29,935.00	$90,286.00	469,179.00
1962	329,458.00	160,272.00	43,684.00	3,577.00	536,991.00
1963	154,698.00	149,964.00	47,096.00	357,728.00	709,486.00
1964	435,257.00	140,425.00	31,328.00	23,576.00	630,586.00
1965	3,453,155.00	143,454.00	31,924.00	110,040.00	3,738,573.00
1966	242,635.00	166,452.00	85,965.00	116,934.00	611,986.00
1967	2,346,925.00	157,652.00	67,255.00	46,536.00	2,618,368.00
1968	516,728.00	168,004.00	67,576.00	24,661.00	776,969.00
1969	2,646,633.00	172,050.00	24,656.00	1,005,749.00	3,849,088.00
Total					14,435,681.00

[1] Major contracts let in 1969: Econchate plant, $2,593,070.00; Madison Ave. relief sewer, $53,563.00; Sanitary sewer projects in West Montgomery, $1,005,749.00; Dannelly Field area and Dalraida (assessment by city).

STATE OF ALABAMA,
DEPARTMENT OF PUBLIC HEALTH,
Montgomery, Ala., February 10, 1971.

Mr. JOE L. COLEMAN,
Chairman, Water Works and Sanitary Sewer Board, City of Montgomery, Montgomery, Ala.

DEAR JOE: You have asked for my comments on the development and operation of the Montgomery Water Works and Sanitary Sewer Board. I have given my thoughts on this many different times voluntarily and I am happy to do so again.

The water and sewer systems of the City of Montgomery are a fine example of supplying the basic needs of a city through community action. I have been familiar with the board's policies and operations since it was established and the State Health Department has not received better cooperation from any city than Montgomery.

With the completion of your water purification plant in 1966 and the recent completion of a third waste water treatment plant, Montgomery is in an enviable position for industrial growth and community expansion. In my opinion Montgomery's water supply and waste water facilities can be compared favorably with those of any city in the nation.

Sincerely yours,

IRA L. MYERS, M.D.,
State Health Officer.

STATE OF ALABAMA,
DEPARTMENT OF PUBLIC HEALTH,
Montgomery, Ala., February 10, 1971.

Mr. JOE L. COLEMAN,
Chairman, Water Works and Sanitary Sewer Board, City of Montgomery, Montgomery, Ala.

DEAR JOE: It is a privilege to have the opportunity of expressing briefly a few of my thoughts concerning the Montgomery Water Works and Sanitary Sewer Board.

As Director of the Bureau of Environmental Health of the State Health Department and technical secretary of the Alabama Water Improvement Commission, I take personal pride in the accomplishments of the City of Montgomery in the fields of water supply and waste water treatment. Our technical staffs have enjoyed a cooperative relationship with the Board and it's personnel through the years. The Board has certainly looked far into the future in an effort not only to meet the needs of the city but to stay 10 to 20 years ahead.

The City has taken care of its water needs for many years to come. It is fortunate to have two independent sources of water supply, one from deep wells and the other from an excellent surface stream. Adequate waste water treatment facilities are now completed and very soon all untreated liquid waste will be removed from the Alabama River in order to permit its development for navigation and recreation. I know that the Board has experienced many problems and difficulties but it has always been able to work them out. It is a pleasure to work with you and your people.

Sincerely,

ARTHUR N. BECK,
Chief Engineer & Director,
Bureau of Environmental Health.

MONTGOMERY, ALA., *February 10, 1971.*

Mr. JOE L. COLEMAN,
Chairman, Water Works and Sanitary Sewer Board, City of Montgomery, Ala.

DEAR MR. COLEMAN: This is to take the opportunity to commend the Water Works and Sanitary Sewer Board for their continued efforts in improving and expanding the supply of water for our citizens.

Until the Tallapoosa River purification plant was completed, we were only able to supply a maximum of 29,500,000 gallons of water on any given day, and even this could not be done for more than one or two days. Since the plant has been in operation we have already experienced a peak day of 34,000,000 gallons.

One of the most significant achievements of the Board is the completion of the Towassa and Econchata Water Pollution Control Plants. With these two plants and the Catoma Plant now in operation, all raw sewage has been removed from the Alabama River in the Montgomery area.

The favorable position we are now in is a result of the long range planning on the part of the Water Works and Sanitary Sewer Board, in cooperation with the City Government. While the Board is an independent organization, the system still belongs to the people of Montgomery. You and the other Board Members appointed by the City Commission have done an excellent job administering the responsibilities of this important and necessary service. I am personally proud of what the Board has done, and it gives me a great pleasure to have this opportunity to express my appreciation.

Yours truly,

EARL D. JAMES,
Mayor.

[1] N. P. Wiley, Jr.—resigned as Board Member to accept position as Assistant Manager.

[2] Silas D. Cater—served as Secretary to Board from the beginning until his retirement in May, 1965; at this time Nimrod T. Frazer was appointed to serve as Secretary until such time as his successor is appointed.

AMERICAN FEDERATION OF SCIENTISTS STUDY CHARGES DEFENSE DEPARTMENT EXAGGERATES SO-CALLED SOVIET TECHNOLOGICAL LEAD

Mr. PROXMIRE. Mr. President, for months the Department of Defense and its chief Director of Research, Dr. John Foster, have been asserting that the Soviet Union was leading us, or would soon gain technological superiority over us as a part of their annual "scare 'em" technique to gain bigger and bigger military appropriations.

But yesterday the American Federation of Scientists, in a scathing report, charged that Dr. Foster and the Pentagon had grossly exaggerated the facts. They said that the entire episode was a "classical numbers game featuring selective disclosure, questionable assumptions, exaggeratedly precise estimates, misleading language, and alarmist non-

sequitur conclusions." Nothing could be more damning than that indictment.

They charged that Dr. Foster had failed to cite numerous Soviet speeches which directly rebutted his assertions that the Soviets were spending 30 percent more than the United States on Military research and development. They charged that Dr. Foster arrived at this figure by juggling the figures.

They quoted the office of Defense Research and Engineering itself in direct contradiction of its Directors views that the Soviet Union is catching up technologically with the United States. The Scientists also charged that the precision suggested by Director Foster and his office for its estimates are "quite impossible."

The Federation of American Scientists has among its members some of the most distinguished scientists in American life. They also have vast experience at the Pentagon. Dr. Herbert York is its Chairman. Dr. Georg Rathjens is one of its National Council Members and a co-author of yesterday's report. Dr. Marvin L. Goldberger was Chairman of the Committee which approved the study.

The time is long overdue when the Department of Defense should stop being a propaganda agency and start telling the truth. This country will be far stronger when that happens. At the moment neither the Congress nor the country has very much reason to accept the credibility of their statements about Soviet weapons, their or our technology, or what is really necessary for the real security of the United States.

I ask unanimous consent that the study of the Federation of American Scientists, entitled "Is There An R. and D. Gap?" be printed in full at the end of my remarks. I hope the Pentagon will read it and take it to heart. If they fail to do that, I hope an informed press and public will be able to counteract their obviously self serving and exaggerated claims.

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

IS THERE AN R. & D. GAP?

(Report of the Ad Hoc Committee on Military R. & D., Federation of American Scientists)

This Federation staff study has been approved by the Federation's Ad Hoc Committee on Military R & D, with whose advice and consultation it was prepared, and by the FAS Executive Council. The Committee was chaired by:

Dr. Marvin L. Goldberger, Chairman of the Department of Physics at Princeton University, long-time Chairman of JASON at IDA, and a former member of PSAC and of the Defense Science Board.

Other Committee members were:

Dr. Richard R. Nelson, Professor of Economics at Yale, co-author of *Technology, Economic Growth, and Public Policy*, published by the Brookings Institution in 1967.

Dr. George W. Rathjens, Professor of Political Science at MIT, former Director of WSEG at IDA, Deputy Director of ARPA in DDR & E, Special Assistant to the Director of ACDA, and Deputy Director of the Bureau of Science and Technology at ACDA.

Dr. F. M. Scherer, Professor of Economics at Michigan. Professor Scherer is the co-author of *"The Weapons Acquisition Process"*, the seminal work on R & D costs of weapons systems of the fifties.

SUMMARY AND INTRODUCTION

The Federation of American Scientists supports a vigorous program of research, and of development (R & D), on those weapons that are necessary to maintain a deterrent of unquestioned power. For this reason, we have looked closely at the charges that the Soviet Union is spending importantly more money on R & D and will, as a result, shortly assume technological superiority.

The United States has seen before concern over "gaps" in our weapons programs: the Bomber gap in 1955; the missile gap in 1960; 1960 fears of a GNP gap arising from high (now much lower) Soviet rates of growth of that period; the ABM gap in 1967; and the (large missile) SS–9 gap of 1969. But most recently, the subject that has given rise to "scare" headlines has been, strange as it may seem, this Research and Development (R & D) gap. U.S. News and World Report headlined it: "Russia vs. U.S.—Coming Crisis in Arms".[1] It presented an interview with Dr. John Foster, long-time Director of Defense Research and Engineering (DDR & E) in the Pentagon. Reader's Digest featured these R & D calculations, among other concerns, in an article entitled: "Our Strategic-Arms Advantage is Fading Fast".[2] Dr. Foster has spoken widely on this subject, arguing that the United States would lose its "technological superiority" if present trends continued in R & D financing and that it would become vulnerable to "technological surprise". These arguments have appeared in the record of the Armed Services and Appropriations Committees of both Houses of Congress for two years. He has asked for no additional funds to redress the imbalance but has threatened to do so in the future.

Our conclusions are as follows. *This entire episode has been a classical numbers game featuring selective disclosure, questionable assumptions, exaggeratedly precise estimates, misleading language, and alarmist non-sequiteur conclusions.*

On examination, there is no claim, much less any evidence, that the United States is spending less than the Soviets on its military technological advances as measured by the oft-mentioned military "technology base"—research, exploratory development and a fraction of advanced development. These are the expenditures that let a country know what weapons are possible. Expenditures in these categories are relatively small (about 25% of total R. & D.). No one has ever claimed to be able to measure Soviet expenditures in this category; these expenditures would amount to a few billion at most and be most difficult to estimate. *Necessary expenditures become progressively larger as one moves from research on basic technological discoveries to development of weapons. This shows the extreme difficulty in making meaningful comparisons on a financial basis of efforts to protect against technological surprise.* Neither funding nor numbers of personnel involved are a sensible measure of original technological advance. Of far greater importance is the organization and application of available intellectual and other resources.

Until this year, the charges made by Dr. Foster were not even based on relative spending in the entire *military* R. & D. budgets of the two sides. It was simply claimed that there was an imbalance in the *rate of growth* of overall spending on research and development of all kinds for space, military, and atomic energy, i.e. *militarily-related* R. & D. This imbalance in rate of growth during several years of this decade was a result of different rates of R. & D. expenditure on space—as is evident from the recently released "Comparison of U.S. and Soviet Technological Efforts" graph which appears later (page 5A). Until late last year, Dr. Foster said that more precise estimates of the military R. & D. component alone could not be made.

This year, Dr. Foster is saying that the Soviets are spending $3 billion more than the U.S. in *military* R. & D. and the graph embodying these figures suggests that this entire net "advantage" arose suddenly in two years from 1968–1970. How can we learn of such sharp changes in a category of expenditures that was said, formerly, to be impossible to estimate? The answer seems to be the completion of a new study—one simply assuming that Soviet R. & D. expenditures on the Soviet space program are suddenly to be kept fixed, and that all increases in the rate of growth of Soviet militarily-related R. & D. are going to be assigned to military R. & D. If there is evidence for this, the public should have it. Obviously there can be no such evidence from deployed weapon systems. We normally impute military R. & D. expenditures from the weapons built at least a few years later; thus estimates of a period two years ago are especially unreliable.

Furthermore, whether or not there was *persuasive* evidence that the Soviet Union was spending more on *advancing technology*, the United States could easily spend more also—if it has the necessary ideas—since the categories involved: Research; exploratory development; and part of advanced development; are relatively inexpensive. If Dr. Foster is concerned about our rate of spending in these categories, why does he not ask for more funds? U.S. spending in these categories has been relatively stable, as a small fraction of the R & D budget, for more than ten years.

Most of the R & D budget is associated with the building, and managing, of systems whose deployment is already agreed—the Operational Systems Development category and related expenditures. If Dr. Foster is concerned that we are not agreeing to deploy more systems, why is this concern phrased in terms of R & D? He himself, as we show, has criticized the Soviet military R & D system for wasting R & D by building too many prototypes.

Dr. Foster's Deputy, Dr. Eberhardt Rechtin, has contradicted the impression made by Dr. Foster's statements of last year that the Soviets are now gaining one year in every three or four in technology. He says they did not gain on us from 1960–1968. (Obviously, no sensible conclusion that the Soviets are now gaining one year in every three or four can be based on knowledge gleaned from the two year period *after* 1968). But even if the Soviets were gaining, this would only be natural since they have a more advanced technological power (the U.S.) to copy. Also, even if the Soviet Union were gaining one year of technology in every three or four, it does not provide evidence that they will—as charged—"assume technological superiority" but only that they may eventually achieve rough technological parity. It is today an amazing and unusual state of affairs that the United States should be—as Dr. Foster has testified—ahead almost *across the board* in technology. This is a tribute to the relative backwardness of Soviet technology and to its relative inefficiency.

Dr. Foster has emphasized the large number of *engineers* that are being produced in the Soviet Union, and given little emphasis to the fact that we are producing twice as many *scientists*. He has denied the well-known fact that Soviet engineers are less well trained than ours. Nor are we short, in any case, of engineers and scientists for developing our technology or for implementing it. American strategic analysts have already learned not to use numbers of warheads, numbers of bombers, or numbers of missiles, as a critical index of military preparedness.

Footnotes at end of article.

Numbers of engineers or numbers of scientists would be still more absurd.

In fact, the U.S. effort in military R & D is responsible for almost all of the arms race successes. Since our invention and development of new strategic weapons lead inevitably to Soviet expenditures to catch up on these same weapons, we have been working hard for *both* sides—inventing for ourselves but giving the other side something to emulate at the same time. It is not clearly in the United States' interest to push weapons technology as far and as fast as possible. *Over-cautious hedging—by building U.S. weapons systems prematurely against less than critical Soviet threats—can guarantee that these threats will arise by encouraging the Soviets to match us or by making SALT agreements on these weapons impossible.* There is clear evidence that we have made this mistake with MIRV and we may now be making it also with ABM.

This official scare has been characterized by an intellectually disreputable looseness of language. Total military R & D has been confused with "Technology Base expenditures". The possibility of "loss of technological advantage" across the board has been confused with the other side's gaining "technological superiority". The dates at which this might occur are thrown around almost at random. Numbers of scientists and engineers have been made an issue when they are of little relevance and the numbers have been repeatedly summarized in a distorted way. The Defense Department has knowingly suppressed the fact that the United States was spending more on military R & D in order to spread a much less relevant fear that the Soviet rate of growth of militarily-related R & D was larger than ours. Further, it has been assumed that Soviet R & D expenditures will go into military systems, in part by misquoting speeches that really indicate these expenditures will go into Soviet *domestic* efforts. Numbers are said to be accurate to within 10% when two different versions of the same DDR & E graph are not themselves consistent to within 15%.

Whatever the Soviets are, or are not doing, the evidence provided to show that the Soviets will assume technological superiority has no more substance than that of earlier, now discredited, gaps. The entire matter deserves the closest attention of Congress.

I. The fear

Dr. John Foster does not doubt that the United States is ahead of the Soviet Union in its technology, and in its military technolgy generally across the board. He has said:

"Right now, I'd say we still have a two to three-year lead over the Soviet Union generally across the board, in research and technology, based on our work over the last two decades. Of course, there are exceptions in certain areas". (Nov. 30, 1970).[3]

"Today, while our R & D level of effort is now smaller, we believe the United States is still technologically ahead of the Soviet Union—ahead on quality of weapons—by perhaps two to three years on the average". (March 18, 1971.)[4]

However, in the last 24 months, Dr. Foster began issuing public statements arguing that the United States will lose its technological superiority if present trends continue. In successive statements he has talked of this happening in a "decade", in the "next several years", in "two years", in the "latter half of this decade" and in the "middle of this decade". Sample quotes are footnoted.[5]

The evidence for these fears lies in three different kinds of estimates. They include: estimates of relative R & D expenditures of both sides; direct estimates of the technological capabilities embodied in the equipment of both sides; and estimates of production of scientists and engineers in both countries. We discuss these in order.

II. Expenditures for military R & D

In expressing his fear of forthcoming Soviet "technological superiority", Dr. Foster refers most often to calculations of relative expenditures here and in the Soviet Union on research and development. On March 11, 1970, Dr. Foster told the House Armed Services Committee, that both total Soviet R & D (military and civilian) and Soviet militarily-related R & D (defense, space and atomic energy) were growing faster than our own expenditures. He did not tell the Committee the more relevant fact that the United States was then spending more on *military* R & D (and had been for years) than the Soviets but this was true. Dr. Foster must have known it because this fact can be deduced, in an only slightly involved economic calculation, from other information provided by Dr. Foster at the time (see Appendix A of this report). And this fact is clearly shown in the graph which Dr. Foster began to distribute eight months later in November, 1970 (see page 5A of this report). Here is an unequivocal example of a scare encouraged by selective release of classified information.

When this information was suppressed, Dr. Foster was telling the Senate Armed Services Committee (on February 26, 1970) that the information was unavailable—that the method of adducing military R & D expenditures from weapons output did not permit him to estimate military R & D but only to compare efforts of the two sides on "defense, space, and atomic energy research and development across the board". He said: ". . . we have tried for several years now to unscramble this problem in the Soviet Union, and we have not been able to do it".[6] For example:

Senator McINTYRE. ". . . You indicated that the Soviets will spend an estimated $16 to $17 billion for defense, space and atomic energy research and development compared with $13 to $14 billion for the United States.

Now is your breakout sufficient so you could give me what the Soviets will spend on the matters of defense research and development as opposed to what we know you are requesting, $7.4 billion. Do you have those figures?"

Dr. FOSTER. "No, sir. It is very unfortunate that we cannot separate the Soviets' space effort from their atomic energy effort and from their defense effort."[7]

By fall, 1970, the R & D gap scare had been made much more precise. DDR & E statements no longer referred to rates of growth of total R & D or of militarily related R & D. Now it was possible to estimate military R & D separately and for "each of the last 20 years." Suddenly, the Soviets were spending more than we on military R & D:

"The fiscal input to Soviet military R & D has been increasing at a rate of 10 to 13 percent in each of the last 20 years, while ours has been erratic. Indeed, for the past several years, our efforts in military R & D have been declining. As a result, I believe the Soviet Union is now devoting 40 to 50% more in equivalent effort to military R & D than the U.S. This amounts to about $3 billion more for this year alone."[8]

According to his prepared remarks this year, Dr. Foster's conclusions pertaining to fiscal inputs "are based largely on the results of studies, begun several years ago"—work he called "an impressive pioneering attempt" to help resolve questions about comparative U.S./U.S.S.R. efforts.[9]

This pioneering effort evidently "broke out" the military R & D portion of space plus military R & D by deciding that:

"In the early 1960's the roughly 10-percent growth each year which previously had been applied solely to military technology, was applied instead to civil space technology, until the latter reached a level of roughly 5 billion in equivalent U.S. dollars, after which the growth was again applied to military technology."[10]

Thus, in the two graphs following of Dr. Foster and Dr. Rechtin, the sharp increase in Soviet military R & D arises from the assumption-conclusion that the Soviet Union will find it desirable to *continue* its rate of growth in total militarily-related R & D but will *cease* all growth in space R & D and *assign* total growth in militarily-related R & D resources to military R & D. The three italicized words reflect conclusions for which it would be hard or impossible to get firm evidence.

Foster himself admits that "In some ways, is more accurate to say that the Soviet RDT & E investment rate challenge—considering the military and space investments lumped together—*unchanged*, rather than that a new challenge has appeared". (his italics). He went on to note that the "change" is the Soviet return to allocating R & D resources to the military sector and admitted that a "Soviet planner" might not even recognize a new challenge.[11]

But is the projected rate of increase of Soviet militarily-related R & D going to go into military R & D? What evidence exists gets distorted. For example, a celebrated Washington Post Editorial of May 1, 1970 uncovered the fact that Dr. Foster had deceptively misquoted a speech of Communist Party Chief Leonid Brezhnev. By quoting a sentence at the beginning and the end of a speech urging "scientific and technical progress", he had made a speech urging more Soviet R & D on tractors seem like a speech urging more R & D on missiles. The Post called this part of a Pentagon "spring offensive" release of information and termed the handling of the quotation "incompetent and disingenuous."[12] We simply point out that if the quotation is taken in full, it suggests that the projected rate of growth of Soviet militarily-related R & D may be going—in whole or part—into Soviet *domestic* activities.

"The CPSU Central Committee has constantly stressed in this connection the great, primary importance of speeding up scientific and technical progress, of the broad and timely introduction of its achievements into production. It is precisely here that vast and still unused possibilities are hidden. To accelerate scientific-technical progress means to introduce new technological methods, more rapidly into production, to replace old equipment, to secure an increase in labor productivity, to lower production costs, to improve the quality of produce; in other words to speed up the whole process of communist building and of raising the people's living standard . . . [Here there follows about twice as much prose as already quoted, concerning the production of farm machinery, the role of the workers and the party factortums in the process, and so on] . . . *Fundamental questions of the scientific-technical revolution, of rapid development in science and technology will continue to be given priority by the party and government".*[13]

In short, on February 26, 1970, Dr. Foster argues that his estimating methods *must group together* atomic energy, space and military expenditures. Nine months later, on November 30, 1970, he begins to give graphs showing *military R & D by itself* for earlier, as well as recent, years. The graphs show Soviet military R & D suddenly jumping 30% in two recent years (during 1968 and 1969) from an almost constant level! It is impossible to confirm the speculations about the last two years because the Soviet weapons built in this period with the military R & D will not be apparent for a few years.[14] But this as yet unconfirmable 30% increase became the total net advantage of the Soviets in military R & D—the $3 billion advantage of which Dr. Foster is now testifying. On the basis of this increase, Dr. Rechtin is extrapolating further enormous Soviet expenditures in military R & D. Truly some explanations are called for.

Footnotes at end of article.

Selective Release Indicated

The graph provided by Dr. Foster makes some other things clear. If Dr. Foster had been able to distinguish military R & D from militarily-related R & D earlier in this decade—as he earlier said he could not—he would not have had a very frightening conclusion. From 1960 to 1969, U.S. and Soviet military R & D are shown on this graph to be quite comparable, with the United States spending about 10% *more*. Nor, on the basis of this graph, could one have gotten a very frightening conclusion about the *absolute amounts* of *militarily-related* R & D, since the U.S. was ahead all of that period. But since the middle of the decade, the *rate of change* of *defense plus space* R & D has been in the Soviet favor. This has been largely because we cut back *space* R & D. This is R & D which is only somewhat related to military technological advance but which nevertheless became the heart of Dr. Foster's charge in 1970.

It is hard to avoid the conclusion that complicated graphs like these can always be said to show something frightening if selective facts from them are released. And in calculations this fuzzy—if selective facts are not available—it will always be possible to extrapolate "frightening" lines drawn on the basis of pure speculation. Finally, there will always be a pioneering new study available to support such speculations with a brand new speculative assumption about Soviet *future* allocations.

ESTIMATES OF ACCURACY QUESTIONABLE

Dr. Foster's narrow estimates of accuracy are quite impossible. He argued last year, for example, that the method of examining Soviet budgets and the method of imputing Soviet R & D from Soviet expenditures agreed substantially:

"Either way there is roughly a 10–20 percent agreement on the statements made by the Soviets as to how much money they are going to spend and the work that we actually see being produced".[15]

Dr. Rechtin has called these graphs accurate to within "10% or so". But it is interesting to note that even Dr. Foster's and Dr. Rechtin's graphs are not in such close agreement—there is a billion dollar (14%) difference between what the two graphs show for 1968 in Soviet military R & D expenditures although they purport to measure the same thing. One wonders from what economic series such graphs can be drawn.

The idea that these estimates can be made to within 10% to 20% flies in the face of an uncertainty alone in the Ruble-Dollar conversion ratio of over 40% in authoritative estimates. An O.E.C.D. study has used factors between .28 rubles to a dollar and .40 rubles to a dollar.[16] Others have used estimates of .45 to .50.[17] (The Rechtin version of the graph reprinted in this paper suggests that Dr. Foster is using .44 rubles to a dollar).

To take another problem, much is made of inflation in the United States as a key component of costs. In the Soviet Union, it is quite impossible to get a reliable estimate of inflation—impossible theoretically and impossible practically—because prices are not set through a market mechanism.

There is also the problem of estimating how much "free" military R & D arises from civilian R & D in our more advanced civilian research and development sector. The computer provides an interesting example and is discussed later in this paper. Indeed, one can even argue about how large *our* military R & D budget itself really is by questioning relatively arbitrary accounting decisions that assign R & D-related DOD expenditures to other accounts.

A memo on R & D estimates from the Legislative Reference Service started out by saying that it must first be said that this subject necessarily involves a "high degree of uncertainty".[18]

The SIPRI Yearbook for 1969/70 made this comment on Dr. Foster's 10% to 20% estimate of accuracy, after a thorough study of other unofficial estimates:

"This margin might well be considered a narrow allowance either for the uncertainty involved in estimating Soviet military R & D expenditures in rubles, or for that involved in converting any ruble estimates to dollar estimates; it can hardly accommodate both kinds of uncertainty".[19]

III. Is total R & D relevant to the fear?

Dr. Foster's explanation of his concern does not, of course, rest simply on the charge of a spending "gap" per se. His statements center around the problem of "technological surprise" which appears over and over in his statements. For example:

"To avoid technological surprise, we carry out a vigorous advanced technology program to anticipate the worst that our potential adversaries could bring against us, and to exploit these advances to our own advantage".[20]

Dr. Foster has argued that we must be ahead technologically because of the Soviet advantages of secrecy:

"Our counter to this disadvantage is to be technologically ahead; sufficiently ahead so that we can anticipate the kind of choices that they are likely to make; far enough ahead so that if we find we are in a little difficulty here or there we can pick up those things from the technological base that are necessary to mold a system in a hurry and bridge the gap".[21]

This is a plausible argument for maintaining a vigorous program on technology associated with military weapons but it is not a good argument for RDT & E—most of which is spent for weapons whose procurement has already been ordered or weapons of no great strategic import. The RDT & E budget can be divided into six categoires according to standard DOD definitions. These categories are: 1) Research; 2) Exploratory Development; 3) Advanced Development; 4) Engineering Development; 5) Operational Systems Development; and 6) Management and Support.[22]

Now the large RDT & E expenses in, or associated with, "Operational Systems Development" have nothing whatsoever to do with "technological surprise". They are not hedging expenditures at all. They are associated with weapons we have *already* decided to deploy. Indeed, Dr. Brown noted that for purposes of "analysis", one could put management support in with systems development and, on the other hand, group together research, exploratory and advanced development efforts as part of a "technological effort". He concluded that "for every $2 that goes into the very expensive weapons development, we are currently spending approximately $1 for the technology whose progress will lead to future weapons systems". The attached graph of 1970 R & D expenditures shows how much less expensive "R" is than "D".

The Chairman of the Senate Armed Services Committee, Senator John Stennis, and the Chairman of the Subcommittee on R & D, Senator Thomas J. McIntyre, are acutely conscious of this distinction. On May 14, 1969, Senator Stennis told Dr. Foster that he was "dead serious" about changing the DOD "bookkeeping" on R & D because "the press just handles this as if it is all research".[23]

Dr. Foster himself emphasizes, in describing his concerns, the "Research and Technology Base", including Research and Exploratory Development. But, as he has testified in earlier years, "For over a decade, the type of work which we now categorize as research and exploratory development has been supported at a level amounting to about *one-fourth* of the RDT & E funds". (italics added)[24,25]

These are relatively small amounts of money compared to the whole R & D budget. The Federation does not oppose, but supports, adequate expenditures in this category. We simply note that there is no evidence whatsoever that the United States is spending less in these categories than the Soviet Union. Indeed, as we noted earlier, Dr. Foster a year ago claimed he had no way of comparing U.S. and Soviet R & D expenditures for *military* needs alone—much less can he estimate how much each side is putting into its *"technology base"*, which is a fraction of its military R & D expenditures that is of the order of only 25%. In any case, as Dr. Foster testified in 1968 "In the research and exploratory development programs, we are limited by our brainpower" rather than by availability of funds.[26]

Prototypes Should Not Be Confused With Technological Advance

By contrast, prototype and operational systems development is really mostly engineering. Werhner Von Braun said this in 1957:

"I believe an established missile program, like the Jupiter, has much more similarity with an industrial planning job than with a scientific project . . . I would say it (Jupiter) was 90% engineering and 10% scientific."[27]

Here we see most clearly the extent to which a total R & D gap is irrelevant to the fear expressed that the Soviets will get a weapon we have not thought of. (Indeed, only about 40% of the total R & D budget is concerned with strategic weapons at all!).

Of course, if the other side spent more R & D funds on prototypes, it could have more prototypes. But this would not be good reason for us to buy more prototypes. We should develop prototypes only for those weapons we have decided to deploy or those for which we should go to great expense to shorten our lead time. Dr. Foster should justify these *separate* prototype programs *separately*. The *number* of prototypes being built by the Soviets is largely irrelevant to our decisions here.

National Attitudes Toward Prototypes Differ

Indeed, it seems to be true that the Soviets spend more R & D per weapon system developed because they build more prototypes. This may or may not be a more efficient process—obviously the American consensus so far is that it is not. In any case, if the Soviets develop two quite similar weapons systems—perhaps for bureaucratic reasons as we did the Thor and Jupiter intermediate range missiles—comparisons of R & D expenditures give them unwarranted credit for "doing more". We need not match the Soviets in total R & D expenditure and we certainly should not do so by matching them in numbers of prototypes. In 1968, Dr. Foster explained this very precisely and took the opposite position to the one he is encouraging now:

Dr. FOSTER. . . . "as we indicated earlier, the Soviets are devoting about twice as much effort as the United States for research and development when considered on a gross national product basis. I suppose they could put three times as much. Does that mean, therefore, that we should plan on the basis that they will put three times as much and gear ourselves accordingly?

It is not clear to me, however, that it would be the right thing to do. *The Soviets, it seems to me, make a large number of models of different kinds of aircraft and missiles, only a few of which are actually put into the inventory.* We tend to do less of that than they, relying more heavily on our confidence that these things are possible and that they do not all have to be demonstrated, relying more on our judgment of what should be the best characteristics of the thing we want, and then going out and getting it.".[28]

Footnotes at end of article.

Too Many Prototypes Can Mean Waste

In both countries, waste arises from bringing weapons systems to the point of production needlessly and then canceling them. The waste is not associated with bringing ourselves to the point (early advanced development) where we can see clearly what kind of a weapon would arise and what kind of weapon the other side might buy. Dr. Herbert F. York, now the Chairman of the Federation of American Scientists, advised the House Appropriations Committee, when he was the first Director of Defense Research and Engineering, that the biggest mistakes he had made were those involving the initiation and the carrying along to a considerable degree of completion of programs which turned out we did not need".[29]

This situation of needless advance and duplication of programs still exists. Dr. Foster testified to it himself last year:

Dr. FOSTER. ". . . because of the urgencies of the war we initiated a number of what I believe you call simultaneous developments".

Senator CANNON. "Parallel programs".

Dr. FOSTER. "Parallel programs, yes, sir. As a consequence we now find ourselves with an inventory that is complicated by the existence of weapons that we had prior to the Vietnam conflict. At the same time we have under development a number of weapons that offer the possibility of replacing not only those older ones from the inventory but some of the more recently developed ones. To me this is a very complicated but urgent matter to straighten out".[30]

One especially good reason for avoiding this is the hard to predict high costs of development that normally exceed estimates by high factors. The most authoritative study of this matter for weapons systems of the fifties concluded that development costs were normally 3.2 times estimates and development time was normally 1.36 times estimates.[31]

A table, provided to Congress in 1970, and reprinted in Appendix B, shows that development projects costing $6.8 billion were canceled during the past 10 years, many after years of work.

R. & D. Expenditures Depend on the Stage of Force Build-up

Finally, since the Soviet Union is now engaged in a rapid military build-up, Soviet R. & D. expenditures for strategic weapons development—but not necessarily for new technology—will in fact be relatively large. This is true on both sides during force buildups. For example, in 1966, Dr. Foster explained that his R.D.T. & E. budget was "more austere" than the previous year, although the numbers did not seem to show it, because of the "maturing of several very large programs in fiscal year 1967"—the Poseidon, the C–5A, and the SAM–D. Thus despite large expenditures, he felt he had "less flexibility". The Soviet force build-up is now in a period comparable to that in which the United States was in the early sixties. Large force buildups mean large R. & D. costs.[32] Whether the R. & D. costs will continue depends upon the force buildups. In this sense, much of whatever accuracy there may be in Dr. Foster's numerical estimates of Soviet R. & D. may really be reverberations of a larger problem—a long-delayed and long expected Soviet force build-up in answer to our former unquestioned superiority.

IV. What produces technological surprise?

It is evident from the foregoing that most R. & D. expenditures are not associated with the technology base about which Dr. Foster is concerned but are concerned instead with developing systems for which we have the technology already. The American technology base itself, in our pell-mell effort to stay ahead of the Soviets, has been the main source of world technological surprise. As Dr. Foster has put it:

"I will present the kinds of longer term potential threats that could be significant if they occurred. *You know that the most productive source of such potential technological development is our own research and exploratory development program.* This vigorous exploration of measures and countermeasures is the major basis for our confidence that we are unlikely to be technologically 'surprised' ". (italics added) [33]

Since the Soviet Union rapidly learns of our discoveries, we are protecting against being surprised by new weapons only by guaranteeing that we will be confronted by these same weapons.

Nor are we content only to research the ideas and make the exploratory development on new weapons. At that stage, they might be kept quiet if not secret. But in our urge to cut down lead-time on these same weapons, we push them to the point of development where—all too often—we simply ensure that they will be matched by the other side and hence must be bought. Look at what Secretary McNamara said in 1968:

"We are spending on the POSEIDON missile system alone, I would guess, $3 to $4 billion, and on the MINUTEMAN III probably over $2 billion, not because we have specific or certain knowledge that their current or future forces will require them, but rather in anticipation of possible moves on their part, and this is related to our concern that if we don't move in this direction, they might some day be able to reduce our second strike capability to the point where it might not constitute an effective deterrent.

Now what are we doing in the 1969 budget? We are basically proposing an insurance program. In other words, we propose to push ahead with POSEIDON, expensive as it is, push ahead with MINUTEMAN III, as expensive as it is, push ahead with the development of SRAM and the modification of the B–52's, and the initial research work on a possible replacement for the Polaris subs and on further work on the AMSA and on a rebuilding of our air defense system. These are all, primarily, insurance measures against actions that they haven't indicated they will take, and hence, all designed to counter a possible reduction of our second strike capability."

Remember, the POSEIDON and MINUTEMAN III programs are neither more nor less than MIRV programs for sea and land-based missiles. Today, in 1971, three years later, we are assuming that the Soviets will buy MIRV in answer to our development of MIRV and deploying MIRV first on that basis. Our exploratory development invented MIRV. Our development made it certain that the Soviets would catch the idea. And our deployment makes Soviet deployment inevitable. *As the front-runner in the arms race, we must make sure that we do not run this race with ourselves.*

But this is precisely Dr. Foster's philosophy:

"There is, as I have indicated, however, only one approach that we have been able to see that we thought would be possibly adequate to meet the future challenges. That was to push as aggressively as we possibly could across a broad range of research and technology, in an attempt to discover first the kinds of things that an enemy might later have in store for us".[34]

We have to learn not to buy so much "lead-time" at the cost of spewing out new military ideas at the same time. Every weapon idea we develop is one that we develop also for the Soviets. A more restrained hand on the throttle is required to manage, contain, limit, and end the arms race.

V. Direct estimates of United States and Soviet relative technological capability

In developing his fears, Dr. Foster has gone beyond expressing alarm about relative R & D expenditures, and about "technological surprise". He sees a technological race across the board. On December 5, 1970, he told the Navy League that the Soviets "now seem to be gaining on the United States technologically at a rate of about 1 year in every three or four". Having just noted that we were "perhaps 2 to 3 years" ahead in most major areas, he could have reached the conclusion that the U.S. would lose its technological advantage in military systems in 6–12 years and he did indeed speak of a crossover point "in the latter half of this decade", a period five to ten years off. He further noted, without explanation, that U.S. recovery of such a rapid loss of leadership would not be feasible without "enormous expenditures over many years".

Two months before, Dr. Foster had explained that these estimates of "how much of a lead" we had were based on the degree of technological capabilities evident in Soviet tactical, strategic and space systems in 1960, 1964, and 1968 and the years in which the United States has achieved these same capabilities. But in early 1971, in a speech given at the University of Southern California, the present Deputy Director of DDR & E, Dr. Rechtin, said that analysts had "recently" been able to "reduce the uncertainty considerably" in these and related calculations. He concluded:

"As a general rule, we *neither gained nor lost* very much of our several-year military technological lead over the Soviets from 1960 to 1968. On the other hand, we *clearly picked up lead* on the Soviets in the space business". (italics added) [35]

Evidently, those estimates of "how much of a lead" we had in earlier years revealed no problem through 1968. Then how can Dr. Foster be claiming that the Soviets "now seem to be gaining on the United States technologically" one year in every three or four? Obviously nothing can have happened in the last two years to permit estimates of Soviet technological advance of such a precise across the board nature. We are only beginning to see what the Soviets have been doing with the last two years' technology. The answer would seem to be Dr. Foster's estimate that the Soviets are *spending* 40% to 50% more than we. By his new spending estimates of the last two Soviet years, the Soviets would be spending in three years what we would spend in four years. But it would be most misleading to pass this off with the phrase that the Soviets "now seem to be gaining on the United States *technologically*" one year in every three or four—especially after talking of his estimates of direct technological capability in 1960, 1964 and 1968. In short, Dr. Foster seems questionably to be basing his numerical estimates of Soviet *technological progress* on already highly questionable estimates of Soviet R&D *spending* and to be clothing these estimates in rhetoric that pretends to be looking at underlying technological capabilities.[36]

It is Suggested that the Soviets Will "Assume Technological Superiority"

But Dr. Foster has not contented himself with arguing that we were steadily *losing* technological superiority. He speaks continually of the possibility that the Soviets "could assume technological superiority" in research and development.[37] The difference between U.S. loss of technological advantage and Soviet assumption of that advantage is a critical one. There *is* reason to expect ongoing U.S. loss of technological advantage because countries which are behind in technology learn from those that are ahead. They learn what is feasible from the existence of progress in more advanced countries and they read about basic scientific research (and

Footnotes at end of article.

about advances in technology), through scientific journals and related periodicals. If two equally large, and equally efficient, and equally talented countries spent the same amount of money on technology, the country lagging would catch up. But this does not mean that it would surpass the first country—they would instead tend to a par.

For Catching Up, the Soviets Have an Advantage

Thus, by simply following U.S. weapons deployment patterns, the Soviets may be able to spend far less in their "technology base" when they are a few years behind (or to spend the same amount less efficiently, etc.) We are normally the pioneers in R & D and this should make the Soviets more efficient than they would be otherwise. By seeing what works in the United States, the Soviets are able to avoid deployment and procurement expenditures for false alleys.

Dr. Foster emphasized this pattern of emulation in 1968:

"However, I don't feel that we are reacting to the Soviet moves. Rather I find them reacting to our moves".

"So in each case it seems to me the Soviet Union is following the U.S. lead and that the United States is not reacting to the Soviet actions".

"Another way of describing it is indeed the way you have described it that we are reacting to them, but we are not reacting to anything in fact. We are reacting to something that they might be able to do; hence, we are taking action when we have no evidence (or very little evidence) on the other side of any such action, so I don't think of our moves as being reactions in that sense".[38]

Indeed, it would be an extraordinary tribute to the inefficiency in the Soviet system if the Soviet Union had not been able to make steady relative gains in technology during the 1960–68 period. The Soviet system is thought to be especially well designed for catching up at least, if poorly designed for getting ahead. A distinguished report by the Organization for Economic Co-operation and Development (O.E.C.D.) "Science Policy in the U.S.S.R.", noted that:

"In the Soviet system . . . the drive for technical progress comes not from a competitive market but from central government . . . The system undoubtedly facilitated the rapid introduction of Western technology into existing Soviet industries, and the establishment of new industries utilizing technology adapted from advanced Western firms".[39]

Indeed, the President of the Soviet Academy of Sciences has complained publicly of the Soviet tendency to under-estimate the practical importance of fundamental research so that work on applications only commences after reports have appeared in the foreign press.[40]

It Would Be Much Harder for the Soviets To Assume Superiority

Although the Soviet system has relative advantages for the rapid introduction of technology, it is not, however, a good system for innovating. The present Assistant Secretary for International Security Affairs, Warren G. Nutter, put it this way in 1964:

"In the face of accumulating economic troubles, Soviet leaders have become increasingly aware of what some outsiders have long known: that problems are traceable in large measure to the inflexibility and general inefficiency of the Soviet system . . . Centralized direction of economic activity is a poor substitute for the marketplace under the best of conditions. It becomes less and less effective as the economy and the problems confronting it become more and more complex".[41]

The military sector in the Soviet Union is surely more efficient than the Soviet economy as a whole. But this sector is still embedded in a Soviet society that is economically far less efficient than our own. Faced with the possibility of substantial differences in the efficiency with which R & D resources are used—and with enormous differences in industrial infrastructure to support military development—it is unreliable reasoning to equate spending with technological progress. But this is what DDR & E is doing after it makes the assertions about spending discussed above. For example, Dr. Rechtin explained his technological comparisons by saying: "We then reasoned that if one country or the other was conspiculously ahead it was probably investing more".[42]

Civilian Technology Is Relevant Too: Our Lead in Computers

When he talks of loss of superiority, Dr. Foster does not always distinguish between "technology" and "military technology." But he should. It would be extraordinarily difficult for the Soviet Union to gain technological superiority over the United States and its allies. In O.E.C.D. literature, it has been estimated that the 22 O.E.C.D. countries account for roughly 75 percent of current contributions to scientific knowledge with only the majority of the remaining 25 percent coming from the Soviet Union. And it would not be easy to become or remain technologically superior in military matters while producing only a fraction of the technological advances of all kinds. Fundamental military advances often come from civilian breakthroughs.

To take one example, Dr. Foster testified in 1966 that small and reliable electronic digital computers were a "striking example" of how the "continuing expansion of our scientific horizon" had played a major military role because it had "made missiles and other guidance devices possible" and had "revolutionized the area of command and control".[43] But Soviet computers are known to be years behind ours in quality and quantity. In an as yet unpublished article, Z. Brzezinski noted:

"The gravity of Soviet backwardness is illustrated by the fact that in 1970 the United States had approximately 70,000 computers in operation, and was expecting to install that year 18,000 more; the number operating in the Soviet economy was approximately 3,500".[44]

Look at these relevant excerpts from the commentary of A. D. Sakharov, V. F. Turchin and R. A. Medvedev on computers and the state of the Soviet economy in their famous "Appeal of Scientists":

"In the past decade the national economy of our country has begun to show threatening signs of dislocation and stagnation . . . When we compare our economy with that of the United States, we see that ours is lagging behind, not only quantitatively, but—and this is the saddest part—also qualitatively. The more novel and revolutionary the aspect of the economy, the wider becomes the gap . . . We are ahead of the U.S. in the production of coal but behind in the production of oil, gas, and electric power, ten times behind in chemistry, and *immeasurably behind in computer technology*. The latter is specially essentially, for the introduction of electronic computers into the national economy is of decisive importance and could radically change the face of the system of production and culture in general. This phenomenon has rightly been called the 'second industrial revolution.' Meanwhile, the total capacity of our pool of computers is hundreds of times less than in the U.S.A., *and as for the use of electronic computers in the national economy, here the difference is so enormous that it is impossible to measure. We are simply living in a different era . . .*" italics added) [45]

Michael Boretsky, an experienced economic Soviettologist at the U.S. Department of Commerce, has concluded that Soviet industrial technology in 1962 lagged behind that of the U.S. by some 25 years on average; in some areas the lag was as much as 40 years, while in a few it was only 5–7 years.[46]

In a recent article in "Problems of Communism," a well-known Soviet analyst and economist Gertrude E. Schroeder concluded that although the rate of technological advance had become the "touchstone" of Soviet competition with capitalism, "the payoff from this ambitious campaign has thus far been minimal." [47]

Dr. Abram Bergson, Harvard Professor of Economics and long-time Director of the Harvard Russian Research Center made this comment:

"Yet really consequential innovations of Soviet origin seem only rarely to be reported, either by the Russians themselves or by foreign observers. Authorities in this field appear to be of the view that, overall, the number of such basic innovations in the U.S.S.R. has been quite limited compared with that in such countries as the United States, Germany, or England.

Given its initial backwardness and the continuing opportunities to borrow knowledge from abroad, the U.S.S.R., of course, could not be expected to be highly original technologically. If here too, however, the Soviet working arrangements have sometimes been an adverse factor, this would not be very surprising." [48]

VI. Who has more scientists and engineers?

It is a time-worn, inaccurate, and not very serious, fear that the Soviets are producing more scientists and engineers. Because Dr. Foster has made much of this issue, we discuss the evidence. But we emphasize that the maintenance of a deterrent in being, and the capacity to generate new capabilities quickly, is not very closely linked to the *numbers* of technical personnel. This is especially so if manpower is considered independently of the effective allocation of the manpower, the purposes to which it is assigned, its precise skills, and the facilities available for it.

The footnoted table shows that the United States is graduating more than twice as many natural scientists and that the gap in our favor is widening (U.S. scientists as a proportion of Soviet scientists are: 78% in 1950; 98% in 1955; 128% in 1960; 218% in 1968).[49]

However, the Soviet Union is graduating roughly five times as many engineers. Here the *Soviet* gap is widening. (Soviet engineers as a proportion of U.S. engineers are: 75% in 1950; 260% in 1955; 390% in 1960; 490% in 1965; and 580% in 1968).

These statistics are sometimes misstated by Dr. Foster and are often stated misleadingly. For example, he told Senator Stennis, in an Armed Services Committee Hearing, that the Soviets were producing more "scientists" which is, as indicated above, quite the reverse of the truth.[50] Other of his statements indicate that the Soviets are producing more "scientists and engineers" which is literally true but only if you add our advantage in scientists to theirs in engineers. Since scientists and engineers are not interchangeable, this would be a misleading calculation.

U.S. Has More Scientists But Fewer Engineers

In *total* numbers, the United States has almost double the number of scientists (395.5 thousand to 231 thousand in one estimate) but about half as many engineers (965.8 thousand to 1,630.8 thousand). Not all scientists and engineers work in R & D of course.

Footnotes at end of article.

The U.S. has a lead of three to one in scientists working in R & D (181 thousand to 53 thousand) and has about half as many engineers so engaged (317 thousand to 587 thousand.)[50]

As far as scientists are concerned, we have what one might expect relative to the Soviet Union. A distinguished sociologist of science, Dr. Dereck de Solla Price of Yale University, has shown that scientific contributions from all the countries of the world vary in rough proportion to the GNP of those countries rather than according to population. For example, the United States has only 6 percent of the world's population but he notes:

"(it) publishes about one third of the world's physics and chemistry, one third of the astrophysics, and gets about one third of the big prizes and discoveries—and has also about one third of the world's wealth".[51]

The Soviet GNP is about half of ours. Thus we would expect half as many scientists, as indeed they have both in total and in rate of production.

Soviet Engineers are Often Poorly Trained

The Soviet relative advantage in numbers of engineers is swollen by differences in quality. In the Soviet Union, an engineer is a very high status occupation and a very loosely used term. Dr. Foster has testified uncertainly about the quality of Soviet engineers. He told the Senate Appropriations Committee that "The same standards that are used in the United States were used in assessing the number of Soviet engineers" in the table footnoted above. Later, after persistent skeptical questioning from Senator Ellender, who has much experience in travels through the Soviet Union, and who called many Soviet engineering institutions "about equal to our junior colleges", Dr. Foster testified ambiguously:

"We have tried to apply the same standards that are set in this country against theirs, so that we are talking about the same kinds of engineers. However, *I cannot guarantee that a U.S. engineer would be comparable to a Soviet engineer.* That particular aspect is not covered. They do have to pass roughly the same kinds of courses". the big prizes and discoveries—and also (italics added)[52]

An O.E.C.D. publication of 1969 reports, however:

"Soviet engineering graduation figures are considerably inflated by the addition of extension-correspondence and evening school graduates, who in some years comprise over 40% of the engineering graduates. Since these are 'shorthand' graduates, i.e. their course of training is considerably 'watered down' as compared to the full-time day course engineering students, Soviet annual engineering graduation statistics have to be viewed with a somewhat jaundiced eye".[53]

In fact, not long ago, half of the members of the Soviet Politburo were classified as "engineers".

Numbers of Scientists and Engineers are Only One Factor

The efficiency of scientists and engineers cannot be separated from their surroundings. *Science Policy in the U.S.S.R.* notes:

"A very frequent source of complaint in the Soviet press is that factories lack laboratories, design facilities and experimental shops for proving prototypes of new products and processes".

"The scarcity and delay in supplies for R & D as a whole is a notoriously difficult problem . . ."[54]

And while there are undoubtedly differences between the efficiency of military and civilian R & D, there are limits to which one sector of a country can suddenly create a self-contained, vastly more efficiency infrastructure. For example, the Soviet national telephone system simply does not permit the rapid and effective communication that we have available to communicate freely (and without rationing) between institutes, and suppliers, and the like.

Efficiency inside a given country may depend upon other factors as well. The large number of Soviet engineers may actually be increasing Soviet R & D costs needlessly, and adding inefficiency, if they are being used on projects that really need fewer engineers. This would not be out of line with Soviet practices in other more easily observed fields of endeavor. Whether or not this is so—perhaps the Soviets really are more efficient in important ways—the "efficiency" factor cannot be ignored in favor of calculations of relative expenditures.

Scare Concerning Numbers of Soviet Engineers Is 15 Years Old

It should be said that the fear of Soviet increases in numbers of engineers and scientists is a very old one. *The Weapons Acquisition Process,* published in 1962, was already noting that the "relative number" of engineers and scientists is "by now a well-known cause for alarm". In particular, it quoted Edward Teller in a speech to the Air Force Association in 1957 saying:

"Ten years from now the best scientists will be found in Russia. I am not saying that this will happen unless we take this or that measure; I am saying that this is going to happen."[55]

Obviously, Teller was wrong.

1970 SUPPRESSION OF U.S. LEAD IN MILITARY R. & D.

The most detailed information on relative R&D given by Dr. Foster to the Congress appears in the attached footnote.[56] From it the following calculations can be made. These calculations are referred to, but not provided, in a footnote of a report on this subject by the Swedish Peace Research Institution.[57]

The calculations are as follows. In particular, the preceding footnote provides the following information in 1966 dollars but leaves x, y, and z unknown.

	1960	1970
Total Soviet R. & D	7.8	21.3.
Soviet militarily related R. & D.	x—13 percent annual increase→.	16–17 billion.
Soviet military R. & D	y—60 percent total increase→.	z.

However, x can be determined from its 13% rate of annual increase and its 1970 total (here taken as $16.5 billion) to be x equals $4.9 billion. Since *military* R & D cannot exceed *militarily-related* R & D (i.e. y is less than x), Soviet military R & D (y) must have been significantly less than $4.9 billion in 1960. Increasing this quantity by 60%, we get an upper limit for Soviet military R & D in 1970 of $7.8 billion (in 1966 dollars). But the United States request for fiscal 1970 was $7.4 billion in 1970 dollars or, about $6.2 billion in 1966 dollars. (Rate of inflation used is the 4% used by Deputy Director of DDR & E, E. Rechtin, in a recent paper, "The Immediate Future of Defense Research, Development, Test and Evaluation"). Thus, if the Soviets had had no space and no atomic energy expenditures in 1960—which is false—we could conclude that the Soviets were only spending *$1.6* billion more than we on military R & D, not the approximately *$3* billion claimed. In 1960, our AEC and space expenditures were about $1.75 billion in 1966 dollars. If Soviet expenditures in 1960 were comparable, then x would equal $3.15 billion and Soviet military R & D would, by these estimates, turn out, in 1970, to be 20% lower than that of the U.S. rather than 40 to 50% higher.

APPENDIX B.—MAJOR PROJECTS TERMINATED DURING THE PAST 10 YEARS

Project	Year started	Year canceled	Funds invested (millions)
Aircraft:			
Army: XV-3 Convertiplane[1]	1952	1960	10.1
Navy:			
A-2J-1	1948	1963	20.0
F-111B[1]	1961	1968	384.1
Air Froce:			
ANP	1951	1961	[2] 511.6
X-21[1]	1960	1966	36.0
X-19[1]	1962	1966	16.0
XB-70[1]	1958	1967	1,468.1
X-15[1]	1959	1968	210.5
RF-111	1966	1970	26.9
Missiles:			
Army: Mauler	1960	1965	200.0
Navy:			
Corvus[1]	1954	1960	80.0
Eagle	1959	1961	53.0
Typhon[1]	1958	1964	225.0
Air Force:			
Snark[1]	1947	1962	677.4
GAM-87 Skybolt	1960	1963	440.0
Mobile Minuteman	1959	1962	108.4
MMRBM	1962	1964	65.4
Astronautics: Air Force:			
MOL[1]	1964	1970	1,491.9
Ordnance, combat vehicles and related equipment:			
Army:			
Vigilante[1]	1952	1961	26.6
Tank, medium and heavy, T-95	1955	1960	18.0
Truck, cargo, 2½-ton	1946	1965	5.9
Truck, cargo, 16-ton	1959	1965	[3] 4.8
Truck, tank, 5,000 gallons	1959	1966	([3])
Truck, wrecker, 20-ton	1959	1966	([3])
Area scanning alarm (E-49)	1957	1966	3.9
Infantry mortar, 107 mm. XM-95	1960	1967	10.7
Howitzer, 155 mm. self-propelled, XM-138	1964	1968	5.3
Other equipment:			
Army:			
AN/USD 5-drone	1957	1962	103.3
AN/USD 4-drone	1957	1960	40.0
Auto integrated switch	1958	1965	39.9
Radiofrequency amplifier for AN/PRC-25	1963	1969	.6
Signal generator set, AN/PRC-25	1963	1970	.4
Tactical extended range antenna system	1965	1969	1.0
Navy:			
NRRS, Sugar Grove	1957	1962	70.0
DSSV	1969	1970	12.1
Air Force: Dyna-Soar	1960	1963	405.0

[1] Development was completed or essentially completed.
[2] AF costs only.
[3] The 3 trucks listed comprise the 16-ton series of the GOER program which was terminated in June 1965. Work was officially terminated on the tanker and wrecker in February 1966. The cost of the program was $4,800,000.

Source: U.S. Senate hearings on "Military Procurement, Research and Development, Fiscal Year 1971," 91st Cong., 2d session., p. 421.

FOOTNOTES

[1] November 20, 1970.

[2] February 1971.

[3] U.S. News and World Report, November 30, 1970, pg. 24.

[4] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1972, 92nd Congress, 1st Session, pg. 1–6 prepared remarks.

[5] "Our real concern is the fact that for the last decade they have been going up at a 10-percent rate per year. We have been increasing at about 4 percent per annum. If this is allowed to continue for *another decade,* I believe that there is nc doubt that the Soviet Union will be technologically superior to the United States". (May 14, 1969).—U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1970, 91st Congress, 1st Session, Vol. 2, pg. 1848.

"The U.S. will lose technological superior-

Footnotes at end of article.

ity to the Soviets in the *next several years* if present trends continue".—U.S. News and World Report, November 30, 1970.

"If the Soviets continue to increase their effort devoted to militarily-related research and development and we continue our present trend, within the next *2 years* the Soviet Union will assume technological superiority". (April 27, 1970).—U.S. House of Representatives Hearings, Defense Subcommittee of the Appropriations Committee, Fiscal 1971, 91st Congress, 2nd Session, Part 6, pg. 41.

"If present trends continue, . . . the Soviet Union could assume technological superiority in military research and development in the *latter half of this decade* (italics added) (March 18, 1971).—U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1972, 92nd Congress, 1st Session, pg. 1–6.

"If present relative trends were to continue: . . The Soviet Union would assume technological superiority in military research and development in the *middle of this decade*".—Ibid., pg. 2–7.

[12] Washington Post, May 1, 1970, pg. 22.

[13] The Post noted in its editorial that the underlined sentences had been quoted and the material in between had been omitted (the parenthetical remark inside the quote was inserted by the Washington Post). It should be mentioned that the Post said of Dr. Foster that it was "reluctant to believe that a scientist of his stature could have concocted such a presentation himself" and once referred to the "speech that someone put together for Dr. Foster."

[14] In 1969, before this "pioneering study", Dr. Foster explained how estimates were done. One looked at the weapons produced and adduced the R & D expenditures that must have been involved. He said his estimates were:

"Based on comparable output, not on the actual number of rubles. In other words, if we see a Soviet tank developed and in production, we give them credit in terms of the dollars it would cost us to develop a similar tank. It is an equivalent effort expressed in U.S. dollars. That is how the accounting was done".—U.S. Senate Hearings on Department of Defense Appropriations, Fiscal 1970, 91st Congress, 1st session, pg. 236.

[15] U.S. House of Representatives Hearings, Defense Subcommittee on the Appropriations Committee, Fiscal 1971, 91st Congress, 2nd Session, pg. 40.

[6] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1971, 91st Congress, 2d Session, p. 401.

[7] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1971, 91st Congress, 2nd Session, pg. 401.

[8] Address to the Navy League, Miami, Fla., December 5, 1970. The Senate Armed Services Committee was told about this $3 billion differential on March 18, 1971, in Dr. Foster's prepared remarks—U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1972, 92nd Congress, 1st Session, pg. 1–3, prepared remarks.

[9] Elsewhere, Dr. Foster told the Senate Armed Services Committee last year that the best analysis was a report completed in Spring, 1970 by the Institute for Defense Analyses—U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1971, 91st Congress, 2nd Session, Part 1, pg. 412. For the above quotation see Prepared Remarks, March 24, 1971 of Dr. John S. Foster, Director of Defense Research and Engineering before the Committee on Appropriati ns, U.S. Senate, 92nd Congress, pg. 2–4, 2–5.

[10] Ibid.

[11] Ibid., pg. 2–2.

[16] Davis, Barker and Fakiolas, "The Research and Development Effort in Western Europe, North America and the Soviet Union: An Experimental International Comparison of Research Expenditure and Manpower in 1962", Appendix II (Soviet Research and Development Statistics), published by O.E.C.D., 1965.

[17] Emile Benoit and Harold Lubbell, "The World Burden of National Defense, Disarmament and World Economic Interdependence", ed. by Emile Benoit, Oslo, Universitetsforlaget,1967, pg. 40.

[18] Memo from John D. Holmfeld, March 24, 1971.

[19] Stockholm International Peace Research Institute, *SIPRI Yearbook of World Armaments and Disarmament, 1969/70*, Stockholm, pg. 306.

[20] U.S. House of Representatives, Defense Subcommittee of the Appropriations Committee, Fiscal 1969, 90th Congress, 2nd Session, Part 2, pg. 445.

[21] U.S. Senate Hearings on Department of Defense Appropriations, Fiscal 1969, 90th Congress, 2nd Session, Part 5, pg. 2645.

[22] Dr. Harold Brown explained it this way when he was Director of Defense Research and Engineering:

(1) *Research:* "represents an essential effort to build up our basic understanding of natural phenomena from which new ideas for military hardware may be generated. . . . The Research category, more than any other, is directly related to support of individual researchers, and stability of effort is accordingly essential." (Fiscal 1971 request was 5% of total RDT & E budget.)

(2) *Exploratory Development:* ". . . effort that is directly pointed to the solution of military problems. . . . Its end product is the determination of the feasibility of concepts and the understanding of engineering characteristics so as to be able to make an intelligent decision to proceed to the development of hardware." (Fiscal 1971 request was 12.2% of total RDT & E budget.)

(3) *Advanced Development:* ". . . provides for effort directed toward the building of test or experimental hardware." (Fiscal 1971 request was 15.3% of total RDT & E budget.)

(4) *Engineering Development:* ". . . effort directed toward the design and development of specific hardware for service use." (Fiscal 1971 request was 18.9% of total RDT & E budget.)

(5) *Operational Systems Development:* ". . . identical to the RDT & E work under the category 'Engineering Development' except that projects shown in this category have been approved for production and deployment." (Fiscal 1971 request was 32% of total RDT & E budget.)

(6) *Management and Support:* ". . . effort directed toward general support of the RDT & E program. It thus includes certain maintenance and overhead costs of the laboratories, funds required for test and evaluation units and—a very large factor in today's overhead costs of development—the funding of the national ranges such as the Atlantic—Cape Canaveral—Pacific and White Sands Missile Ranges." (Fiscal 1971 request was 15.9% of total RDT & E budget.)—U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1964, 88th Congress, 1st Session, pg. 413–417.

[23] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1970, 91st Congress, 1st Session, pg. 1769.

[24] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1967, 89th Congress, 2nd Session, pg. 428.

[25] Beginning, evidently, in 1970, DDR & E redefined its "Technology Base" to include not only Research and Exploratory Development but approximately 30% of Advanced Development. Such a re-definition adds approximately 30% to the cost of the Technology Base since Advanced Development is approximately the same as Research and Exploratory Development put together.

[26] U.S. Senate Committee on Armed Services, Status of U.S. Strategic Power, Hearings before the Preparedness Investigating Subcommittee, pg. 50.

[27] U.S. Senate Committee on Armed Services, Preparedness Investigating Subcommittee, Hearings, Inquiry into Satellite and Missile Programs, 85th Congress, 1st and 2nd Sessions (1958), pg. 590–591.

[28] U.S. House of Representatives Hearings, Defense Subcommittee of the Appropriations Committee, Fiscal 1969, 90th Congress, 2d Session, Part 2, pg. 441.

[29] U.S. House of Representatives Hearings, Defense Subcommittee of the Appropriations Committee, Fiscal 1962, 87th Congress, 1st Session, Part 4, pg. 21.

[30] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1971, 91st Congress, 2nd Session, Part 1, pg. 309.

[31] Op. Cit., The Weapons Acquisition Process, pg. 22.

[32] "The Weapons Acquisition Process" concluded that R & D had been 22% to 31% of total expenditures for aircraft and missile programs in the 1950's and said there was "every indication" that the trend toward an "increased proportion" of resesarch and development activity "will continue". (Merton J. Peck, Frederic M. Scherer, pg. 26–27.

[33] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1969, 90th Congress, 2nd Session, pg. 440.

[34] Op. Cit., Status of U.S. Strategic Power, Part 1, pg. 69.

[35] Speech entitled 'The Immediate Future of Defense Research, Development Test and Evaluation (RD & E)", undated copy supplied by DDR & E.

[36] Actually, Dr. Foster was charged that the Soviets were catching up technologically as early as the spring of 1969. At that time, for example, he was asked by Senator Stennis, and by Senator Dominick, to submit unclassified material in support of this charge and to insert it in the public record (see pg. 1885, Senate Armed Services Committee Hearings for Fiscal 1970). The Hearing record shows that this material was not received in time for insertion. In response to his verbal inquiry, the Director of the Federation was advised on April 14, 1971 by the Committee on Armed Services that the material had indeed been submitted, but in classified form and had never been declassified because no one had asked about it; he was promised a copy as soon as it was declassified. (Added in Proof: On May 3, 1971, the Armed Services Committee advised the Federation by telephone that the material could not be declassified).

[37] Address before the Navy League, Miami, Fla., Saturday, 5 December, 1970.

[38] U.S. Senate Hearings, Status of U.S. Strategic Power, Armed Services Committee, Preparedness Investigating Subcommittee, 1968, 89th Congress, 2nd Session, pg. 110–111.

[39] Organization for Economic Co-operation and Development, Science Policy in the U.S.S.R., Paris, 1969, pg. 403.

[40] Ibid, pg. 431, Originally, Vestn Akad., Nauk, 1961, No. 7, pg. 18.

[41] U.S. House of Representatives, Hearings before a Subcommittee on Europe of the Committee on Foreign Affairs, 88th Congress, 2nd Session, February, March, 1964, pg. 181–182.

[42] Rechtin, Op. Cit., pg. 8.

[43] U.S. Senate Hearings on Military Procurement, Research and Development, Fiscal 1967, 89th Congress, 2nd Session, pg. 429.

[44] Private communication; based on data obtained from Technology Review, February 1970; R. V. Burks, "Technological Innovation and Political Change in Communist Europe", RAND, Santa Monica, August 1969; and Richard W. Judy, "The Case of Computer Technology", from *East-West Trade and the Technology Gap* edited by Stanislaw Wasowski, N.Y., 1970.

[45] Problems of Communism, September-October 1970, Soviet Technology: System vs. Progress, pg. 20, article by Gertrude Schroeder.

[46] U.S. Congress, Joint Economic Committee, New Directions in the Soviet Economy, testimony by Michael Boretsky, 1966, Part IIA, pg. 149.

[47] Problems of Communism, Op. Cit., pg. 19.

[48] *Planning and Productivity under Soviet Socialism*, by Abram Bergson, Carnegie-Mellon University, 1968, pg. 61–62.

[49] Soviet and U.S. graduates (in thousands):

	1950	1955	1960	1965	1968
Soviet:					
Engineers	38.5	67.4	102.1	175.5	238.0
Natural scientists	28.0	23.2	33.3	33.3	33.5
All others	166.8	179.0	192.0	222.2	252.2
Total, Soviet	233.3	269.6	327.4	431.0	523.7
United States:					
Engineers	51.0	25.8	30.8	35.9	41.0
Natural scientists	22.6	22.7	42.9	68.0	73.1
All others	204.5	255.0	305.5	436.0	556.5
Total, United States	278.1	303.5	379.2	539.9	670.6

Source: U.S. Department of Defense. (See "U.S. Senate Hearings on Department of Defense Appropriations, Fiscal 1970, 91st Cong., 1st sess.," p. 235.

[50] These estimates are circa 1965 and are presented in a December 24, 1970 internal memo from John D. Holmfeld in the Legislative Reference Service of the Library of Congress. Dr. Foster has projected that the Soviets would have a four to three advantage in total scientists and engineers working in R & D by 1985 but this obviously depends upon projections of future expenditures—projections we question in this document. (For this projection, see his testimony for Fiscal 1971 before the House Appropriations Committee). Because of this uncertainty, Dr. Foster's projections were flatly described as "meaningless" and "nonsense" in a forthcoming MIT Center for International Affairs Study by Robert Mikulak: "A Second Look at U.S. and Soviet Research and Development", February 1971, pg. 20 and pg. 23. This study is an excellent analysis of the technical deficiencies in Dr. Foster's arguments.

[51] Measuring the Size of Science, Israel Academy of Sciences and Humanities Proceedings, Volume IV, Number 6, Jerusalem, 1970, p. 104.

[52] U.S. Senate Hearings on Department of Defense Appropriations, Fiscal 1970, 91st Congress, 1st Session, pg. 235–236.

[53] Science Policy in the U.S.S.R., Scientific and Engineering Manpower Resources of the U.S.S.R.: 1961–1966, by Joseph P. Kozlowski, Study Director, Foreign Studies Group, National Science Foundation, Washington, D.C., pg. 159.

[54] Science Policy in the U.S.S.R., Op. Cit., pg. 409 and 412.

[55] The Weapons Acquisition Process, Peck and Scherer, 1962, pg. 170.

[56] "Comparative funding data for R. & D. in the U.S. and the U.S.S.R.—data that are probably accurate within about 10 to 20 percent—look like this:

RESEARCH AND DEVELOPMENT FUNDING

[Billion 1966 dollars]

	1955	1960	1965	1968	[1] 1970
U.S.S.R.	3.5	7.8	13.9	17.7	21.3
United States	5.1	13.7	20.6	25.4	24.6

[1] Estimate.

Three points drawn from RDT & E funding data should be examined seriously. First, Soviet R & D has been growing faster during the past decade than total U.S. R & D. For example, the U.S. total funding was almost twice that of Soviet total in 1960, and by 1970 the U.S. total was only about 15 percent greater. During the last few years, Soviet R & D has been growing by roughly 10 percent per year while U.S. R & D effort has essentally leveled off. For the entire decade of the 1960's. Soviet R & D devoted to military, atomic energy, and space applications grew by about 13 percent per year, and this vigorous growth rate appears to be continuing. These budget data have been found to be consistent, on a general program basis, with the resources required to support the growing numbers and types of aircraft, missiles, ships and other equipment which the U.S.S.R. has been developing in recent years.

Second, the U.S.S.R. continues to emphasize military/space/atomic energy R & D. For example, looking at the military component alone, during the 1960's the Soviet military R & D increased by about 60 percent while the U.S. military R & D increased by roughly 30 percent. Overall, Soviet funding for military/space/atomic energy R & D is now about $16 to $17 billion while comparable U.S. funding is about $13 to $14 billion. In the last two years, however, the U.S.S.R. has shown considerable concern over the lagging technological level of its civil industrial base and appears to be adding resources to this sector, but not at the expense of continued growth in their defense, space, and atomic energy efforts.

Third, we should note that cumulatively and currently, the U.S. has a substantially larger investment in R & D than the U.S.S.R. During 1960–68, U.S. R & D amounted to about $173 billion, while Soviet expenditures were somewhat more than 50 percent of that. Nevertheless, the U.S. activity is much more heavily weighted toward civil R & D (in 1968 roughly $11 billion out of $25 billion total) compared with the Soviet proportion on civil R & D.—U.S. House of Representatives, Armed Services Committee Hearings, Fiscal 1971, 91st Congress, 2nd Session, pg 7957.

[57] U.S. estimates of Soviet expenditure for military research, *SIPRI Yearbook of World Armaments and Disarmament, 1969/70*, Stockholm International Peace Research Institute, 1970, pg. 302.

INDIAN HEALTH CRISIS

Mr. HARRIS. Mr. President, I have been conducting a series of public hearings in Oklahoma to bring the Federal Government home to the people. The hearings have centered primarily on issues pending in Congress and have been extremely helpful to me in getting a first-hand report from the people of my home State.

On March 18, 1971, I held a public hearing in Oklahoma City on the subject of Indian health. Over 300 Indian people attended the hearing representing the major tribes of the State of Oklahoma.

I know, from talking with American Indians of other States, that there is not only an Indian health crisis in Oklahoma, there is a crisis throughout the Nation. Indian hospitals have a tragic shortage of personnel, drugs, and supplies. In urban areas Indians are in many instances going without care.

It is obvious that Congress must increase significantly the appropriation for the Indian Health Service if we are to improve the level of health care. The anticipated increases of $14 million will barely take care of the increase in costs. I have testified before the subcommittee on Interior Department appropriations and requested that the funding be increased to $200 million rather than to $137,576,000 as requested in the budget. The testimony which follows will give a clear understanding of the need for this increase.

I intend to have the complete transcript of the Oklahoma City hearing printed in the RECORD and see that it is presented to the members of the Senate and House Appropriations Committees.

Today, Mr. President, I ask unanimous consent that the first portion of the testimony be printed in the RECORD.

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

OPENING STATEMENT OF U.S. SENATOR FRED R. HARRIS AT HEARING ON INDIAN HEALTH, MARCH 18, 1971, AT THE NORTHWEST COMMUNITY ACTION CENTER, OKLAHOMA CITY, OKLA.

I am pleased that so many of you have responded to my invitation to appear at this hearing on Indian health. I know that the Indians of Oklahoma are terribly upset—and rightly so—over the inadequate health care they have been receiving, which is attested to by your presence today.

The level of health of American Indians lags 20 to 25 years behind the health advances of the general population in America. The average age of death for Indians is 44 years of age, about one-third less than the national average of 64. Indians are eight times as likely to suffer from tuberculosis as the rest of us, and deaths due to influenza and pneumonia are nearly two and one half times higher for Indians. There are three and one half times as many homicides and two times as many suicides among Indians as there are among the general population.

If one is an American Indian, he is ten times more likely to suffer from rheumatic fever, strep throat, and hepatitis. Only about 24 percent of the dental care needs of Indians are met.

In September of 1969, several of you here today travelled to Washington to meet with the Oklahoma Congressional delegation about health problems in Oklahoma. I subsequently offered an amendment to a supplemental appropriations bill and was able to increase the funding for drugs and supplies and for additional health personnel by over $2 million. These funds were to be directed to the needs you made known to our delegation, but as many of you will recall the Administration did not release the funds for several months.

Last year I offered a series of amendments to the appropriations bill that were enacted increasing the funding for Indian health by over $5 million. But these increases hardly enabled the Indian Health Service to keep pace with increases in the cost of providing care.

On Monday, March 22, 1971, I will appear before the Subcommittee on Interior Appropriations of the Senate Appropriations Committee again to ask the Committee to increase the budget requests of the Administration for funding Indian health programs.

Although the overall budget for Indian health has been increased from $120,000,000 to $137,576,000, the increase will not enable the Indian Health Service to upgrade the present level of health care being received here in Oklahoma or in other parts of the nation. No request has been made by the Administration for: funding in the coming year for hospital construction; funds to improve sanitation in existing homes; funds to improve mental health programs; increases in funding for drugs, supplies, and personnel in our hospitals to meet increasing needs.

The Administration's budget provides no

recognition at all of health needs in urban areas.

The testimony you give today will all be transcribed and will be presented to the Appropriations Committee next week. It will be a part of the official hearing records of the Committee. Having your testimony will enable me to speak with authority before the Committee about the health care needs of the Indians of Oklahoma and throughout the nation. I can give the Committee a current report on this tragic situation. I will be armed with information which I hope will convince the Committee to correct the deficiencies in the Administration's budget and in Indian health generally.

PROVIDED AT THE REQUEST OF THE TALIHINA TRIBAL HEALTH COMMITTEE: DENTAL RESUME OF TALIHINA DENTAL SERVICE UNIT

1. The present staff in the Talihina Service Unit consists of one Dental Officer and one Dental Assistant. They are to provide dental care to the official dental population (3+) of 6,435 people. This is a job that is estimated to require three dental officers and six dental assistants in seven operatories according to the Indian Health Services Manual.

2. Because of the disparity between the staff required and the staff available, strict adherence to an established priority system has had to be enforced attempting to provide care for emergencies and children. Unfortunately, not all children are receiving adequate care, let alone providing any adult care.

3. Most of the children not seen are from the southern half of the Talihina Service Unit. The problems are threefold:

(a) Transportation to the Talihina Hospital Clinic is available only in very limited amounts. The average distance is approximately 96 miles for a family living in this area to the Talihina Hospital.

(b) The economy of the southern area is very low and attracts very few dentists. Those that are there, have large practices and are reluctant to provide care to Indians.

(c) Even if money was available, only one-half of the 6,435 Indians are located close enough to a Contract Dentist that they might reasonably seek dental care from them.

4. Based upon FY 1970 Dental Epidemiology, 8,993 services either by Direct or Indirect sources were provided out of a total need of 77,815, that is 11.6% of the total need. Less than 18% of the 8,993 services were provided for people over 20 years of age.

5. Based upon the above, it is clear that additional personnel must be made available in the Talihina area. Logically a clinic at both Idabel and Hugo are required if anything approaching total care is to be provided. To meet the immediate need, the medical clinic at Idabel should be supplemented to include two dentist, three dental assistants and four operatories. This clinic is located within 30 miles of 2,500 Indians and cannot be provided for by contract dentists. Direct care is the only possible means by which dental care can be delivered.

Cost, first year:	
Equipment	$50,000
Initial supplies	3,000
Rental	3,000
Total	56,000
Cost of second year:	
Staff	47,000
2 Dental officers	
3 Dental assistants	
Replacement supplies	3,000
Rental	3,000
Total	53,000

STATEMENT TO SENATOR FRED R. HARRIS, INDIAN HEALTH HEARING, MARCH 18, 1971, OKLAHOMA CITY, OKLA.

(By Mrs. Mary M. Williams)

Because of the current proposal for a National Health Insurance program, the question of Medical Care is being talked about a great deal these days, but one of the greatest health scandals in the country is still receiving the silent treatment it has always received, that scandal is Indian Health.

What concerns me most in my role as Director of the Dallas American Indian Center is the aspect of the Indian Medical Care program, which almost everybody forgets about. I am talking about problems of Urban Indians when they get sick.

Reservation Indians are able to get some medical attention from the Public Health Service Hospital. The care at the Indian Hospital is often bad due to limited resources and funding and the whole bad system, but at least it is something. The Urban Indian though, does not even have this unsatisfactory alternative. As virtually every other aspect of his life, the Urban Indian is caught in a no mans land: He is ineligible for the services reservation Indians receive, and unable to get those services elsewhere.

Once an Indian moves to the city, he has to depend on services and all other resources of the city. I personally think it is scandalous that once an Indian leaves his reservation he loses what little he was entitled to from the Federal Government. But, for better or worse, that is the way things are. An Indian in Dallas is just any other person in Dallas when he needs any kind of services.

This is where our problem begins when it comes to Medical Care. On the one hand we have city and state health officers who either are not aware that Dallas has a sizeable Indian population or—and we hear this time and time again—they think Indians are somehow being "taken care of" by the B.I.A. or some other agency. Nothing of course could be further from the truth.

Then we have a great many Indian people who are not aware that they are entitled to *all* the services other residents of Dallas are or if they are aware of this, do not know how to go about getting those services. There are about 15,000 Indians in the Dallas-Ft. Worth area. Some have been living there for a long enough time to know their way around the bureaucracies. Many, though, have not been in Dallas for long. When they were home—either on reservation or in Alaska or Oklahoma—they received all of their medical care from the Indian Hospitals. They knew where to go and what to do if they or a family member got sick.

When they move to Dallas, many people have no idea at all how to get health care. Some of the Indian people from Oklahoma go all the way up to Oklahoma to see a doctor. But a Navaho from Arizona or New Mexico can't even do that. What should they do when they get sick. Whom can they see, especially if they cannot afford private physicians.

Getting information on where to go, of course is not the only problem. Even if you do know where to get medical care, even if you do know where. All what the very wealthy can get is totally inadequate. You get shunted through a clinic and in the end it may almost be more trouble than it is worth.

Of course many of the health care problems Urban Indians have are common to most poor or middle income people. It seems often that only the very rich can afford good medical care. But I do think health officials have some special obligation to Indian people. It does not seem sensible, for example, that an Indian family which is entitled to medical care on the Navaho reservation should be deprived of that right just because they move to Dallas to find a job, or for whatever reason. Medical attention should not depend on where you happen to live. Also, the public health officials in the city have an obligation to be aware of the health needs of Indian people, especially since the number of Indians in the cities is increasing all the time. I should also add that Indian organizations must make sure they communicate health care information to the Indian community and, at the same time, be sure that the health officials are paying as much attention to Indian need as they should.

We in Dallas and other groups have been doing the best we can, but we sorely need funding for health specialist to work with us.

It is often easy to talk about problems like the delivery of medical care as though they were only abstract ideas. But medical care is literally a matter of life and death, and if we do not begin to do something soon about the situation an Urban Indian faces when he is sick, we will have let, that many more human beings become ill or even die. We need fundamental changes *now*.

HEALTH SERVICES FOR THE URBAN INDIAN

(Prepared Statement of Vincent Bointy, Oklahoma City, Okla.)

Health services for the Indian off the reservation or away from the home area, is restricted by policies implemented prior to the early 40's. During the 40's, the Indian began leaving the home area and began migrating to the metropolitan area. This movement to the Cities was pressured by economic conditions in the home area. Presently, the Indian population in Oklahoma City and Tulsa far exceed the Indian population of all other counties in the State.

Unknowingly to the Indian, his move to the City divorced him from the services of both the Bureau of Indian Affairs and the Indian Health Service. His most critical needs are in the area of health, and here suddenly he finds himself completely alone, without any assistance from any source. He is denied the available health resources in the City, he is told to utilize the Indian hospitals and clinics which have been provided for his health care. He goes to the Indian Health facilities and finds that these facilities are no longer available to him as he is now a non-reservation Indian. He can expect no assistance from his tribal council to voice his plight, for to his tribe, friends and relatives, he no longer is a Kiowa, Comanche, Choctaw or Ponca. A new tribe of Indians has emerged, the "Urban Indian," he is now an urban Indian.

The majority of the urban Indians that are employed are relatively new residents, and have an income which barely provides subsistence for their families. However, to the Government he is now in the mainstream of the current society; able to care for all his needs. If not, community services in the city are capable of meeting any human needs he might have that exceed his personal resources. To the local Indian from the home area, he is from Oklahoma City or Tulsa, thus, he is a rich Indian without the economic and social problems that besiege the ordinary Indian.

Once an Indian moves to Oklahoma City, Tulsa, or any other city, it is assumed that he no longer needs any type of assistance, irregardless of the period of time he may have been in the city. Whether it be for one week, three months, two years or for four years.

Health care for the Indian by the Government should be looked upon as an investment, help this Indian as he is beginning a new life away from home, in a society

unlike his own cultural traditions and social customs. Help him to get started on his own, on a solid base and very soon he will provide his own needs. He will help other Indians get started that enter the urban areas for a livelihood.

As he begins a new life in the city, should assistance for his health needs be denied, he may find himself heavily entangled with an accumulation of debts, and be forced to return to the home area. There to become ensnared in Welfare, and Welfare has a history of perpetuation from one generation to generation. Most certainly, the Indian does not want to become a recipient of the Welfare program. He only requests that medical services be provided and made available, as documented in treaties with the United States Government.

CONTINUATION OF HEARING

Senator HARRIS. Okay, Mr. Bointy, go right ahead.

VINCE BOINTY. Well, the Indian wants to become a recipient of the welfare program. We all request that medical services be provided and be made available as documented in treaties of the United States Government. I have here two plans that would take care of the urban Indians. Plan No. 1 would be just to contract for taking care of the Indians in this area. The estimated population here in Oklahoma City is 11,200 from the 1970 census. We have about 1,702 people who were admitted in hospitals last year, and just for outpatient care we have 26,880. That is just from Oklahoma City alone. Plan No. 1 would be a contract program where services would be purchased from the local private resources. These things would include such things as increase in hospitalization, outpatient, medical, eye glasses, dental care, drugs, staff, buildings and utilities. This adds up to $4,332,000. The things I think we should consider here would be limited control over quality and quantity of medical service provided by local vendors; (2) there would be no permitted medical program except limited ones provided by local vendors in their private offices; (3) there would be limited patient follow-up.

Plan No. 2 would also be both contract & direct services. These would include inpatient hospitalization, outpatient medical, eye glasses, drugs—just about the same things—except there would be a clinic involved. The thing here would be that the Indian Health Service physicians and dentists could monitor and follow each patient's medical care and assure maximum quality and services. Two, Indian health physicians would be available on the spot to counsel all patients concerning their health problems and health needs. Three, Indian health service physicians would conduct and manage a total preventive health program. Four, Indian Health Service physicians would make all contracts for health services. I have all these broken down into classes like surgery, dental and so forth on here which I will give to the Senator. We would like to have help from you because we're still Indians. Even though we moved away from the home area we haven't lost our love for our home songs, dances, religion. We still like boiled meat and fried bread. We're still Indians, and we'd like to ask your help at these medical service hearings.

Senator HARRIS. I'd like next to call on Chief Sylvester Tinker of the Osage Tribe who is scheduled for the afternoon but needs to be heard in the morning so he can get away. Chief Tinker we are pleased to hear from you at this time.

Chief SYLVESTER TINKER. Thank you Senator Harris and Mrs. LaDonna Harris. Thank you very much. There is a great deal to be said about Indian health. I've been with Indian health for a good long time since Dr. Bow came and made a tour of the Oklahoma health program and I was there the night when he spoke at Pawnee and he said I want these Indians doctored and I want them doctored now. Since then we have been able to get somewhere near 28 clinics throughout the state of Oklahoma of which I am very grateful. But nevertheless nearly all of the Indian health is on a second-class basis. It's not because we don't have the people to run the hospitals and the clinics but because of the lack of money to run them on a first-class basis. Money is the main object of what we really need for the Indian health people. I think that if we had plenty of money to build clinics, to revise our hospitals—I know the hospital at Claremore is some 40 years old, has been condemned a good many years, but we're still in there. We're grateful to have it, however, because if we didn't then it would be a real tragedy. I have often thought of how lax is the medicine and the doctors to run the hospital for the amount of people that we have. Now I know that—and I do want to say a few words in regard to the urban people of Oklahoma City and Tulsa. It is a pitiful thing that whenever the Indian has been encouraged to come to town to get a job and to work and live like white people and then be penalized when he does that. I know that there has been many many Indians turned down and it is because of the lack of money. And money is all we need and the Senator here and the representatives who represent all of us in the state of Oklahoma are the ones that can get us a bunch. Now in the case of urban Indians, Senator, I know that you can be as strong as Senator Mundt of South Dakota and I know that in Rapid City, South Dakota, we have one of the finest clinics in the entire United States, and that is for urban Indians. Now if any of you ever go up there this summer I wish you all would go by and see what a wonderful institution that Senator Mundt has got for the Indian people. Now they all tell us that these urban Indians can be taken care of. They've got to be taken care of, and I think, Senator, if you will get with the Oklahoma delegation I think it won't be too long before we have places for urban Indians to go to. It is very important, and the need of glasses is great. It is a terrible thing when a little child is in need of glasses and dentistry and the lack of food—you just can't teach a person like that. If they have a full stomach and can see and they can eat good you can have a real smart child. But one thing is really necessary is that we have dental clinics throughout the whole entire country. Then, I do want to say a few words in regard to why can't the Indians of Oklahoma whenever they go to Albuquerque or any other town then we're denied the use of the hospitals of those other states. All of these Indian children who came from New Mexico to go to the government schools here in Oklahoma are taking out of our pockets for those people, which we were glad to do, but we certainly want to be able to—if any of our children go to any other state well then we want to have the same privilege that we have given these other people. It's a terrible thing. I know that out in Albuquerque we had an Indian boy, Pawnee boy, that had a kidney ailment. And I tell you we worked for a year to get that boy out there where he could get some medical aid. We finally got him in to where he could use this machine, and it has done him a great deal of good and they've operated on him now and he's doing real fine. Otherwise, he would have lost his life. Well, in general, I think that we need a doctor at Pawnee. It has been almost a year and a half that we've been with just three doctors. And it just works them to death, Senator. I don't see any reason why we can't get another doctor over there. And that's about all I have to say.

SENATOR. Very good. I'll call now on Charles E. Brown of Oklahoma City. Mr. Brown is Chairman of the Oklahoma City Council of Choctaws, Inc. I'm glad you're here and we're pleased to hear from you at this time.

CHARLES E. BROWN. I'm glad to be here Senator Harris—Mrs. Harris, friends and guests. We're in the urban area of Oklahoma City. Due to relocation of the Indians in the last few years, some of our people have left the rural areas and moved to Oklahoma City, Dallas, Chicago or wherever. The relocation program has moved these people to urban areas now, the urban people have a problem. I think the problem is that the money that is funded to the Indian Health program hasn't reached the people in the city area. The nearest place for the Indians to go to get the medicine for being a diabetic or anything of this nature or glasses is 40 miles from here, the Shawnee clinic. I think here in Oklahoma City the need is great. I think the government should appropriate money to other things all over the country for other causes. But I think we Indians in Oklahoma City need a clinic here in Oklahoma City. I have talked to a lot of people here in Oklahoma City about these problems and they have voiced their opinions that they really need a clinic for the Indians here, just a clinic for Indians alone. And I think with this in mind I think our government should appropriate money—you are trying to help us—and I think that Senator Harris has done his best for us in this field. So, the problems that some of the people have encountered here is that when they go to these hospitals here they have to wait so long to be attended to. And another area because of the problems we have in Oklahoma City is that some of our people went to these hospitals and they were attended by unfortunate, untrained doctors. I was talking to a man last night and he said he had become deaf because of using untrained doctors on this one Indian man. I think we should have doctors among our people in Oklahoma State and city areas. I think the Federal Government ought to appropriate enough money to have a good clinic and good doctors for our people. Thank you.

Senator HARRIS. Now I would like to call on Mr. Jim Cleghorn. Jim Cleghorn, Tulsa, is Chairman of the Health Committee of the Indian Affairs Commission of the City of Tulsa. We're glad you're here.

JIM CLEGHORN. Thank you, Senator. Senator, we do appreciate—the Indians of Tulsa and other urban areas—the opportunity to testify that our problems might be magnified in Washington where the funding is made. The Indians in America today are considered for program purposes in five large groups: (1) residents of recognized reservations, (2) Indians living in a migratory status of bigger towns nearby reservations, (3) Indian people entitled to federal services, rural Indians such as live in Oklahoma, (4) and the groups not recognized for federal services, and (5) the one which I will dwell on today are the Indian people living in urban centers throughout the nation.

The major problem today is how to get systematic support for Indian people in the last category. For urban Indians who reside in Oklahoma City and Tulsa, this is a critical need and a very major problem. The urban Indians are in great numbers. Most authorities agree that over one half of the Indian population in the United States live in the urban areas. Large numbers of Americans have begun a new migration from reservations and rural areas to the cities where they hope to find jobs, education and generally a better life. None of the Federal Government programs are aimed with any meaningful impact on the special problems which In-

dians of these urban areas face. I think this might sound familiar to you for in your July *Congressional Record* you made such a statement. Most vital among the government programs that Indians find lacking in the urban areas are the health facilities provided by the Indian Health Service. Should an emergency occur, all that is offered the urban Indian is health care if he returns to the reservation or the rural areas. The Indians lose their entitlement to many benefits when they migrate and live within the city limits of Tulsa and Oklahoma City. I refer to the Indians who are one fourth or more degree Indians. Census statistics from the Tulsa metropolitan area planning commission reflect that in 1950 there were 1,160 Indians in Tulsa. The 1960 census figures showed there were 3,325, and in 1970 there are 9,544. This includes Sand Springs. The city of Tulsa census count for 1970 is 331,638. The City of Tulsa Public Schools report a racial composition of student body showing that on October 1, 1970, there were 2,435 Indian children who are one fourth degree or more Indians enrolled in the public schools. If these children lived in the rural areas they would receive student priorities for eye glasses and dental care which these people in Tulsa may need badly but do not receive as our brother and sister students in the rural areas receive. The American philosophy of health care is to spend thousands of dollars to save a physically ill person while some people go without. The national health surveys and studies show that Tulsa and other cities have grave problems. Surveys show health resources shortages, etc. The areas of Tulsa where surveys show the greatest need is the central downtown area and the rest of the Arkansas River where most of our Indians reside.

The Claremore Service unit and the Sapulpa clinic serve the rural Indians of our area and in addition they take on the urban Indians. The statistics reflect that in one week the total of the Claremore hospital that were received in outpatient treatment was 677. 212 of these were from Tulsa. This is 30 percent of the load at Claremore. The same figure is reflected, 30 percent, at our nearby Sapulpa clinic, at which they also treat our Indians from the city of Tulsa. Now the Metropolitan Indian Health Care study prepared by the Tulsa Area Health and Hospital Planning in March of 1970 made some recommendations. Their recommendations were that Tulsa should establish a neighborhood health center designed primarily to serve the Tulsa area Indian population. This center should be developed to offer outpatient services to an estimated 10,000 persons. The distribution of the Indian population in the 1960 census indicated that the center should be located reasonably close to downtown Tulsa. The location of the neighborhood health center should be compatible with existing bus routes in order to alleviate transportation problems. The majority of the center's staff should be of Indian descent so cultural differences would be minimized. Working agreements should be established as necessary to assure compatible relationships with the city-county health department, area hospitals and other health resources. So the city, county health and the state health are aware of our problems and they have made these recommendations. Senator, we request that when you testify before the Interior Appropriations Subcommittee to ask for additional funds for Indian health on March 22 that your request include contract medical care funding for urban Indians of Tulsa and other urban areas, such as was done for the Indians in Rapid City, South Dakota. The urban Indians further request general medical attention for all rather than an expanded program of specialized attention for a few. I think that as in all federally funded projects for installation of facilities it becomes top heavy. Just as the infantryman who goes out to face the enemy—one infantryman faces the enemy but there are ten in the back supplying him, and I feel personally that it is my opinion that the area office is becoming top heavy and too much specialization is done where general health care is needed by our urban and other Indians. We further request that increased funding of those service units that serve our urban areas for as I quoted to you 30 percent of the people who are receiving out-patient care are from Tulsa. We do appreciate this and I hope that as other cities—urban cities—that something can be done for we remain Indians. We do not wish to lose our identity because we go into the city limits and any of our urban areas and thanks again for this opportunity.

Senator HARRIS. I would like to call next on Mr. Garland Blaine of Oklahoma City. I believe he is a member of the Pawnee Indian Tribe.

GARLAND BLAINE. Senator Harris, ladies and gentlemen, I tried to get this just as concise as I could. I know there are a lot of people here, and I don't want to have to take up more time than I have to, but I want to be effective. Senator Harris, this statement is in regard to the shortage of personnel at the Pawnee Service Unit at Pawnee, Oklahoma. Approximately 7,550 Indians are in this area. The Service Unit serves six tribes in North Central Oklahoma. This Unit is lacking or shows shortages in the following areas: (1) Staff—one doctor, two registered nurses and four licensed practical nurses. The present staff has to work exceedingly long hours since the facility is understaffed. (2) Contract medical care is another area in which we have a shortage of funds. (3) Emergency Care—this is another area, ambulance service, surgery, etc. Also very important is opticle care. Children are especially affected. When a small child suddenly finds out that his vision is being impaired, maybe he never understands this. This may result in a misunderstanding as he grows up. It may take three or four years before it catches him. This may be hard for him to overcome the rest of his life. Also Elective care according to my research. It includes ear care and such things as that. Supposing a man comes in and there are a minimum amount of funds left and this man has ear difficulties, and another man comes in and he has cut his hand and it is bleeding, the one that is bleeding is the one that is going to get the care. This other may be important but it's the wording in this area. Also, dental care. I understand we do have dental care but since all ages are affected, they do need to expand in that area. Now here is the recommendation which in my research I came across and I thought I would say something about this. I recommend that the PHS take the approach to obtaining medical personnel that the Army, Navy, and Air Force use. The services make it a point to interest medical students and interns every November. PHS only sends out notices, and not until March. This tends to make it very difficult for a doctor to make a decision. Should a medical person turn down a commission in the Armed Forces, he also may not be accepted by PHS. Doctors interested, thus, in Indian Health service are at a disadvantage.

I had a doctor to tell me that he made two special trips from Boston to Washington to show that he was definitely interested even though he was not sure he would be employed. Now in the Pawnee area at the present we have three doctors from various medical schools—Boston, etc. They are doing a tremendous job. I was up there last weekend and one was on duty all day long. There is a definite shortage. We were short one nurse already and the other nurse retired to help her mother and daddy. The LPN's are doing wonderful there. They are putting in very long hours and this is hard even if they are getting overtime. This is another area, also, the same thing, PHS I understand only sends out notices to nursing schools and such. The Armed Forces send people there. They talk to people and this is something I definitely am sure that needs to be expanded. There is another one here—I recommend that a program be made for adequate orientation for new medical personnel. I know that such a program now exists. However, an Indian person, that has an overall knowledge of the particular culture and can express it in terms so that a person of another culture can gainfully understand, should assist in these programs, which has been suggested as being inadequate in this respect. I have talked to doctors who have said they have come and they weren't taking anything away from their present orientation. But if you take a man that grew up in the Indian community as an Indian even though he don't put his words in sophisticated form, if he would help the new programs I would say he would contribute something to these people which would enable them to understand the older Indian or the Indian that left home. There are cultures as close as theirs, there are norms undeveloped, there are folk ways that have developed since a few years ago to our changing times. These are some of the things doctors don't seem to understand but it might take some time for them to get on to it. I tried to make this as concise as I could and I have something here written down. Thank you very much.

Senator HARRIS. Garland, thank you very much. Now I want to call on Mr. Bob Stopp of Tahlequah, General Business Manager, Deputy Chief of the Cherokee Indian Tribe. I would like also to come up at this time to back him up and maybe to add additionally when Bob is finished, Earl Crawford, Tahlequah, who is the Health and Sanitation representative for the Cherokee Tribe. If Earl will come on up at the same time too and be ready to add in when Bob is finished.

BOB STOPP. Thank you Senator, my testimony is based upon my personal observations working with U.S. Public Health Service and Tribal Health Board. The opinions expressed are my own and they may or may not agree with those of others in the Public Health Service.

It seems as if we have been playing a "wait-and-see" game. It seems our game has been waiting for the promises of the Federal Government. From the time I was born some thirty-one years ago at the W. W. Hastings Indian Hospital, the only change that I see today is that we are in an obsolete hospital. Several years ago we did get a new addition to our hospital, a new waiting room. It is real nice. We have 60 seats and people are still standing around. You will note the overcrowded condition of the hospital. They also stand in the hallways to see the doctor. Maybe they are there for the biggest part of the day.

When available funds are allocated to meet accreditation, we always have our fingers crossed year after year to find if we meet the accreditation. We must always remodel in order to meet accreditation, such as remodeling the dental or our pharmacist areas and make other repairs. Yes, I can see some changes; more of the people are diabetics; one of the highest percentages here in Oklahoma. Yes, we do have a dreaded disease called tuberculosis . . . we rate the highest in Oklahoma in this also. We need a TB Ward of 10 beds space, ultra-violet lights, air filter system; the treatment would last 60 to 90 days—cost $50,000. We do have special problems; not enough medical staff, such as medical doctors. Due to the cutback from the Viet Nam War, most of the doctors come through the draft. It is hard for the W. W. Hastings Hospital or other U.S. Public Health Hospitals to meet the demands of medical doctors at the present time because they go into private practice; they make

more income than they would in Public Health Service Hospitals. We need to have more attractive salaries to bring more doctors into the Public Health Service.

One of the problems that we are going to encounter in a few months is replacing the surgeon that we have, who is going into private practice. A surgeon is the hardest person to recruit and as I said if we had an attractive salary, adequate operating space and adequate surgical equipment maybe a surgeon would stay for a long period of time.

Our operating room is obsolete; many of our patients report ready to be operated; that patient is in the hallway waiting for another patient's operation to be finished. The sterilizing room is also obsolete considering that many of our sterilized materials are exposed to incoming traffic.

At the present time in order to meet the accreditation and also acquire a better operating room there has to be some $4,500 or $5,000 improvement in the operating room just to remodel and realign the rooms. Still, this is a long way from an adequate operating room and an adequate place for a surgeon to work. What problems will we face if we don't get a surgeon by the time this other surgeon leaves? Then, we will have to use contract health services for surgery, maybe out of Tulsa, or Fort Smith. As you know, this volume of contracting is extremely high in costs; if that we had our own surgeon this work could be done in our own hospitals and at much less costs.

A complete staffing of the W. W. Hastings Hospital needed at the present time are (1) 3 orderlies, (2) 4 Licensed Practical Nurses, hospital, (5) 1 Registered Nurse, field clinic, (6) one clerk, medical records, (7) 1 clerk-typist, medical staff, (8) 1 Public Health Nurse, field, (9) 1 Social Worker, medical, (10) 2 Health Education Aids.

What type of problems do we have when we don't have the complete staffing? (1) Patients are demanding better care, (2) are more critical of services rendered, (3) and, if the patients aren't critical of some services the chances are, the families are, (4) doctors are delegating more of their functions to nurses, (5) hospitals are demanding increasingly higher standards. As the standards go up, the more obsolete our hospital becomes.

We are still playing the "wait-and-see" game . . . to see if we get enough appropriations from Congress to provide adequate health services for our people. In the latter part of 1970, we had Congressman Ed Edmondson from Muskogee and Congressman John M. "Happy" Camp visit surrounding hospitals. At that time was the cutback on drugs. Comments from Congressman Edmondson at that time were that funds are so short that adequate medical treatment is sometimes impossible. He said that at Claremore the posting out list for use by doctors and nurses consisting of such basic drugs as bufferin, aspirins and vitamin supplies was totally inadequate.

And, at Tahlequah essential antibiotics are low in supply and same can be said for certain antiseptics. I also mentioned in this report that Claremore is not accredited, which was denied in 1960 with the comments that the institution is hazardous, a dangerous building and should not house hospital in-patients. Also, it was said Tahlequah may be in its last year in accreditation status. Several dangerous conditions exist there.

As I have mentioned the overcrowded situation of W. W. Hastings Hospital . . . the only real change has been more patients. I would like to go back to 1968 on hospital admissions, average daily patient load, births and outpatients. . . .

Fiscal year 1968—July 1, 1967 to June 60, 1968	
Hospital admissions	1,675
Average Daily Patient Load	41.9
Births	306
Outpatient visits	35,150
Fiscal year 1969—July 1, 1968 to June 30, 1969	
Hospital admissions	1,849
Average Daily Patient Load	41.4
Births	384
Outpatient visits	44,145
Fiscal year 1970—July 1, 1969 to June 30, 1970	
Hospital admissions	1,726
Average Daily Patient Load	39.8
Births	343
Outpatient visits	46,702
Fiscal year 1971—July 1, 1970 to December 31, 1970	
Hospital admissions	839
Average Daily Patient Load	31.6
Births	246
Outpatient visits	27,447

According to the large increase of outpatient visits in 1971, there will be 10,000 more in 1971 than in 1970, and the birth rate will be greater in number, approximately 200 more for 1971. The allocation of funds given to us for 1971, no doubt it is more, but, in comparison with the figures, I just stated to you, we probably will not be able to break even for the 1971 Fscal Year. From these comments there is always a fear with our Indian people . . . will they be able to have some adequate care from day to day.

The doctors, nurses and administration are doing a first rate job within the limitations imposed on them.

This "wait-and-see" game . . . we wait for the Federal government to do their "readjustments" on Public Health . . . and, the Indian people see their people suffering from inadequate health care. I feel this responsibility lies with the Federal government, which has long assumed major responsibilities for Indian health. Thank you.

Senator HARRIS. Thank you, Bob. And now, Mr. Earl Crawford.

EARL CRAWFORD. Thank you, Senator. I want to do a little bit of a follow-up with Mr. Stopp because I have four areas in particular which I want to talk about. One is dental care which I consider one of the most important things we can offer. Some of our younger people—18–25 year olds—as Public Health is set up, hardly get taken care of at all. They can pull your teeth, sure. They can pull everyone of them for you but you can't get any of them back. And this is a sad situation. We have young students that are going to high school who have two or three teeth missing in front. They need a partial plate. These funds are not provided for these people—these young children. I have talked with friends about young fellows that if their teeth were fixed could go on into regular life and into society and possibly come up with a good job. I've also talked with them that hold their hands over their mouths and shake. It's a situation that has to be corrected. It is something that is of vital concern to me and has been for nine years. We've tried in the past. All we need is more dental people, more nurses, dentists, more mobile clinics to go into the fields, more education for these people. This is of vital concern I think to every Indian that is here. I know it is of mine. I speak in behalf of the Indians of eastern Oklahoma, including the Claremore and the Tahlequah Service Unit which I play a small part in and of which I am very proud. I have become so involved in Indian health and it is almost like a brother to me and even more. Another area I'd like to take up is the eye glass program. We are meeting only 10 percent of our needs for eastern Oklahoma. Here again people 25–40 years of age are left out. We have our priorities set up. The younger kids or the kids in school get top priority. And yet we have people who are diabetics, people who will never have an opportunity to obtain a pair of glasses. Recently we had a little bit of money leftover. They said spend it. We took care of 1,116 people within 60 days. We could use—as a matter of fact we now have some 3,000 people on the waiting list for eye glasses. The Indian people, as you know, are kind of running away because they need this eyesight. I've seen people with glaucoma that need some person to lead them around the house even. It's that bad. It's serious, Senator, and I have seen many women and children who like to sew. I know an 80 year old woman making quilt tops that have to have someone push the needle for them. These situations shouldn't be allowed to exist. Not in this day and time.

Another area that I would like to discuss is the Public Health 86121 which is another pet project of mine and I think it is something we should consider. This is health related also. We have some 800 Indian families in eastern Oklahoma today. I am talking of Cherokees only. There might be possibly more in other tribes. Indian families that live in existing homes that don't want to participate in the mutual help housing or the low-rent housing. They want to live where they are, their homes are adequate, but they don't have a safe water supply. They don't have sanitation facilities. We were just beginning to make inroads into this area on the basis of a good, safe, potable water supply, good sanitary facilities to help alleviate the problems in the hospitals. What happens? The money is being cut off. Sequoyah County has never been touched with any type of program, as far as help is concerned. In the north half of Delaware County people have been waiting and wondering why this happened to us. This is scattered throughout eastern Oklahoma. This is one such area, Senator, which I hope you can help us on.

There is another area I think the tribes of Oklahoma should consider. Recently in President Nixon's address he made mention of getting Indians involved in health services as doctors and nurses. I would like to see for Oklahoma a nursing training center. The nearest one, I understand, is in Albuquerque. We have talented men and women here in Oklahoma. As you know, one of the greatest problems is getting the Indian to move from his environment. He wants to be among his people. We have people that could educate those Indians who could provide possibly our own nursing staff here for our hospitals, not only in Oklahoma but throughout the whole Indian Health Service. I think we should give this serious consideration. I think money should be made available to do such a thing. We don't care where it is, just as long as it is close to home. We don't need people in the west. We've got people right here that can handle the job.

Another area too—I have a letter here from the Tulsa County Lakes Area Association here Senator requesting some $200,000 for the aid of the TB Center which Mr. Stopp has previously mentioned. I think this is vital for the simple reason that here again the nearest facility is Talihina. And when one of our Indians get TB, especially in our area, you have to send him off down there practically in chains when these places like Claremore and Tahlequah could have one of these small units and doctor the man and get him out of there in 60 days. I would like to leave this information for you for the record and I hope that you can do something about it, Senator.

TULSA-LAKES AREA TUBERCULOSIS AND HEALTH ASSOCIATION,
Tulsa, Okla., March 17, 1971.

Hon. FRED R. HARRIS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: At its regular meeting, Tuesday, 16 March 71, the Board of Directors of the Tulsa-Lakes Area Tuberculosis and Health Association unanimously approved the following resolution:

"The Board of Directors of Tulsa-Lakes Area Tuberculosis and Health Association urges the Congress to approve a budget request of $200,000.00 for the W. W. Hastings Indian Hospital, Tahlequah for the rental of a facility, the rennovation, equipment and personnel for a ten bed TB diagnostic and treatment center at the hospital. The Board feels that this is a definite step forward in the treatment of tubercular patients."

If this appropriation is approved and the facility placed in operation, it would have a tremendous impact on the Indian population of eastern Oklahoma, because many of them have a great fear of being sent away from their homes for treatment of TB and therefore, avoid all efforts to diagnose and treat the disease. This is one of the big reasons the TB rate is so very high among the Indian population of eastern Oklahoma.

This also is in line with the policy of the National Tuberculosis and Respiratory Disease Association, which calls for the treatment of tuberculosis patients in general hospitals. One of the big reasons for this, is the fact that 50% of all TB patients have some other major medical problem in addition to the TB and these problems can not be treated in a sanatorium. We hope you will give this your active support.

Sincerely,

Mrs. SHIRLEY BROOKS,
President.

DENTAL NEEDS OF TAHLEQUAH SERVICE UNIT, TAHLEQUAH, OKLA.

1. More money is needed for more and better equipment and supplies, more dental clinics areas near high Indian populations, more dentists and dental assistants.

2. Even with more money, dental production may not increase significantly if the Indians aren't made aware of their dental needs and motivated to seek care. A lot of time is wasted with broken appointments or unfilled appointment schedules. More health educators, C. H. R. and other Indian people are needed to provide this movitation and education.

3. A means of transportation provided for Indians who do not have any means to get to the clinics and hospitals.

4. Adult care is very minimal because of the shortage of dental personnel. The IHS dental philosophy is to treat the youngest available patient first in the hope that in years to come as these children become adults they will be dentally educated and will not be the dental cripples their parents are. Fewer dentures will be required, less periodontal disease, and healthier mouths will be present. Then as the total Indian population is on maintenance care, full dental care can be provided for all.

5. A central dental supply center should be set up for each area. At present, supply orders take anywhere from one month to four or five months to be filled. Consequently, many of the daily necessary items are hard to keep in stock at each clinic since you do not know when to order or how much to order. A central supply could fill orders on a monthly basis and maintain full stocks of supplies at each clinic.

Another solution would be to provide an allowance one year for a dentist to order his own necessary items from the nearest dental supply house without all the red tape and order forms necessary now.

CONTINUATION OF HEARING

Senator HARRIS. Thank you, Earl. A good friend of mine who is here and who can't stay very long, and that is Reverend Guy Quoetone of the Kiowa Indian Tribe. Reverend Quoetone, come right up here and we'll be glad to hear from you. It's good to see you. Why don't you say a few words to us on medical care.

Rev. GUY QUOETONE. Senator Harris and all my Indian friends, I come here to say what I can to help our Senator get us relief. A long time ago when the Indians owned the country and there was no white man here they didn't have any jails. They didn't have any taxes. We owned the country that the white man sure wanted and gave us all kinds of treaties and made all kinds of promises. Well, we want our Senator to know some of those promises. When they wanted this land we told them they had no business trying to come take this land. They said they were going to give us a big reservation. One of our powerful chiefs said, "No, it was mine a long time before you came over here. You got no land. You can't give me no land. It's all mine any way." The white man said, "You signed up and you know what I am going to do for you, now I want to take the responsibility to take care. I'm going to take care of you, I'm going to educate you, and your welfare." Is he doing it? No; he has tried. He has tried time and time again. Now I say I'm a coward. I represent my people but we have a hospital over there. We built it over a protest. The government didn't want to give us any money to build a hospital for our people. Yet they guaranteed our medical care in the treaties, and we had a good agent. He worked with the politicians, got an appropriation out of tribal funds, got together $5,000 and built us a pretty good hospital, against the protest of our Indians. They said we have a medicine man; we don't need a hospital. When we get sick we go to the medicine man. Senator Harris is out of our territory. That is the reason I can talk that way to a white man. If he gets mad we can tell his wife. After the government took our money Indians went into the hospital. They purchased it with our Indian money. It took $5,000 annually to get medicine and doctors and they have a time getting Indians to go in it. However, today you have to go in on an application. After so many years they built an annex to it. Another few years then they built another annex to it. Then they wanted to change it. They wanted to remove the name of Kiowa Indian Hospital and make it Public Health Service Hospital. I said all right I don't want it that way. We built it with our own money and we want to do as we please. If the doctor don't do good we want to put him out of business. They got some of the senators like this fellow and build it whether we liked it or not. I was one of the delegates and went up to see Senator Watkins, Chairman of the Senate Committee. He said we're going to make you a fine hospital for all the Indians. We're going to name it Federal Public Health. I said we don't want it that way. You're going to take all the authority away from us. You're going to run the business yourself. We like it ourselves. When we want something new we'll buy it. You know if you'd quit your protesting we're going to build you a fine, better hospital, better doctors, better nurses, better medicine, better everything.

I said why couldn't you do it anyway without changing it to Public Health Hospital. I don't understand why they wanted to change. We didn't want to change. But a lot of medical associations were in favor of it. Senator, you put that bill through. We want Indians to come to the hospital but you have a regulation that if they got a big income, if they got land, don't let them go in there. If there's an Indian man and a white man, don't let him go in. And if they've got a good civil service job, don't let them in. They got the bill through. I sure hate to go in that hospital. I don't want to go there, but I had to go in. I did go in from air pollution in November. I looked a thousand times out the window. I took notice what was going on. You know I got cold and when you're in the hospital generally it's cold. They didn't have the heating on, they didn't have blankets, they didn't have anything warm for the patients. We didn't have good service. I objected—what's the matter here. They said they were going to make a better hospital for us. It's worse than the old Indian hospital. It has no heat; there are no blankets; I'm cold and they brought me an old worn out bedspread and put it on top of me and then I said it's not enough. Bring me a blanket. And they brought me two more worn out bedspreads to put on top of me. I said I can't get warm, so they finally got about six old torn bedspreads to put on top of me. They were clean though; they had been washed.

Senator HARRIS. Don't you wear yourself out. Finish up.

Rev. GUY QUOETONE. We want to help our Senator get appropriations for the Indian hospitals. That's the reason I'm coming out here. I haven't got very long to stay here, but what little time I've got I want to put it in by helping my people, and I am going to help them. I know a lot of things if I didn't have to close up at twelve o'clock. You know they don't like to hear things like that, they want to cut you off. Let me show you something. I want to file this. I'll get it out . . . I don't know what I did with it. I want to file it as an exhibit. This is fact, my people. They are facts what I'm going to tell you. I had an operation and I use to weigh over 300 pounds and you see my clothes? I lost half of my body. I lost 60 pounds. Now that's a whole lot. But I eat just like I used to. I feel good and they discharged me saying you're not well. I told them I wanted some bandages and gauze to tie myself up until I was healed. I'd rather be cold than in this hospital and I don't think it takes a professional to put a bandage on me any more. They gave it to me but they said we can't give you much. We don't have the money. We don't give outpatient assistance. You have to stay here. All the time you stay in here it's all right but when you leave you can't get a refill. The doctor told me you come back and I'll give you a refill. Anyway they told me I couldn't get any except under a doctor's prescription, and the doctor told me we can't give you any bandages—we don't have any to give. You have to stay in here. So I went to the prescription man, but he said we can't give out medicine to patients without a prescription. So, I went to my doctor but he had gone, and I saw another doctor, but he said I don't recognize your face. Your case is on file.

We'll have to get your case out; however, they all quit at five o'clock. Well, I'm sick, I've got to go home. I live fifty miles from here. He said go to the drug store that's where you can buy it. Another thing he said we don't give out medicine and bandages. We haven't got it. So I had to go home without it. When he told me to go to the drug store, I told him I didn't have any money. He said they couldn't give it to me—they can't give Indians credit. I'll tell you what you do, you sign this check with your name on it, and if you don't pay I'll put you in jail. So I signed a "hot" check. There's a statement, black and white, that it is a fact that they went up there after I made a complaint and said my friends aren't getting

medicine. I didn't get any. What's the matter with your hospital. We're short. The government doesn't give us money enough to supply all you people. I said how many doctors do you have, and they told me and I made a record. You know what they said? They have four full time physicians, four sub-professionals, an old hospital building built in 1914 and accreditations were made in 1930 and 1936. A new building contracted to be built in 1967 that cost $205 million. Now the building is entirely separate from the old structure. You know what we need more appropriations. It's a fact. We need money to get help. They asked for volunteer nurses. A lot of the Indian girls went over there and they work all around. Two of them came in while I was there. I said this hospital can get any registered nurses and you walk around like you're somebody here. You know you've got to serve me. I order you to get me some water. Now they claimed they didn't have any baby supplies, so they had to close it up. No nurses so they had to close it up. That's a fact. So the Indians got a lot of baby diapers and things and took them over there. I said, hey, you don't have to do that. The government has lots of money. Don't be doing that. Next year we'll be taking our own blankets when we go to the hospital. But I want to tell you the government $59 million to California University. They want to give a big appropriation to the University of California. And I think they gave another $1,000 to the University of Colorado. What for? Fine art so they could talk to each other. The Indian Public Health Hospital at Lawton also serves for field headquarters for health program under program clinic held in Anadarko, Carnegie, Hobart. The physician and nurse travel to these places. The Lawton hospital is the service unit, and is responsible for 10 counties—Caddo, Comanche, Cotton, Grady, Harmon, Jackson, Kiowa, Jefferson, Stephens and Tillman counties. They also serve 7 tribes including these counties. There are seven other service units who serve Indians and counties in the State. The hospital operates on $1,000,000 annually. When there was much flu among people there were nothing here for you—no flu shots or penicillin. They said sorry can't help. In short, there is some help for old ones but none for younger people. Thank you.

LAWTON, OKLA.,
September 15, 1970.

Mr. GUS PALMER,
Chairman, Kiowa Business Committee, Carnegie, Okla.

DEAR MR. PALMER: This is in reference to a letter of complaint I received from you and Mr. Reid concerning the situation of Mr. Guy Quoetone. This is also to acknowledge our discussion of this matter at our Intertribal Health Committee Meeting on the night of September 3, 1970.

As I explained that night, I was not aware that our Indian Hospital was not issuing bandages and tape to Indian patients who medically need these items. Because we are rendering services within a limited budget, we will need to issue these items under a physician's prescription. In this way, we feel that we will be able to meet the medical needs of patients who require these items and, at the same time, have some type of control on them.

After learning about the complaint expressed by Mr. Quoetone, which positioned him to get the necessary items on credit from a drug store in Apache, Oklahoma, I went to that drug store on August 28, 1970. I felt that the bill would be taken care of by the Indian Health Service if it had not been paid. The cashier in the drug store confirmed that Mr. Quoetone paid for these items on the following day after he received them.

Also, according to your letter, I gathered that the second part of the complaint was in reference to Mr. Quoetone's not having received courteous attention. I certainly agree with you in that the attitude and the public relations on the part of several of our employees here at the Indian Hospital will need to be improved. This matter is being discussed with our employees here, so that we can improve our efforts toward receiving Indian patients with all the consideration and respect to which they are entitled.

On September 4, 1970, I went to the home of Mr. Quoetone to make a verbal apology and explanation about what had happened. At that time he was not at home, but his grandson said he would relay the information to him. This grandson was with Mr. Quoetone on the day that the incident occurred at the Lawton Indian Hospital. I still plan to make personal contact with Mr. Quoetone within the next few days.

I hope the above explanation will help to supplement and clarify what had taken place. Please let me know if you need any further written or verbal explanation regarding this incident.

Sincerely yours,

EMERSON ECKIWARDY,
Service Unit Director.

CONTINUATION OF HEARING

Senator HARRIS. I was a little afraid that Guy was going to wear himself out and I know it worried his friends out in the audience, but I'm glad he could be here because I think that testimony is the best we've had this morning. I'll now call on Ruth Davis of Wetumka; we're glad you're here and we're glad to hear from you.

RUTH DAVIS. Senator Harris, I want to confine my remarks to the health problems in central Oklahoma, particularly of the Shawnee Clinic. We have 28,000 out-patients. The waiting room is overcrowded, the halls are congested, and we have quite a problem of waiting room, let alone services. In preventive medicine, we do not give electrocardiograms, chest x-rays, TB tests, and pap smears on a regular basis. We have no specialists here, not even in the Indian hospitals, to my knowledge. This particular area about which I am talking involves eight counties. We have seven tribes that use the Shawnee clinic, but there isn't any Indian hospital in this area—78,000 people and yet no hospital serving the people in this area. Transportation—and I might say this—if I'm wrong I wish someone would correct me—Lawton got the only new hospital in Oklahoma during the past 25 years—am I right? We have not had a new hospital in 25 years until Lawton received one, so it's time we were receiving some kind of hospitalization especially in this area. Transportation is a problem, and especially for the OB cases. These mothers are expected to leave home several days before delivery and wait so that they will be in a hospital. And you can see what a hardship this is on the family and the anxiety the mother goes through in her waiting period. Transportation is a big problem in this area, to say nothing about the people who are seriously ill and have to go so far—100 miles or more—to a hospital.

We need a new building at the clinic, since it is old and inadequate and the equipment is out of date. We have contract medical care funds but it isn't enough to pay our bills. Senator, it is a disgrace when a sick person goes to the doctor and he hands him a prescription and he says go to the drug store and get it filled. Then he goes there and the druggist says no, I can't fill it because the Indian Service hasn't paid me for four or five months. So I'm cutting them off. We can't give them any more medicine. And when our Indian people go to the hospital, one woman told me that the nurses and the doctors were grumbling among themselves saying, well you'll never get your money out of them anyway and she said they didn't change the linens of her bed and she had to bring them from home. Things like that going on. Something should be done about it. In order to reach more people who cannot come to Shawnee clinic, we have established a one day clinic at Wetumka, one day at Wewoka and one at Okemah. The two clinics at Wetumka and Wewoka are not adequate. There is no equipment. A doctor comes into an empty building and a few chairs, an examining room, and he has a stethoscope and pills in his little black satchel. A nurse and a clerk come with him, and you can imagine the kind of service he can render especially if he needed laboratory tests, x-rays, and many times he doesn't have the right kind of medicine with him.

There is n answer to this problem and that is to bolster up the Indian Health Services to the point that it can at least provide the minimum amount of service that the government has promised the Indian people. This can be done by providing a hospital for the Shawnee area patients, proper staffing, basic specialists and other personnel. Increase the CMC funds so the Indian will not suffer because vital bills are not being paid. Thank you.

FIGURES HANDED IN BY RUTH DAVIS

(1) Operating Field Medical Services allowance total:

Fiscal year 1971	92,490
Fiscal year 1970	99,479
Fiscal year 1969	89,250

(2) Drug allowance:

Fiscal year 1971	42,000
Fiscal year 1970	56,500
Fiscal year 1969	50,910

(3) CMC allowance:

Fiscal year 1971	281,000
Fiscal year 1970	218,000
Fiscal year 1969, estimated	265,000

(4) Total outpatient visits:

Fiscal year 1971 to present	18,777
Fiscal year 1970	23,617
Fiscal year 1969	25,170

(5) Clinics:

Fiscal year 1971, Wetumka, Wewoka, Shawnee, Ohemuh.
Fiscal year 1970, Wetumka, Wewoka, Shawnee, Ohemuh.
Fiscal year 1969, Shawnee, Ohemuh.

CONTINUATION OF HEARING

Senator HARRIS. I would like to say at this point that Mr. John T. Tsatoke (Hunting Horse), a member of the Kiowa tribe of Lawton and Carnegie has furnished a statement which we will make a part of our printed record.

STATEMENT OF JOHN T. TSATOKE

1. My first suggestion is that the south wing or Pediatrics ward of third floor be opened. Because this wing is closed the children who should be cared for in this wing are being put in the same wing with sick adults. If the reason for the south wing being closed is lack of funds then I believe additional funds should be requested. I believe this problem of children being cared for in the same area as sick adults is a serious one and should be solved as soon as possible.

2. My second suggestion deals with the administration of drugs at the hospital. Many who are sick and go to the hospital for treatment are given aspirin and cough syrup which prove to be inadequate in curing their sickness. As a result these people must soon return to the hospital for additional treatments. For many who live far from the hospital these trips are quite expensive. Therefore, I suggest that more money be allocated in order that more effective drugs, such as penicillin, might be administered to patients.

3. My third suggestion is that more information be distributed to Indians concerning the availability of such items as dentures and eye glasses at the hospital. Facilities for preparing such items are available at the hospital, but the people must be told of these

facilities in order that they be of maximum benefit.

4. My fourth suggestion is that the Kiowa Tribe have female, as well as male, County Health Representatives. Many times women who must go to the hospital have problems with which a male CHR might not be acquainted. Furthermore, sick women often feel more comfortable in the company of another female rather than a male. In any case I do think women should have the option of a female CHR open to them.

5. My fifth suggestion is concerned with a need for facilities to deal with special problems at the hospital. For instance, when alcoholics seek treatment at the hospital many times the Doctors do not like to treat them. These alcoholics who sometimes have the D.T.'s are sick people and deserve treatment at the hospital. They need physical treatment as well as counseling. If such facilities cannot be set up at the hospital I would hope that they could be set up elsewhere. This is a serious problem and one which must be dealt with.

Notes-Suggestions:

My sixth suggestion deals with the expenditure of funds at the hospital. I feel that when certain amount of money is allocated to the hosiptal that amount should be spent and that the hospital should not withhold any money to return to Washington. All of the money and more that is sent to this area is needed right here. In addition to increased medical facilities, for instance, we need additional janitorial supplies. Many of the janitorial supplies now in use were carried over from the old hospital and are not sufficient to keep this new hospital as clean as it should be. Cleanliness, we all must agree, is essential in a medical facility.

My final suggestion is that the doctors and nurses at the hospital have a human relations course of some sort dealing with Indians.

CONTINUATION OF HEARINGS

Senator HARRIS. We will now be glad to hear from Mr. George England of Maud. George, why don't you just come right up here. We'll be glad to hear from you at this time.

GEORGE ENGLAND. Well, Indian people, leaders of the different tribes, you know many times I've thought about when Indians were ever going to get together to work together for the good of the Indian people. I know funds have been restricted to the Indian hospitals and as the elder man said a while ago you can go up to these hospitals, they begin to say they have a lack of funds. They have no money. Just like I came to Shawnee one time for a dental appointment. How long did I have to wait? I waited three months to get my dental appointment to go through. And those are some of the things that we are beginning to look forward to. And many things I can say today. You have to be sent a hundred miles away from your homes. Like I had a little boy born about three months ago, and I had to deliver him myself because I had to carry him to Lawton before I could have gotten anything done. I know just like one white man said, why don't you put your name in the paper? I said because I'm a full blood Indian. They never put nothing in that is good for an Indian. They'll never give you a good write up. And that's what I'm saying today, now is the time for us Indian people to get together and work for the things and get some of the things that we are entitled to. You know when the white man came in all around the United States—the Indian owned it just like the elder man said—we were pushed back. We were pushed back. Now they have promised the Indians everything. But have they done that? No. Just like I say today when I went into the service in 1941 I still had to fight a white man for my rights. And I'm still going to fight the white man for our Indian people. I've been in states where they were in the wrong. I've been in public work. Just because I'm Indian I could train white people. But when time came for a layoff I had to go and the man that I trained stayed there. I had to go. See all that feeling is coming right back.

And many of them are well educated. I guess many of them begin to look at somebody Indian's face. Well let them get it the hard way like I did. No, that's no way to look at it. It's up to each individual to help the ones that are coming up and the ones that are helped back. When they say no to an Indian, that's as far as we go. It's up to us to say well you have rights. Each and everyone has a right but we don't tell our Indian people we've got to take it to them. But many of us stand back some more. We don't want to go see these people. But we draw money for it. We get money for it. You pay for it. Now why don't we go get these people and let them know these things. Now I'll tell you when the VA pays me they ask me can you do this for me. I say certainly. But many of us we won't do it. But you are paying so why can't we get out and do it. Sure I work through the OIO and I'm proud of it. In other words, my work is free to help the Indian people. I go out of my way to try to help them—many of them. Many of our young Indians are invalid or have been hurt. They've been to war or something else. So we look at him and push him aside. That's no way. Just like many times one boy last year had been talking to me—his right arm has a steel plate in it—has applied for Social Security. They kept telling him you're not too good to work. You're not disabled. His mind, he didn't have any. It's a shame. So it's up to us to try and get what monies we are due or what we can survive on. And the Indian people are set back in their health. Just like in the mid-eastern part of Oklahoma, way 15 miles out in the country, the young Indian boy went to the bank and they said yes we have a job for you up here. We have no transportation, we have no way to get there. So that's what it takes. We've got to get out and see these people. You know good and well they don't have transportation. So that is one of the things we've got to think about. Thank you.

Senator HARRIS. I want to call on at this time Mr. Arthur Rowlette, here representing COEDD. Arthur, you might explain what that is and make whatever statements you care to make. We're pleased that you're here. Explain who you are and what the organization is.

ARTHUR ROWLETTE. COEDD is Central Oklahoma Economic Development District, and we represent eight counties, and I work for all the people back there—not only Indians but other non-Indians. I don't have too much to say but here's what we need in Shawnee. We have several here from Shawnee. We've been asking for a hospital in that area and several years ago they told us that we had to wait on the report of the census but they didn't say what year. So we haven't got one yet.

Two basic problems face the Indian population at this time based on a study conducted by the COEDD Health Commission (please find a copy of this study enclosed). These two problems are:

1. Accessibility.
2. Comprehensiveness of service.

Services, in order to be accessible, must be readily obtainable by all Indians on a twenty-four hour a day, seven day a week basis. As indicated in the study, this is not generally the case in the COEDD area. Indians quite often have difficulty in obtaining services when needed after 5:00 p.m. and on weekends. This problem is not being adequately dealt with.

In addition to being accessible to the Indian, health services must be comprehensive in nature. For instance, it does no good for the Indian to be examined and prescribed certained drugs when the Indian can then not obtain the drugs necessary to correct the medical problem. Arrangements must be made to insure continuity and comprehensiveness of health care services regardless of the health problem involved.

Obviously, the best solution to provision of comprehensive health care services to all Indians would be to provide a hospital for Indians in each community with a significant Indian population. However, this is not practical at this time, nor is it likely to be financially practical at any other time.

The COEDD Health Commission, realizing the financial and manpower restrictions inherent in the Indian problem, have proposed that the second-best alternative to hospitals in every community would be to expand, by some method, the current contract health service program to include private hospitals, clinics, institutions, personnel and existing services where they exist to improve accessibility and provide for continuity of health care. Such a system would allow the Indian to purchase health care services when and where convenient on an equal basis with other members of the community.

Attached is a copy of this report and I appreciate your letting me testify, Senator Harris:

If one looks at statistics it is evident that over the years the U.S. Public Health Service, Division of Indian Health, has done much to improve the health of the Oklahoma Indian. This impressive record should not, however, obscure the fact that the medical care provided to Oklahoma Indians through the Indian Health Service is still inadequate at best. This second statement may seem paradoxical if one is not aware of how incredibly poor health care for Indians was 20–30 years ago. Thus, a medical program that has made great strides can be, and is, still falling far short of its goals of providing minimum adequate medical care to Oklahoma Indians.

Examples of this are numerous. By anyone's standards the outpatient clinics are crowded and, at times, resemble cattle pens more than medical facilities. Preventive medicine, such as at least occasional electrocardiograms, chest x-rays, TB tests, and pap smears on a regular basis is more a wishful thought than a reality at present. There is a critical shortage of even the basic specialists (i.e. internists, surgeons, obstetricians, pediatricians) at the Indian hospitals. At least two hospitals have no specialists whatever. In regards to specialists such as bone and joint surgeons, kidney specialists, eye surgeons, and heart specialists, there are none at all at any Indian hospital.

This all sounds bleak, but it is just scratching the surface. In Shawnee there is a very busy outpatient clinic serving over 28,000 Indians. There is, however, no Indian hospital for this huge number of people. If they require hospitalization, they must travel long distances, often over 200 miles, to an Indian hospital already crowded with patients from its own geographical area. Often a patient from the Shawnee area has difficulty speaking and understanding English and cannot communicate with his physician because there are no members of his tribe in that area to interpret for him.

Getting a patient transported these long distances is a difficult problem itself. Once there, however, the patient is often desperately lonely and many times goes home against medical advice as it is usually impossible for friends and relatives to travel such a long distance to visit him regularly. The plight of the prenatals is even worse. Imagine driving sometimes over 200 miles in a rain to get to an Indian hospital before the baby arrives or, just as bad, going to the hospital early and waiting two weeks or more before going into labor.

These are only a few examples of existing inadequacies. Many of these were anticipated years ago, and funds were set aside to make up for some of them. They are called Contract Medical Care (CMC) funds. They are

used to pay for specialists when the Indian Health Service has none, pay for deliveries when the mother is not able to reach an Indian hospital in time, and pay for the treatment of emergencies when no Indian hospital is near. The funds, however, despite priority lists of services fall far short of providing these services. It is not uncommon for a number of Indian hospitals to run out of CMC funds sometimes early in the fiscal year, leaving promised payments unpaid, and promised vital services, such as payment of emergency bills, undelivered. This is truly shocking if one considers the financial devastation that can be brought by a huge hospital or emergency bill thrown back in the lap of a person eligible and dependent on the Indian Health Service for his total medical care. The extent of this shortage becomes more evident when one considers that these CMC funds are not available to any of the many Indians residing in the Oklahoma City or Tulsa areas.

This then is a summary of the Oklahoma Indians medical care plight. Something needs to be done. The answer cannot be cut back medical services, as they are inadequate already. It is not to expect the private physicians to give free care to Indians to make up for the Indian Health Services shortages because that is very unrealistic. There can be only one answer, and that is to bolster up the Indian Health Service to the point that it can provide at least the minimum amount of service the government has promised to the Indian people. This can be done only by providing extra Indian health facilities such as a hospital for the Shawnee area patient population, the addition of funds so that these facilities can be staffed by basic specialists and other personnel, and by increasing the CMC funds to the point that the Indian population can be secure in the knowledge that commitments to pay basic vital bills in areas not covered by Indian facilities will be honored.

COEDD INDIAN HEALTH STUDY

I. Introductory remarks:

At the April 30, 1970 meeting of the COEDD Health Commission, the staff was instructed, by official resolution, to place top priority upon the development of a study of Indian health needs and problems in the COEDD area. This paper is an attempt to (1) document some of the facilities for providing health care to the Indian population. It also attempts to (2) define gaps, problems, and barriers that often hinder the Indian in his attempts to elevate his individual and group health status. Finally, it (3) offers some possible avenues for strengthening and improving the system for the delivery of health services to Indians and some possibilities for changes in payment for services.

II. Historical and anthropological data.

III. Indian demographic data.

IV. Availability of facilities and services for heathl care for area Indians.

The eight counties of the COEDD region are divided among the Pawnee, Shawnee, and Claremore Indian Health Service Units. Payne and Pawnee County Indians utilize the Pawnee Indian Hospital for both outpatient and inpatient care, Creek County Indians utilize the Claremore Indian Hospital for both outpatient and inpatient care, and Pottawatomie, Lincoln, Okfuskee, Hughes, and Seminole Counties all utilize the Shawnee Service Unit for outpatient care and the Talahina and Lawton Indian Hospitals for inpatient care.

In addition, outpatient clinics are operated by the Indian Health Service in Sapulpa, Okemah, Wetumka, and Seminole. The Contract Health Services Program includes 4 area hospitals, 5 physicians, and 11 dentists.

COEDD has had requests from officials in Holdenville, Wetumka, Okemah, Seminole, and Shawnee for assistance in locating an Indian Hospital in one of these communities. In addition, at least five other communities outside of the COEDD jurisdiction are known to be vieing for this hospital. According to correspondence received from the Office of Program Planning and Evaluation of the Indian Health Services, monies are not currently available for such a facility and that office estimates that construction of such a facility to be 5 to 10 years away. (See correspondence on following page.)

V. Indian health data:

Basic health data

The health status is about a generation behind the level of the general U.S. population. Mortality from infective and parasitic diseases is about three times greater; diabetes and cirrhosis of the liver two and one-half times greater; and tuberculosis four times greater.

During the past fiscal year approximately 20% of all outpatient visits were for diseases of the respiratory system. This amounts to approximately 57,100 visits out of 285,500. The Oklahoma Area appears to have a much older population than other areas as indicated by the number of visits for such conditions as diabetes, areterioscerotic heart disease, hypertension, gallbladder disease, and diseases of the bones and organs of movement. The mortality rate for these conditions are also considerably higher than other Indian areas.

Communicable diseases among children are high and associated illnesses results in much disability. The main conditions noted are gastroenteritis and otitis media as well as influenza and other upper respiratory infections.

Birth rate—registered live births/1000 estimated population in 1968 was 39.2. Over twice that of the estimated U.S. rate of 17.4.

Births born in a hospital with a physician in Attendance: Over 99% of all live births are born in a hospital with a physician in attendance compared with 92% in C.Y. 1953.

Crude Death Rate Per 1000 estimated population in 1968 was 9.8 compared to rate of 9.6 for the general U.S. population.

LEADING CAUSES OF DEATH, OKLAHOMA AREA, CALENDAR YEAR 1968

[Rates are per 100,000 estimated population]

Cause	Indian, Oklahoma Area (provisional)		U.S. all races (provisional)	
	Rank order	Rate	Rank order	Rate
Diseases of the heart	1	231.1	1	372.9
Accidents	2	125.7	4	55.8
Motor vehicle		(67.6)		(27.0)
All other accidents		(58.1)		(28.8)
Malignant neoplasms	3	117.6	2	159.6
Cerebrovascular disease	4	75.7	3	104.8
Influenza and pneumonia	5	58.1	5	34.9
Diabetes	6	48.7	7	19.2
Cirrhosis of the liver	7	36.5	10	14.5
Certain causes of mortality in early infancy	8	33.8	6	21.2
Infective and parasitic diseases		29.7		9.1
Tuberculosis		(13.5)		(3.3)
All other		(16.2)		(5.8)

INFANT DEATHS—6.7 PERCENT OF TOTAL REPORTED INDIAN DEATHS IN 1968 COMPARED TO 3.9 IN THE GENERAL U.S. POPULATION. (IN 1956, THE PERCENTAGE OF INDIAN INFANT DEATHS WAS 15 PERCENT)

[Rates are per 100 registered live births]

	Indian		U.S., all races	
	1967	1968	1967	1968 (prov.)
Total (under 1 yr.)	18.8	16.2	22.4	21.7
Neonatal (under 28 days)	13.1	8.6	16.5	15.9
Postneonatal (28 days-11 mos.)	5.7	7.6	5.9	5.8

VI. CONCLUSIONS AND ALTERNATIVES FOR ACTION

The COEDD Health Commission has been charged, through P. L. 89–749, with the responsibility of organizing and operating the Comprehensive Health Planning Process in this eight-county area.

It is important that we receive input from the total population, including minority groups, as to area health problems, needs, and priorities, and that Indians be involved in decision-making regarding area allocation of resources for supporting health facilities, manpower, and services.

After a careful study of COEDD's Indian population, it is the concensus of the Commission that (1) a significant gap exists in the health status of the Indian as compared to the Non-Indian (2) duplication and overlaps exist between the public and private segments of health care for Indians, and (3) services for area Indians are often inconvenient and inaccessible to the patient.

The Indian Hospitals utilized by the area are largely unacceptable for various reasons. The only hospital located convenient to area patients is the Pawnee Indian Hospital and it is considered by experts as an outdated facility due to its construction date of 1930. It has a total of 32 beds of which had a 52.5% occupancy rate in 1968. Claremore Indian Hospital and Talahina Indian Hospital were established in 1928 and 1937 respectively but both present transportation problems to area Indians because of the travel distance necessary for access to care. Lawton Indian Hospital, though of recent construction, also is not convenient to area residents. (Reference is made to map on following page.)

The fiscal restraints and limited financial resources available for constructing health facilities, employing medical and paramedical personnel, and supporting adequate levels of health services, makes it necessary that these expenditures be based upon the needs of the service population on a priority basis, and particularly, that coordination and planning be jointly undertaken by the private and public segments of health care at all levels of government. The COEDD Health Commission has attempted to provide this "neutral forum" for this type of planning process. Several meetings have been held for the purpose of planning with local Indian groups for improving their problems of health care.

Several political aspects and legal questions have been raised by Commission members. Does a "segregated" facility, providing hospital care for a particular minority race, comply with Title VI of the 1964 Civil Rights Act? What influence would Universal National Health Insurance, if and when enacted, have upon the present dual system of delivery of health services to the Indian? Would it be more feasible to build a more meaningful and comprehensive partnership between the public and private segments rather than attempting to duplicate existing community health facilities and resources?

Indians are increasingly insisting upon equal rights. They, rightfully so, expect health care to be available and accessible to meet their needs. The language barrier is not the problem of previous years. The time is overdue for the Indian to take an equal role in today's society. He should not be denied his choice of physician or facility for meeting family health needs. It is the recommendation of the COEDD Health Commission that a *comprehensive partnership developed between the Indian Health Service, U.S.P.H.S., OEO and other federal agencies, along with state and local governmental agencies, with the other partner being the area private segment of health care.*

This partnership must focus upon the health status of the Indian and be responsive to his needs. *It is our recommendation that the "Contract Health Services Pro-*

gram" be expanded utilizing private hospitals, clinics, institutions, personnel and existing services where their more convenient location provides for the best interest of the Indian patient. In the case of patient care by the private segment, the Indian Health Service, should always reimburse the private segment for costs of services rendered.

The private segment should agree to assume some additional responsibilities. It should endeavor to help solve social and economic problems, such as communication, with the Indian patient and develop innovative ways of welcoming the Indian into an integrated health care system. It is important that efforts be made for achieving a more complete understanding of the health-related problems of the Indians.

Finally, it is recommended that, if and when, the U.S.P.H.S., *replaces or modernizes the Pawnee Indian Hospital, consideration be given toward construction of a joint facility with the local community, as provided through the provisions of Public Law 85–151 Contracts for service and patient care could then be negotiated between the City of Pawnee and the Indian Health Service and we could truly have a "Partnership for Health".*

INDIAN HEALTH SERVICE,
Oklahoma City, Okla., August 7, 1969.

HOWARD H. VINCENT,
Director of Health Planning, Central Oklahoma Economic Development District, Shawnee, Okla.

DEAR MR. VINCENT: Dr. Robertson has asked me to respond to your recent letter and to serve as his staff representative in coordinating our program with your activities.

Taking the questions in the same order in which they appeared in your letter, we hope that the following information is useful.

1. Status of proposed new Indian Hospital for the Central Oklahoma Area: Reluctantly, we must say that construction of such a hospital appears likely only in the very distant future, i.e., five to ten years from now or thereafter. Seven of the eight existing hospitals in this area are in critical need of replacement or major remodeling. Optimistically, we would hope to achieve upgrading of only one-half of these facilities in the coming five years. There are sound justifications for construction and operation of a Central Oklahoma Indian Hospital, but for this to become a reality in the foreseeable future, major changes in present policy and allocation of resources at the national level are prerequisite.

2. Status of replacement facility for Pawnee Area: The present Pawnee Indian Hospital is one of the seven scheduled for replacement, as mentioned above, but Pawnee is not included in the Indian Health Service 5-Year Construction Plan for Hospitals, Fiscal Years 1971–75. Thus, the earliest date by which construction of a new Pawnee Indian Hospital could begin would be the latter part of CY 1975, or early 1976. This estimate is based, of course, on current staffing and levels of appropriation. Should major changes in fiscal or program policy occur at the national level our construction plans would be expedited or delayed accordingly. We see no cause for optimism that our construction plan will be accelerated. Therefore, we must respond to your question to the effect that replacement of the Pawnee Indian Hospital is at least five years away.

3. Applicability and possible utilization of Public Law 85–151 in the COEDD Area: The broad provisions of this public law do apply to the COEDD Area. Specific applicability depends upon presence of conditions which warrant utilization of Public Law 81–151, e.g., presence of a significant Indian health service population; absence or inadequacy of community health facilities; and consistency of any proposal with the "State Plan for construction of Hospitals and Medical Facilities for Oklahoma", as published by the Oklahoma State Department of Health. We would be pleased to discuss with you any specific "151" proposal which you may have in mind, or to discuss the law in general. This brings us to the last of your questions, Mr. Vincent.

4. Improved coordination between COEDD and the Indian Health Service: As an indication of his interest in bringing about close coordination, Dr. Robertson has appointed me as his direct representative with COEDD. May I suggest that we meet initially at your convenience to discuss the extent, scope, and methods of coordination. I shall await your pleasure on this score.

Thank you for your letter, Mr. Vincent. We appreciate your interest in Indian health and shall endeavor to be of service in any way possible.

Sincerely yours,

JEPTHA W. DALSTON,
Chief, Office of Program Planning and Evaluation.

SUPPORT OF INCREASED FEDERAL FUNDING OF PROGRAMS FOR COMMUNITY COLLEGES

Mr. HARRIS. Mr. President, I believe it is essential that the community colleges throughout the Nation be provided increased Federal support. Passage of legislation such as the Comprehensive Community College Act of 1971, which was introduced by the distinguished junior Senator from New Jersey (Mr. WILLIAMS) and which I have cosponsored, is imperative.

On April 8, 1971, I held a public hearing in Tulsa on the Comprehensive Community College Act of 1971. Virtually all of the 2-year colleges in Oklahoma were represented and numerous suggestions as to how the act could be improved were set forth.

The need for community colleges has been growing at a rapid pace. Student enrollment in the public sector of Oklahoma higher education increased by about 106 percent during the 1960's, while at the same time the population of the State increased by only 10 percent, public school enrollments by only 20 percent, and high school graduates by 50 percent. Other States have had a similar experience.

Fortunately, Oklahoma has developed an outstanding community college program and is a leading State in this field. The program has been actively supported by the educators of the State and has received the full and enthusiastic support of each of the communities involved. Notwithstanding the fine effort that has been made a shortage of facilities continues to exist. Dr. Al Phillips, president of the Tulsa Junior College, testified at the hearing that approximately "1,500 students could not find programs this semester, and we turned away and denied higher education to them."

Funds are needed by our community colleges not only for the purpose of constructing classrooms, but also for support of the various educational programs undertaken by community colleges and for such services as counseling.

I believe that Senators will find the testimony in the Tulsa hearing most interesting, and I intend, in addition to having it printed in the RECORD, to have it presented to the members of the Senate Labor and Public Welfare Committee. The testimony clearly establishes the need to enact the Comprehensive Community College Act of 1971.

I ask unanimous consent that the testimony be printed in the RECORD.

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

STATEMENT BY SENATOR FRED R. HARRIS

I am pleased to see the Junior and Community Colleges of Oklahoma so well represented here this morning. The enthusiasm of the Administrators of our two-year colleges, coupled with the great support from the local communities, has made a tremendous impact on me and many of my colleagues in the Senate who are co-sponsoring the Comprehensive Community College Act of 1971.

The importance and necessity of our two-year colleges can not be doubted in the future of this country's educational system. We have witnessed in the last decade a growth in the number of two-year colleges from 678 in 1960 to 1,091 in 1970, and an increase in the enrollment from 660,216 to 2,499,837 during the same period of time. The increase has been so dramatic that freshman students at two-year colleges comprise nearly 50% of all first-year students enrolled in institutions of higher learning.

Most of this growth has taken place without adequate assistance from the federal government. Notwithstanding the tremendous growth of our two-year colleges during the past decade, less than 6% of $4.4 billion budget administered by the U.S. Office of Education goes to assist two-year colleges. As a result, the construction programs of these colleges have been for many communities a real nightmare. Temporary quarters in churches and office buildings are altogether common place. Not that anything is wrong with this on a short-term basis, but, because of the many government agencies that are involved in long delays and needless duplication of paper work often occur.

I believe the federal government must do more to support these two-year colleges. Passage of the Comprehensive Community College Act is one way that more systems could be provided. This bill is designed to provide better coordination of the federal programs and would authorize direct assistance to the states for the development of our two-year colleges.

Pursuant to the terms of the bill, a state would be given one year in which to develop a comprehensive plan for the state. Federal grants would then be available to the state to enable the states to carry out the plan they have developed. Supporters of this bill hope that at least $6 billion will be authorized over the next 3 or 4 years to develop the colleges.

I recognize that this bill is not perfect. Some of you made suggestions for improvements in the bill when you were in Washington several weeks ago attending the annual convention of the American Association of Junior Colleges. I thought it would be helpful to me and to the Senate if your views on this bill and your views on the role of the federal government in supporting our two-year colleges could be set forth here today. This hearing is being transcribed and I will make it available to the entire Senate.

I personally intend to support our two-year colleges in every way possible. The broad flexibility of these schools, offering the first two years of traditional higher education; offering vocational and technical

training; offering adults and continuing education; and other such programs as remedial education, will be, in my opinion, an important factor in the ability of Oklahoma and this nation in meeting the challenges we face in the last third of the twentieth century.

STATEMENT BY E. T. DUNLAP, CHANCELLOR OF HIGHER EDUCATION, OKLAHOMA CITY, SPEAKING FOR DR. DUNLAP IS DR. DAN HOBBS

Dr. Dunlap is sorry that he could not be here. He meets with the legislature today but will be here this afternoon if the hearings are still going on. I will read Dr. Dunlap's statement.

On behalf of the Oklahoma State Regents for Higher Education and the public two-year colleges of Oklahoma, it is my pleasure to speak in support of the "Comprehensive Community College Act of 1971," authored by Senator Harrison Williams of New Jersey and co-authored by a distinguished list of progressive colleagues, including the Honorable Fred R. Harris of Oklahoma. We are pleased that the Subcommittee on Education of the Committee on Labor and Public Welfare of the United States Senate is currently hearing testimony and gathering information with regard to the need for comprehensive junior college education in the nation, and we are doubly pleased that Senator Harris has come back to Oklahoma to provide us the opportunity to speak concerning the need for enactment of this vital legislation.

During the decade of the 1960's, student enrollment in the public sector of Oklahoma higher education increased by about 106 per cent, going up from about 45,000 in the fall of 1960 to approximately 92,000 in the fall of 1970. State System institutions thus added as many students in ten years as had been added during the previous seventy years combined. By contrast, during the same decade the Oklahoma population increased by only 10 per cent, public school enrollments by only 20 per cent, and high school graduates by 50 per cent. Thus higher education enrollments increased at a rate ten times that of the population, five times that of public school enrollments, and two times that of high school graduates. Growth in the public sector of higher education was approximately twice that of the rate in the private sector.

Perhaps the most important point that could be made in connection with the past decade is that higher education moved from a minority to a majority enterprise. In 1960, only 30 per cent of Oklahoma's nineteen-year-old population was starting to college. By 1970, some 57 per cent of the same age group was starting to college. By 1980 it is projected that 75 per cent of the young people of eligible college age will enroll as freshmen in a post-high school program in Oklahoma. At the beginning of the past decade, the average Oklahoma community of 10,000 people sent 244 students off to college. By the end of the decade, that same community had 430 students in college. In 1960, one Oklahoman in forty-one was in college. In 1970, the figure was one in twenty-three.

Heretofore in the history of higher education, the student body has comprised an educational and socio-economic elite, being somewhat homogeneous in its makeup. By 1980, when universal higher education will become a reality instead of a goal, the student body in colleges and universities will be as heterogeneous as the population itself, containing both the academically talented and the less talented, the economically affluent and the deprived, minority as well as majority groups, and women in numbers approaching those of men. The extent to which those in positions of responsibility for public policy planning in higher education recognize and respond to these basic changes will determine the relative success or failure of the higher education enterprise.

The challenges confronting higher education brought on by increased numbers of students would be difficult if the changes were merely changes in degree; instead, they constitute a change in magnitude or order, necessitating a change in the nature of higher education itself. For example, the kind of higher education that was appropriate for a student body taken from the upper third of the population group in ability and social status is not the same kind of education required when two-thirds or three-fourths of the population group is enrolled. Just as the high schools were compelled to change their basic approach to education when they stopped educating a college-preparatory elite and begin educating everybody's children, so the colleges and universities are finding it necessary to make the same kind of adjustments in dealing with a student body whose broadened aptitudes and interests are rapidly approaching those of the general population.

A decade ago, when 30 per cent of the college-age group was starting to college in Oklahoma, a baccalaureate or professional degree was appropriate for almost every student enrolled at that time. Appropriately enough, an overwhelming percentage of students attending colleges and universities was then enrolled in four-year colleges and universities. Since the aptitude level of most students was sufficient to enable them to complete a rigorous baccalaureate program, and since their interest levels were geared toward the attainment of a professional or graduate degree, the match between students and institutions at that time was excellent.

Today, when more than half of the population in the college-age group is enrolling as college freshmen, more and more students are coming from the bottom half of the distribution in every category of human endeavor—reading and writing ability, academic achievement, social status, parental income, and all other areas of activity or endeavor. The kinds of institutions and educational programs appropriate for students only a few years ago are no longer appropriate for today's clientele, since the aptitudes and interests of those currently enrolled are so much broader than formerly.

Recently a national consensus has begun to emerge concerning the kind of higher education structure appropriate for the decade of the 1970's. The President's Task Force on Higher Education recommended in August of 1970 that ". . . the expansion of post-secondary education should take place largely in two-year colleges and equivalent programs that combine a variety of educational and occupational options."[1] In June of 1970, the Carnegie Commission recommended the development of two-year comprehensive colleges within commuting distance of every potential student in the United States by 1980, except in those areas where residential two-year colleges could furnish the same program.[2] Both the President's Task Force and the Carnegie Commission questioned whether the four-year baccalaureate degree is any longer the appropriate norm or model to be sought after or pursued by the majority of the population. It is increasingly clear that the comprehensive two-year college has come of age, and will be the institution relied upon in the future to take care of the bulk of additional lower-division students expected to be enrolled in American higher education between now and 1980.

---

[1] *The Report of the President's Task Force on Higher Education: Priorities in Higher Education*, August, 1970, p. 9.

[2] *The Open-Door Colleges: Policies for Community Colleges*, p. 39.

OKLAHOMA COLLEGES AND UNIVERSITIES

Oklahoma currently has within its borders a total of forty colleges and universities, of which twenty are state-supported and operated, six are state-aided and locally operated, and fourteen are church-related or privately maintained. By type of institution, Oklahoma maintains three universities, nineteen senior colleges, and eighteen junior colleges. Of the eighteen junior colleges, fourteen are public with eight being fully state-supported and operated, and the remaining six state-aided but locally controlled. Also, there are two lower-division branches operated by one of the state universities. In the fall semester of 1970, all junior colleges combined enrolled a total of 17,956 students, with approximately 88 per cent of these enrolling in the public sector.

NEEDS AND PRIORITIES FOR THE 1970'S

The Oklahoma State Regents for Higher Education are currently in process of developing a state plan to guide Oklahoma higher education through the decade of the 1970's. In that plan, the state and community two-year colleges are being counted on to assume a major role in the family of institutions. Already the two-year colleges are taking on increased loads, having upped their enrollments by 170 per cent during the decade of the 1960's, as compared with increases on the part of four-year colleges and universities of 140 per cent and 70 per cent respectively during that period. Between 1970 and 1980, the public two-year colleges are expected to continue at an accelerated growth rate in comparison with the other institutional types because of the new institutions in process of development in the metropolitan areas of Oklahoma City and Tulsa.

Prior to 1968, Oklahoma, had not established a new state institution of higher learning in 50 years. The number of public institutions actually declined significantly during the decades following World War II, as small local junior colleges fell prey to the movement of the population from the small towns to cities. As the population began to concentrate in the urban areas of Oklahoma City and Tulsa, the needs of these two metropolitan centers for public higher education became acute. In 1967, the Oklahoma Legislature passed enabling legislation which subsequently produced the planning of two new institutions for the Oklahoma City area. In 1968 legislation was passed providing for the establishment of a new junior college to serve the needs of Tulsa County and surrounding area.

Also in 1968, the people of Oklahoma approved a state bond issue providing approximately $6,000,000 for junior college facilities for the urban areas to match federal funds anticipated to be forthcoming from the Higher Education Facilities Act of 1963 as amended. Federal matching funds have been provided thus far to match less than $2,000,000 of the $6,000,000 in state funds for building urban junior college facilities. Tulsa Junior College alone has $4,000,000 in state funds currently awaiting federal matching funds. The newly authorized South Oklahoma City Junior College is yet to be funded with state dollars, but that institution also is in need of federal matching monies.

In the event that federal funds authorized under the Higher Education Facilities Act of 1963 as amended or funds from the Comprehensive Community College Act of 1971 are not made available, the needs of the urban areas for construction of facilities will most certainly not be met under the timetable originally established.

In addition to the need for funds to stretch scarce dollars for facilities in the two urban areas, there is also a continuing demand for upgrading and expansion of facilities at eleven other state and community junior colleges located throughout Oklahoma. In the

fall of 1970, these eleven two-year colleges enrolled approximately 10,000 lower-division students among them.

Historically, two-year colleges in Oklahoma have been principally "junior" colleges—that is, they have offered the same lower-division work provided by four-year colleges and universities, designed to be transferred and applied toward a bachelor's or professional degree. It has only been in recent years that an attempt has been made to make these colleges truly comprehensive, providing not only transfer work, but occupational programs, guidance and counseling programs, compensatory programs and services ideally contained in a comprehensive community college.

Oklahoma's public higher education system has just gone through a decade of growth and expansion in an effort to educate twice the number previously enrolled. Projections for 1980 indicate that enrollments in all higher education should move up from 110,000 at the beginning of the decade to 160,000 or more, with the overwhelming majority to be in attendance at the public colleges. Although the percentage of growth in the 1970's is not envisioned to be as great as in the 1960's, the absolute increase is projected to be as great or greater. The demand for scarce state resources has already greatly exceeded the needs for operating programs of excellence in the public sector of higher education, and competition is keen for the new state revenues in sight. In such a competition, those institutions and programs already established and operating have an advantage over newly emerging institutions and programs in the junior college sector. Thus it is imperative that Federal legislation contained in the "Comprehensive Community College Act of 1971" be enacted, in order to provide opportunity for those whose opportunities would otherwise not be forthcoming, or whose opportunities have already been long denied.

I am firmly convinced that the comprehensive community college will be the single most important educational influence in the last half of the 20th Century, just as the land-grant college was the most important institution of the previous half century. The comprehensive community college is an institution whose time has come.

Like the land-grant college, the comprehensive community college is an institution close to the people, designed to meet the needs of those whose needs are most neglected and greatest. If the comprehensive community college is aided and abetted in its development and operation, those responsible for its success will have earned a rich reward. If the institution is neglected and allowed to wither away, society will be forced to create new institutions in its image to carry out its assigned role in the higher education structure.

HEARING CONTINUED

Senator HARRIS. Dr. Hobbs has set up a really excellent foundation for these hearings today, and I think everybody will be impressed by the statistics that you have given us about what is happening as far as numbers are concerned in higher education in Oklahoma. I knew that things were accelerating in this direction, but I did not know the actual figures and percentages which I think are impressive. I second what you say about the necessity of turning loose those Federal matching funds so that Oklahoma schools and students can get the advantage of the bond issue we fought for. I have several times spoken to withdraw the freezes put on higher education and construction funds which I think are very unfortunate. Those funds are desperately needed. This is not only a good time to turn them loose because we need to spur the economy, and provide more employment, but also, primarily, because we desperately need the construction.

Now I want to call on our host for the day, Dr. Al Phillips, President of the Tulsa Junior College, and I might say that I know that many of you have associates with you and community people with you and we want to be sure and recognize them because I think that it is particularly impressive that they have come and are this interested. Dr. Phillips, perhaps some of your associates are here, and we would be glad to have you introduce them.

Dr. PHILLIPS. Thank you, Senator Harris. I would like to echo the words of Dr. Hobbs. We here at Tulsa Junior College certainly support the philosophy that was expressed and second each of those comments.

I think very definitely that the two year junior community college is going to serve a remarkable part in the last half of the 20th Century and truly serve the educational needs in the United States. Trustees will drop in during the session and a number of our staff and faculty are at the back of the room. If you would please wave your hands and stand up collectively. We also have some students here.

I would like to address my comments very specifically to S. 545. First of all, I want to comment on the strength of the bill. No college is more interested in Federal matching funds than Tulsa Junior College. We need it tremendously. We currently enroll 3,000 students on a 14-hour per day basis. Approximately 1,500 students could not find programs this semester, and we turned away and denied higher education to them. Three-thousand are presently enrolled and we envision our needs becoming much more critical as each semester rolls on.

In terms of S. 545, as I read it, it represents a positive move toward a general consolidation of Federal support of two-year colleges. It represents consolidation more than many pieces of legislation. Those of us in higher education appreciate any move to consolidate the myriad of types of legislation that affect two-year colleges.

I was pleased that this legislation provides the extension of educational services to two-year colleges as the States provided, not as a substitute or to supplant efforts of the States. I think that this is awfully important because our needs are growing and the abilities of the various states to provide the funding for increased services is a real strength. Therefore, Federal support to augment and add to these services is awfully important, particularly in Section 206 where there was a recognition made of concern and consideration for innovative and exemplary projects. I think that this is very important because two-year colleges are noted for many kinds of projects of a little unusual nature. We roll up our sleeves. We get where the action is as the saying goes and do things on unconventional ways. This is an awfully important recognition, I feel.

I would like to reflect certain concerns that I feel, and I think in talking to colleagues represent their feelings, too. I know that in this bill specific dollars are attached to the planning process for the development of the states plans. Recognizing that in order to put gas in the tank and make legislation like this operate, there would have to be dollars for other kinds of things. These are not spelled out specifically, perhaps for a very good reason. But again, for those of us on the firing line, it would be very heartening to have a feel and understanding for the number of dollars that this bill would represent, and I think particularly to get the support and the feeling that the dollars that are represented by it would at least represent the total number of dollars of the bills which may be consolidated. We hope, in other words, that the whole, not only be equal to some of its parts, but equal to more than its parts.

Section 302 deals particularly with the responsibility and the authority of the Commissioners office. This bill places a great deal of responsibility and power on the Commissioner of Education, and I believe specifically provides for a Deputy Commissioner to head a Bureau or sub-organization responsible to the Commissioner for operation and implementation of the bill.

I feel personally that it is very, very important that the Commissioner be extremely sensitive to the needs of all kinds of two-year-colleges around the country, and I think that it is awfully important that the deputy commissioner be a person who has had very definite in depth exposure to the operation and development of two-year-colleges. Hopefully, a person who is versed as a practitioner, too.

Senator HARRIS. Is it your thought that we might try to write into this bill some qualification for the position alone?

Dr. PHILLIPS. I would feel more secure if there was a greater definition, Senator. We need some exact guidelines for the selection of this person.

Senator HARRIS. Right.

Dr. PHILLIPS. This is in no way a reflection on the intent of the sponsors of the bill, but I think that it would be awfully easy for a person who was very well meaning but did not have the particular experience to have such a position. A number of my colleagues present would agree that there is no substitute for experience. I think this is awfully important.

In Section 305 there is mention made specifically to a National Advisory Council to advise, as I understand it, the Deputy Commissioner and the Commissioner himself. I think it is very critical again that these represent persons who are practitioners, who understand, again, two-year-colleges, and the depth and variety, and nature of these schools—urban and non-urban. I think that this is tremendously important, and if I could underline my words three times, I would when I say that they need to represent geographically a variety of regions in this country so that this Council will not all come from any one spot in the United States. We all know that two-year-colleges take on the flavor, the purpose, not only of the area in which they are located, but also, the region in which they operate and are funded. They are different and this is good. People who have such a key position and who make critical determinations need to be able to recognize and have experience in these sorts of things.

I appreciate again, Senator, this opportunity and the privilege of hosting these hearings. We stand ready to assist you in any way we can.

Senator HARRIS. Fine. Thank you very much. I appreciate that and appreciate those suggestions. As you understand, this bill is the work of several of us. I believe that the other co-sponsors will be equally delighted to hear your suggestions for improvement of the bill, from those, as you have said, who are right on the firing line. I would now like to introduce an old friend of mine, Dr. Garold D. Holstine, President of Bacone College in Muskogee.

DR. GAROLD D. HOLSTINE, BACONE COLLEGE, MUSKOGEE, OKLA.

Dr. HOLSTINE. Senator Harris, my fellow colleagues, and friends of the Oklahoma Junior Colleges, public and private—I want to express in the term private that I will want to stress the importance of private higher education in education not only in Oklahoma, but throughout the United States, and I will urge that every consideration be given to the assistance of those students who would like the freedom of choice to attend the private colleges and universities in this state and other states, as you apply it gen-

erally across the nation. My remarks are going to be very brief.

In the first place I want to endorse fully the statement made by Dr. Dan Hobbs for the Oklahoma Board of Regents for Higher Education. It was an excellent statement, and I think it is not necessary to repeat many of these notes I have here and could have given. However, I may add two or three other points which will be useful.

I think it is about time to stress in this nation what is right about this country. One of those things which is right about America is the fact that we have a greater emergence of the acknowledgement of need for higher education on the post-secondary levels as well as the continuation even on through the graduate schools for those who can profit. As we evaluate bills like S. 545 and others, not only on the National level, but also in our state legislature now in session, we ought to give every consideration to the possible assistance which can be provided to the student in order to acknowledge the principle of separation of church and state and at the same time helping those who are citizens and have the right to that assistance and the possibility for development of their skills and their knowledge and their effective participation in citizenship. I think we have, as you may know, a bill which has been introduced and has been given a new class hearing on the part of our Senate Committee of Higher Education in the State of Oklahoma—a bill coming first out of the Senate to provide basic support to the students of Oklahoma who qualify as citizens of Oklahoma and who have lived in the State of Oklahoma twelve months or more. I think that this is a good sign. In fact, I believe 34 states have already passed legislation which would help the student to acknowledge this principle of freedom of choice as to the institution which they might attend. So we are grateful for the comments of support and the attitude in this State on behalf of the acknowledging of the need that we have for well-educated people coming out of our institutions to take the responsible positions in a highly technological type of society—a type of society that must deal effectively in leadership on the highest possible levels in all fields of science, arts, and humanities.

I want to leave with you in this Committee some material dealing with our College of Bacone. It is a private Junior college, church-related, although it has a board of 36 member, 16 of whom are of the community and other 20 spread throughout the U.S. We are serving now on the campus 539 students, more than one-half of whom are American-Indian students from more than 55 tribes, 32 different states. So you can see we carry with us not only the responsibility from the local community (by the way, about one-half of our students are from Eastern Oklahoma) in many ways, we serve the same functions as the other colleges the President of Tulsa Junior College spoke of a minute ago in our services to the community and with our private liberal arts science programs, special programs in nursing, music, art, and other areas that help our young people get prepared to go to our institutions and graduate programs throughout our state and other states. So it is a basic kind of education to help meet the needs of those who will continue and also to provide certain kinds of terminal courses.

In that way, then, I want to point out that we are a junior college with comprehensive community interests and concern and working with the citizens of the community. We have received some funding from Federal sources in special projects which in themselves, I think, have been a great service, not only to our own community, but again, one of them especially, throughout the entire nation. It has to do with bi-lingual problem of English as a second language, of the improvement of speech, of the problem that young people have in the lower-income levels, of the kinds of students who attend there who need encouragement and who have tremendous ability. If I were to mention the names of many people who have come out of institutions like ours, you would know them because of their national leadership and their state and local leadership and their contributions in all of the occupations, vocations and professions of this country.

Now, to bring my remarks to a close here, I would hope that this bill and I do not have the specific details here, but I have made some notes—that you would provide in this bill some way by which the student who attends a private college or university may have some assistance and encouragement, perhaps complementing the kinds of programs that are now coming out of our state legislatures. That together, we make a total impact and a total kind of influence and encouragement for these young people and to put together a kind of package that will enable them to get the kind of preparation they need so that they can be effective in their leadership, their community lives, their personal lives, and in every other way we want and need in this country. We need this to be able to take the leadership world-wide as well as to emphasize the importance of national contributions which are necessary to keep this good country not only good but improved and to emphasize continually what is right with our country. I know you will find the means by which this can be done.

I want to say that since I have worked in both state institutions—tax supported institutions and private colleges of various sizes, I think it is a part of the total educational family with which we are concerned. The biggest concern that we have and the only really important resource from all of the people of all of the racial backgrounds and socio-economic levels of our country—that most important resource to develop now if there is to be a future in this country happens to be those resources that are possessed by our people who are ready for us to make the decision as to whether our investment will pay off in a greater America or whether it will contribute to some of the trends which seem to be evident in this country where the radicals have seized control because of certain kinds of dissatisfaction, confusions, and frustrations that we read about and hear about. Let's keep America on the positive and constructive side through the educational programs that can be developed with the interests and support and concerns from the National legislature which you represent.

Thank you, Senator Harris, for this privilege.

Senator HARRIS. A record of these hearings would certainly be incomplete without the clear expression of the view of private junior college and President Holstein, you certainly started us out with that.

DR. PAUL FAULKENBERRY, ACADEMIC DEAN, BARTLESVILLE WESLEYAN, SPEAKING FOR LEO G. COX, PRESIDENT

Dr. FAULKENBERRY. Senator Harris, President Cox regrets that he is unable to be here.

I think to add emphasis to what Dr. Holstein has presented to us we would have concern in relation to the private sector not only from the historical standpoint of the importance of private higher education, but also, the contribution now being made by private institutions. I think the bill does provide for this as I read it, so we would lend support to the bill with the concern that this area be taken into consideration in the presentation and development of S. 545. I think that in terms of all of the institutions in Oklahoma that are funded each of them are making contributions to their local communities as well as to the total of our constituency which may come from many areas of the nation which we will find in Bartlesville. About one-half of our students come from the Washington County-Bartlesville area and we do have about 10% of our students from Indian heritage, and we have about 7% Negro student population. So, we are serving in this area as well. I would lend support to this bill with the understanding that the private sector also be given some consideration.

Senator HARRIS. Thank you very much. We are grateful you are here and appreciate your statement.

PRESIDENT EDWIN VINEYARD, PRESIDENT NORTHERN OKLAHOMA COLLEGE TONKAWA, OKLA.

Mr. VINEYARD. I appreciate being invited to come and say something regarding junior colleges and their needs. I would like to say something I think is obvious to everyone who works in public junior colleges in Oklahoma and that is that our present financial structures are totally inadequate, either for supportive programs or for supportive construction. Because of the inadequate financial structure under which we operate, we are for the most part unable to fulfill as we should the comprehensive role of the junior college. Most of us know and as professionals, realize, that this is a very important educational function. We can't do all that we should do. We do what we can and too often, we do what is the cheapest. This tends to be the general academic education program with not enough attention to other services and many types of programs that students who are part of our clientele have a great need of what the junior colleges in Oklahoma should be doing and what we can do best. We are not doing it to the extent we should. This is in serving the general junior college population which does indeed include many people in the disadvantaged category associated or non-associated with an ethnic minority group. We have many who have come to us who are educationally disadvantaged. We are open-door institutions. We have students come to us who have abilities and potential which have not yet been developed. They have not yet developed the skills which will enable them to succeed in college and because the programs to assist them with those problems they have as individuals are expensive programs to operate, too often they are not operated.

Now some of the kinds of things that we are not doing to the extent that all of us feel we should are for one thing counselling services. Counselling often times involves small group contact. It involves one-to-one contact between the counselor and the individual assisting him in finding his educational objectives, finding his vocational objective, overcoming his personal difficulties, adjusting to the academic environment. This one-to-one relationship or small group relationship is a highly expensive service, but its very important to the junior college student because here we have a heterogeneous population. We have often times disadvantaged students involved in that population. A second thing that we are not doing to the extent we should is to provide developmental courses for development of the basic tool subjects for this individual so that he can build upon these and other areas of specialization, and provide study skills, counselling or study skills, clinical services for this type of student. We are neglecting adult education to a high degree. We are not providing in most places basic education for adults where they are not receiving from some other educational institution. We are not fulfilling our continuing educational role for adults. We are not fulfilling this transitional type of education as people in one job that has become antiquated by technological advances and have to move to another job. We have not moved into this sector.

The Junior College Program dealing as it does with the heterogeneous population and

having the special problems associated with instruction of this group needs a much lower student-faculty ratio and involves a greater expanse and greater budgetary investment. We need very desperately to expand our career oriented and vocational programs to extend opportunities there. One thing that may not be covered in this bill, and a lot of these other things are and I appreciate this, is that too often we fail to provide the cultural opportunities—opportunities for general cultural development for our students because of their finances and what we can bring to them on the campus and what we can do to develop students in this particular fashion.

I think that any kind of Federal legislation should have certain kinds of things in it. I see much of this in your legislation, and I am very pleased. We need desperately funds for educational programs to support the basic work of the institution, and that is teaching and instruction and these related services. We would like to have a bill that is not pitched at categorical aid. We would like to have funding that is not proposal-oriented involving projects, proposals and so on, so that the guy who writes the best gets it. We do very well at our institution in this regard, and I don't feel that it is the best way to go about assisting higher educational institutions. We would like to have a bill which is not pitched at the disadvantaged only because he feels that the junior college population itself automatically includes this type of group in our services. In providing for our clientele, we automatically provide assistance directly to this type of population. We would like as Dr. Phillips intimated in terms of geographical distribution, to be protected in this regard. As a rural junior college, I would like to see some legislation coming out of Congress related to education that is not urban-oriented. We would like the bill if it is possible to be structured in such a way that the Department of Health, Education and Welfare, by its guidelines cannot subvert the bill to any of these kinds of purposes that I have just mentioned and that the State plan for implementation of the bill cannot subvert it at the State level.

I would add just one or two more comments before I close. We do need funds for construction. After visiting Tulsa Junior College today, and I have visited junior colleges outside of the ordinary state system or at least the older colleges in the state system, and without exception, we have found these institutions to be hard-pressed for facilities. They have in many instances seven or eight faculty members in one office, or the faculty members in classes where they teach are without certain types of student services facilities and without sufficient means to provide these special services areas, such as reading and study skills and specialized science facilities in many instances. So the Oklahoma junior colleges are in desperate need of construction funds. I generally feel fortunate that at home, though I need some things, I see conditions under which other people operate.

In general, I am very much in favor of your bill. We appreciate your interest in it and appreciate the energies and the aggressive way in which you are going about it. I do have the feeling that it involves too little to do too much, and I hope that it can be expanded. I would really like to see construction programs separated into two different bills so that they are not intermingled.

Senator HARRIS. That is an excellent statement, President Vineyard. I appreciate it very much, and you have made some extremely constructive suggestions.

Senator HARRIS. I would now like to call upon Dr. Melvin Self who represents a college which is one of our oldest colleges.

DR. MELVIN SELF, PRESIDENT OF CONNORS STATE COLLEGE OF AGRICULTURE AND APPLIED SCIENCE, WARNER, OKLA.

Dr. SELF. I doubt that I could make many contributions than have not already been made. I'd be happy to do what I can. I am certainly interested in the kinds of innovative legislation that we are getting here. I think that this represents a departure from the initial type of legislation which we have had, Senator, and you are to be commended for your foresightedness, and we think that this is a step in the right direction. Certainly, this is not a cure of our problems, but it is a step toward a cure.

I would like to further emphasize something Dr. Vineyard started, and I would like to do it in this particular way. Junior college images have not obtained the recognition that they should have, Senator. We have all too often been cast in the image of the status conscious university, and we have ignored the junior college as an institution concerned with the disadvantaged student, the socially-deprived student, and the potentially productive student. Many of the students that we have are diamonds in the rough. They have tremendous potential. They have not been able to demonstrate this potential because of economic reasons, because of social reasons, because of educational reasons. I think that we are dealing with a clientele that is unique and that is potentially great, really.

But I don't believe that consideration has been given in the past to the innovative programs we are capable of developing in the junior colleges, and I think that we have been cast in the role of "junior higher education" and have not been given the recognition for what we can actually do in this society of higher education. The junior college role, as I have entered here, would refer to what most people consider the junior college as a cheap role or an ineffective role or an inferior role. This isn't our role at all. We can be as effective as the most status-conscious university in existence. We can make our contributions where they're felt the most—with the people. We can make some tremendous contributions in the area of improved education, in the area of upgrading the citizenship of our country. We take the student with open-door policy. We have little or no restrictions on the students who come to our institution. We take him where he is and do the best we can for him. This is no easy task. It requires some innovation on our part. It requires a great deal of counseling on our part, and it requires some specialized technologies that do not exist in the academic environment and these are quite expensive. The truth is known, and really, our junior institutions are not inferior, and by all means, are not cheap types of operations. I'm afraid that's the role in which we have been cast too often.

I doubt seriously that I could make many contributions to this field that haven't already been made. I don't want to take a lot of your time, but I do want to encourage a concerted effort toward this type of legislation and the safeguards which should be installed here to see that these kinds of experiences are provided.

Senator HARRIS. You've made a very important contribution. Thank you very much.

Also from one of the junior colleges that has been a part of our system for a long time, I would like to call on Robert Keck of Eastern Oklahoma State College of Agriculture and Applied Science.

ROBERT KECK, DIRECTOR OF TECHNOLOGICAL EDUCATION, EASTERN OKLAHOMA STATE COLLEGE OF AGRICULTURE AND APPLIED SCIENCE, WILBURTON, OKLA.

Mr. KECK. It gives me great pleasure to be here today.

Over the past four years we have had a 71% gain in students, and we are trying to become a true community college and in order to do this, we have to furnish quality education for the first two years for the 20% of our total population that need to have a four-year degree or above. We, also, have to have a quality educational program for the 80% of our total population at the two-year school. This is what Eastern is trying to do. In the past four or five years, we have put in twenty-one of the one and two year-degree type programs, and just to show how this is benefiting the 80% of the population, we have a twenty-one percent increase in these areas from last year to this year. So we find it very difficult to finance some of these areas because in certain health occupations, health programs and data processing—these types of programs require special equipment, and it just naturally costs more than it does for a traditional type of English or history class. And this is what we are finding most of our difficulty is—is trying to find funds to adequately support the two-year vocational-technical type programs. I'm very impressed with this bill that you have and very impressed with the interest that you have in helping us with our problem. Thank you very much.

Senator HARRIS. Thank you. Good statement. Thank you very much.

I am very pleased with the quality of this testimony and the very detailed and helpful suggestions that we're getting here. I think that is going to be very helpful to the other fellows who, in the Senate, are the co-sponsors of this bill. I've already gotten several good suggestions for changes that I think can be made to improve it.

El Reno Junior College is one of our community colleges which has been with us a long time—not one of the newer ones that has just been developed, and they have had a good deal of experience there and we would be pleased to hear from Dr. Harrison at this time.

DR. A. R. HARRISON, VICE PRESIDENT OF EL RENO JUNIOR COLLEGE, EL RENO, OKLA.

Dr. HARRISON. Thank you, Senator. We appreciated your having this hearing, Senator, particularly as it relates to the financing of the community junior colleges, and in the area not only of construction funds, but as we understand it, in this reading, of operating funds as well.

Senator HARRIS. Absolutely. I do know that you have some representatives from your community here today. You might want to introduce them, and the same is true, let me say, of any others who are here to testify. If there are people from your community or your college with you, we would hope that you will introduce them to us. And if any of them have anything to say as individuals or otherwise, we would be pleased to hear from them.

Dr. HARRISON. Mr. Bruce Haynes has accompanied me here today. He is one of the outstanding citizens of El Reno. In fact, I think he is the most outstanding because he has given me the most support at the junior college, Senator.

Senator HARRIS. I agree.

Dr. HARRISON. I can simply echo the things that have already been said up here. I think that Dr. Vineyard brought out some very pertinent points, and I think that Dr. Phillips brought out some additional areas of thought. Dr. Self and Dr. Connors also brought out some very pertinent points. And Dr. Holstein, in support of the privately owned institutions, needs to be considered in the testimony that he gave relative to the support of the privately-owned institution. They are a very vital part of our operation.

There are one or two questions that concern me as I look at the bill. One is the tim-

ing of this. As I read the bill, the timing relates to the development of state committees or commissions to develop state plans, and that the timing is as of July 1, 1972. I know the processes of Congress are slow in some instances, Senator, but we are in immediate need of these services. My own particular institution received last year, and this year and are in the process of constructing a new building with a complete view of campus planning. We received from Federal funds some $406,000, and state funds of only $100,000. Bonds were voted in the amount of $375,000 so we will have a plant of approximately $900,000 when we complete it. We are at the present time operating it in Old Post Office Building in El Reno. We have 5 inadequate teaching spaces. When we move into the new plant, we will have 13 adequate teaching spaces and a forecast on our enrollment for next fall will fill this. So the timing is quite important to us because we feel that within two years we must go ahead and complete our total master campus project which will then accommodate approximately 2,000 students. We anticipate that our enrollment will grow that rapidly.

One of the problems that we face as a municipal junior college is that (and there are 4 other institutions in the State facing the same thing—Poteau, Sayer, Seminole, and Altus are no longer in that category because they are now a state-owned institution. But they did face this same problem) the financing of these institutions comes from the independent school districts. In our case the El Reno Independent School District #34 is the one. A total financing of the institution was done from their funds or from tuition charged the student until the Senate Bill #2 of the state legislature was passed in 1968, I believe it was. We are now receiving 50% as much funding per full time equivalent student as the state-owned institution receives. So these are the sources of our income. However, the matching funds did not come from the district which we serve, but came from the independent school district #34 in the amount of $75,000. We are serving 19 different communities at the present time who are not contributing anything to the operational costs or the construction costs of our new operation. Therefore, if we're going to operate, we're going to have to have, at least, additional state funds, and certainly we would most welcome Federal and state funds. Last year, our Educational Facilities Act of 1963 was funded in the amount of $40 million for community junior colleges. In the State of Oklahoma, that is $663,000 and out of this, two of the municipal junior colleges have been able to develop the initial groundwork of a full campus operation. But all of the rest of us are still hurting from this point of view.

Senator HARRIS. Now, what are they? Sayer and——

Dr. HARRISON. No, El Reno and Seminole received these funds.

Senator HARRIS. Right.

Dr. HARRISON. Poteau had received a little bit of funding about three years ago under the Higher Education Facilities Act. Sayer received nothing. They have a fine dormitory they built out there on self-liquidating bonds.

Senator HARRIS. I was involved in that, you know. The Federal people took the view that these municipal junior colleges were not eligible for the program on dormitory construction. We later were able to change their views. In regard to the Sayre Junior College, it took me a good while to do that. Has that particular administrative change in regard to that particular community junior college helped in regard to any of the other municipal junior colleges, do you know?

Dr. HARRISON. I don't know. Orville (Orville Johnson, President of Poteau Junior College) do you have any dormitories? We do not. Sayre is the only one, I believe, that does, but they're in need of them out there because of the geographical area. We are not in need of dormitories because we are serving a geographical area within commuting distance in a range of 25 to 30 miles.

Senator HARRIS. Right.

Dr. HARRISON. These people drive in on a commuting basis. We are very much concerned with construction funds to provide adequate teaching spaces for these people when they come in. There are two things I am particularly interested in in this bill, and that is the fact that you have provided here for a Board of Trustees to be designated as a governing body which includes individuals representing the community which they serve and we think that this is essential—that the Board of Trustees is the local Board of Trustees who will feed back to us, the Administrative area, the feelings and needs of the people of our community. I think that this is very good.

There is another item that I noticed has been changed in this and that is in relationship to becoming a tuition-free institution as soon as possible. I appreciate the fact that we now have the wording in there for loan tuition or toward state—full support from the State. We appreciate your efforts in this, Senator Harris, and if we can be any help, please call us.

Senator HARRIS. Thank you, and I appreciate also what you said in regard to timing on this. As I say, this is a joint effort by several of us, and I say that a lot of states are not as far along in junior colleges and community programs as we are. I agree with you that it wouldn't take us until 1972 to get our state plans in operation and approved, and I hope we can step up that time table, and I'll use these hearings to try to do that.

Dr. HARRISON. I think that in the State of Oklahoma we already have a state level and commission and program already outlined and ready to move.

Senator HARRIS. I do, too.

Dr. HARRISON. So we are ready as far as time is concerned, Senator.

Senator HARRIS. I doubt that there is another state which has made the progress we have in developing a community college program. New York and California, I know, have been moving in this direction, but I doubt that any state is as far along as we are in this.

Dr. HARRISON. We have the potential.

Senator HARRIS. Right.

Dr. HARRISON. We have the basic groundwork laid.

Senator HARRIS. Good point. We'll call now on the Dean of Students at Murray State College at Tishomingo, Dean Don Martin.

DON MARTIN, DEAN OF STUDENTS, MURRAY STATE COLLEGE OF AGRICULTURE AND APPLIED SCIENCE, TISHOMINGO, OKLA.

Mr. MARTIN. Thank you, Senator, and again we appreciate your efforts on this bill and on behalf of the junior colleges of Oklahoma, and we appreciate your coming down and taking your time to hear the problems of the colleges of Oklahoma. I think in speaking your language and talking about services to communities and knowing about politicians and their grass root campaigns reaching out into the community where the people are, you have a feeling of the pulse of the community—what the needs are. We, too, as community and junior colleges feel that we offer the same type of service in reaching out in the community and dealing with the people and dealing with the students and finding the pulse and the root of the needs of the people in these communities through the community colleges and junior colleges of Oklahoma. We appreciate this bill very much and as we know that Oklahoma is not highly industrialized as some of the Eastern states, we also find that a number of areas of Oklahoma specifically the area from which I come, Southern Oklahoma, Tishomingo, that we are not as industrialized as other sections of Oklahoma, that part of our students come from low-income people, and I think that this is perhaps the purpose of this bill to provide services and counseling and other activities for families and students of this type of people. Seventy-five percent of the students of Murray State College come from families receiving less than $3,000 in income. Last year a large percentage of students came from families receiving less than $5,000 annually. Now this is where our student income aid programs come in dealing with providing services to the students in our college study programs, educational opportunity grants, National Defense Student Loan Programs and providing services like this to students enabling them to go to college. This bill, as I understand it, would allow us to provide services unavailable now for these students through these types of aids to the colleges. This type of thing is what we appreciate. I, again reiterate, Dr. Vineyard brought this out. In this bill we certainly want to see that this is not something to be supplanted by either local funds or state funds, but would be supplemented by it so that we would be able to do a better service to our constituents and our people who we serve and to provide a better type of service in the community colleges. I think that this would provide this and that we might be able to reach out into the community and do a better job in adult education and community service and provide the counseling services in the junior colleges which we do not have the financial ability to do now. The amount of money set aside in this bill, S. 545, is not more than $300,000. I do not know how this will really provide the type of services. It is going to assist, but I hope that we are not trying to do too much with too little.

Senator HARRIS. I agree. The spelling out of those funds has to do with the planning part of it. We, the co-sponsors of the bill, envision, as I have said, something like $6 billion over a 3 to 4 year period, but I do agree with the suggestions that have been made that we ought to try to spell that out. And we are talking about new money, not existing money. This is generally the figure we have had in mind.

Mr. MARTIN. The vicinity of Murray State College—8% of our students are Negro, 8% are American Indians and again this typifies the type of people that we serve in the area from which we come.

Again, may I express regret that Dr. Kindell couldn't be here. This is Afro-American Day at Murray State College and he is speaking there. We appreciate your efforts.

JOE LEONE, VICE PRESIDENT, OSCAR ROSE COLLEGE, MIDWEST CITY, OKLA.—PRESIDENT JACOB JOHNSON WAS UNABLE TO ATTEND

Mr. LEONE. I would like to point out a few things about the college. The five-year enrollment projections for the college have been reached the second semester of the first year. Two-thousand individuals are on the campus now, while the feasibility study indicated that we would have 2,400 full time equivalency in ten years.

I would like to tell you a little about the composition of the student body there because I think it emphasizes some of the things that have been said. President Vineyard indicated the need for continuing adult education. I would like to point out that the average age of our students at the college is 25 plus. The median age which is extremely important is a little over 23. These are freshmen and sophomores, and of course, the multiple is still year 18. We have over 400 students 18 years old. What this really indicates is that we have a very widespread range from 17 to 70, and we have a pretty large group of people over 40 years of age. We have over 900 people enrolled in the evening college. This is the second semester

of the first year of operation, and this will point out to you some of our needs and concerns for this piece of legislation as we face the summer and the second year of operation. But I would like to leave these needs for construction to Mr. Kimball, the trustee, but I would like to ask a few questions and make a few comments from the experience I bring with me from the university. We were quite active in the university, still quite involved, in Federal programming. As I read the various pieces of legislation which are presently before us and the new legislation that is being considered, I am concerned some about coordination of the financial support for junior colleges. I read in this bill the programs that are eligible, the academic programs, the vocational-technical programs, the adult educational programs but I would like to say that we have had legislation for all of this in the past. It has been put in many cases in different bureaus, and you have to deal with the Bureau of Vocational-Technical Education for one part of your support and the Bureau of Adult Continuing Education for another part of your support and the Higher Education Bureau for another part. In Section 302, is it indicated that a Bureau will be at the same level as these other Bureaus or could it be a step above so that there could be some coordination?

Senator HARRIS. It is my thought that it ought to be a step above, but the question you raised will help us in that consideration.

Mr. LEONE. I would like to point out what I think Dr. Harrison pointed out, that in Title I, the development of the state plan being July 1, 1972, and we appreciated the need for the planning that goes into starting a state plan for a comprehensive community college. We are under such pressure to build buildings and develop programs and staffs for them that July 1, 1972 seems an awfully long time away. Then we notice in Title II, the authorization for the financial systems also begins July 1, 1972, and I question if it is possible to begin the development of the state plan July 1, 1971 so we would have a year of planning before we get into the financial systems under Title II.

Senator HARRIS. I think that makes sense.

Mr. LEONE. Another question for you is, although I know that this hearing is really on the Williams bill, I would like to confer with you about the Pell Bill and the Green Bill. I was wondering if sometime today when you conclude your hearings on this bill, would you talk with us some about the relationship of this bill to the Pell Bill and the Green Bill and maybe any other legislation?

Senator HARRIS. If you have any comments on those, it might best serve you to bring them up now. This way you will educate my co-sponsors and members of the Committee from this transcript. If you are not prepared to mention them I would welcome any information you would want to send me, and if we get it in time, we can add it to the transcript.

Mr. LEONE. I have read the Pell Bill, and it seems very comprehensive and maybe includes many of the components of the Williams bill except for the state plan component. I don't believe that I noticed it in there. I have not read the Green Bill, but it is my understanding that it differs from the Pell Bill in that it does not have the National Foundation for Education.

Senator HARRIS. I will read both of those.

ORIN KIMBALL, TRUSTEE, OSCAR ROSE JUNIOR COLLEGE, MIDWEST CITY, OKLA., MEMBER OF STEERING COMMITTEE OF NATIONAL COUNCIL OF COMMUNITY COLLEGE BOARDS

Mr. KIMBALL. I am in a dual roll today, although it is not so dual. If you have not heard of the Council of Community College Boards, we are a two year organization which is organized under the fathership of the NASB, the National Association of School Boards. They recognize that we represent the different levels of education and many of your school boards, not only in our state, but in other states, are serving a dual function, K–14, so Dr. Jones recognized this and saw fit to sponsor and finance us, and I am proud to say that this year we came to $8,000 balancing our budget out of $125–130,000 expenditures made. We think that next year we will balance the budget and be on our own. We have more authority than in the past, and I will be contacting many of you people to see about membership. We now represent 103 districts nationally and 135 campuses and 370,000 students. We expect this time next year to represent 270 campuses and 200 plus districts and close to one-half million students.

The thing I would like to say regarding the Williams Bill is that junior colleges, as you are aware of, represent over 50% of the disadvantaged students being educated in America today. The present time we are getting less than one dollar out of every ten spent for higher education, and we are competing actively with youths very much better organized to compete than we are. In the case of the University of Oklahoma, they even have a Washington office. We have to catch our Senator in the State or one of our representatives and try to get our funds. One of the big goals of the Community College Boards is to have an earmarking of funds designated specifically for junior colleges as the three bills we have referred to today, the Green Bill, the Pell Bill, and the Williams Bill, so indicate and we feel that a great lot of this came about through the Junior College Association and the Council of Community College Boards. We are pushing real hard for this thing and this earmarking—the building funds are very essential. We are a recipient of funds. We have built roughly a $4.5 million campus at Oscar Rose. In the last 340 days we let a contract, I believe 340 days ago—this is the wrong amount, I beg your pardon. We entered students 300 days after the contract to build a campus of 143,000 gross feet. We entered, as Dr. Leone pointed out, and nearly doubled our first year FTE that was anticipated for us. We are growing into 3,000 by next fall, and we feel we will probably top 3,000 students with 2,000 FTE next fall. With the present time our voters have gone to polls four times now. Each time our Board of Trustees has asked them to vote a bond. We voted in 1969 a $1,750,000 bond issue and the same time they gave us two mills operating funds under the Vocational-Technical Act. We went to them again last year to increase this to five mills. On March 13 of this year we went to the voters and were approved for another $1,750,000 bond issue subject to receive state and Federal matching funds, and we are in desperate need.

We need to double our facilities. We have architects working on a plan at this time to add probably a 100,000 plus square feet of strictly teaching space and faculty office space which we are doubling up on. We are in desperate need of this. We are hung in a state of limbo until we can obtain funds. We have promised our voters that we will not sell our bonds until we can assure them of matching funds to complete our building schedule, Senator Harris.

Again, I appreciate this opportunity to inform you of the Council and discuss this bill.

Senator HARRIS. Thank you.

ORVILLE JOHNSON, PRESIDENT POTEAU COMMUNITY COLLEGE POTEAU, OKLA.

Mr. JOHNSON. We appreciate this opportunity to get to talk to this Committee. In a small school like ours, we don't get into Washington often. I do want to introduce my Dean of Students, Joe Hemphill, and a member of the Board of Trustees, Dr. Ronald Tobey.

I don't believe that I will dwell on the role of the emerging junior college. It has been well covered today, and I really wholeheartedly agree with the philosophy expressed by Dr. Phillips, Dr. Vineyard, and others that this bill is a step in the right direction.

One thing, Senator, I have not heard expressed today and is an important point, I think, is that we are getting more education for our dollars spent in the community college than any other type of higher education. This is an economical way for us to provide an education for those people who so desperately need it. At the Poteau Community College, we are desperately in need of facilities. Three years ago the City Board of Education voted bonds to buy some land and move the junior college out away from the public school and keep its identity separate from the institution. Immediately thereafter, our enrollment doubled. At the present time we have 438 students enrolled, and this semester we have had a 525 unduplicated head count. Now most of these students who come to us are first generation college students. Eastern Oklahoma is in a low-income educationally deprived area. Over 25% of our people have less than an eighth grade education according to the last census. So our students come from low-income families. Fortunately we have had very good strong financial aid programs. I hope that you will see that student financial aid and employment work study loans and other types of aid are protected in this bill and in other bills which provide for financial aid to students because this is the salvation for our people to go to school. Eighty-nine percent of our people come from within a commuting range of 35 miles or less. About 5% come from outside the County and about 5% come from the neighboring states of Arkansas and Missouri.

We are in need of money to expand technical education. As has been pointed out so well today, this is one of the roles of community colleges. The role of technical education is more expensive and when we get into this area of expensive teachers and equipment, we exceed the budget for these community junior colleges. Another type of program that we need is for specialized special education or compensatory education for people who come from high schools which are very small and which do not prepare them adequately for college. So 50% of our students at least need some kind of compensatory remedial type of education—basic education either in math, English or science to prepare them for their role as junior college people. This is extremely important because here these people are not socially oriented and are going into the discipline of college routine. They need somebody to stand by them and provide them with the encouragement and help that they need to cope with problems of going to college. These people do not get this from their own lives, but most of their parents have not been to college, and they do not understand the need for training to cope with the problems of today. Our students certainly need this type of thing.

To provide these kinds of services requires more operating money. Our teachers are already overworked. They are carrying a higher than average class load because of the inability to extend the budget to add more faculty members. They are carrying the load of counselors. Each teacher is a counselor and this needs to be added to our faculty. We are short on space to the extent that we are running part of our regular program into the evening and expanding the length of our day. We have about one-fourth of our students in the evening school, and this is due partially because many of our people work in the day time and go to evening school. It is also partially due to the fact that we do not have enough facilities to put in enough classes in the regular day program so we expand the length of the day

and the classes. There are many ways to meet the educational needs of the community, but we are striving for the time when the community colleges should have the role of the cultural center of the community and around this cultural center ought to develop service and programs to help the community develop. It ought to be the spark plug for industrial and community development as well as upgrading the cultural and academic level of the community.

Thank you, Senator.

Senator HARRIS. Thank you. It was good of you to come and that was a very good statement.

DAVE CAWTHON, STAFF, ST. GREGORY'S COLLEGE, SHAWNEE, OKLA.

Mr. CAWTHON. St. Gregory's appreciates the opportunity to voice an opinion on this. I do not have a lot to add to the record. I would like to add to the remarks about the private sector of the legislation we are talking about. I think that before I say something, I have to make two assumptions. One is that private education can and does make a valuable contribution to higher education in the United States and secondly, Federal funds can and should be used to support some of the programs higher education is attempting to accomplish today. Certainly we feel very fortunate, Senator Harris, and we have expressed through our appreciation for some support we have received under the Higher Education Act, Higher Facilities Act, through HUD and so forth by rapid growth in the last 5 years at St. Gregory's. St. Gregory's would like to go on Record as giving full support to the concept projected by your Community College Bill.

Certainly community colleges must be around. We have to develop community service programs for the cities in which we live. Adult education needs to be developed in all areas, urban and rural. All of us are, I think, lacking in facilities and we need to begin putting these things together. The past approaches we have had have been piece meal approaches, and as Dr. Johnson pointed out, we have had to go to various bureaus in order to find support for our programs and our colleges. Hopefully this type of legislation will provide for the junior college a summarization of all this piece meal activity and give us a full thrust in terms of accomplishing our goals and objectives.

As a representative of private education, I am still somewhat confused as to just how the private sector will enter into this type of legislation. I noticed that the bill calls for institutions which have either low tuition or either no tuition. This is a paradox as far as private education is concerned. Certainly we would like to be able to offer to the economically disadvantaged students programs without tuition. Yet in order to exist, we would have to charge tuition to pay for our programs. This would perhaps eliminate some of that difficulty in terms of the paradox we face. I do think, too, that Dr. Vineyard and Dr. Self pointed out that we have to be very cautious in seeing the junior college or community college movement as primarily oriented toward the economically and socially disadvantaged student.

St. Gregory's is somewhat unique in that 40% of our students come from the State of Oklahoma. The other 60% come from states from all over the country. Most of our students are not economically disadvantaged. It is not that they are rich, but they are not poor. Most of these students, or many of them, have been rejected by universities. They apply to go to various universities and have been rejected because they do not have the grades to get in. St. Gregory's feels very proud that it can attract such students, either from Oklahoma or from around the country. We work with the student for two years and give him a different self-image, a success image of himself that he can succeed, and then he will go on and transfer to a major university. Our programs are primarily transfer oriented. This does not mean that we do not want to do more community work and adult education and vocational programs. We just do not have the money to do it. I am still somewhat unclear—I think it has been mentioned, Dr. Leone mentioned it briefly, that some of the other legislation that is around—I think that student aid is a vital part of any type of educational plan for the future. I think that the student aid we have today is entirely inadequate. It does not serve the needs of all the students who need it. Senator Yarborough introduced a bill in the 91st session of Congress which had the Post Secondary Act of 1970 and provided an almost comprehensive approach to make an almost voucher system where the student can spend his money at the college that he wishes. Of course private education likes to hear that kind of talk—that way we are not competing with a low or free tuition type thing. We can build the program to attract students. As you re-define this, Senator Harris, and here again we agree and concur with the basic concept of the bill, that that area of tuition, that area of student aid, that area which provides the students the means to be there especially as far as private education is concerned, is something we are very concerned about.

Thank you, Senator Harris.

Senator HARRIS. Thank you. Thank you very much. As you say, St. Gregory's is somewhat unique among those colleges we've heard from today. You made a contribution to our understanding of the over-all problems.

I want to call now on the representatives of Sayre Junior College, President Harry Patterson and Dean Paul Connors. I am glad you are here. You have come a long way.

PRESIDENT HARRY PATTERSON, SAYRE JUNIOR COLLEGE, SAYRE, OKLA.

Mr. PATTERSON. Thank you very much. I was the only one able to attend from Sayre today. I would like to thank you for taking time out of your busy schedule and inviting us here today. We do have problems, and I know that we all are glad that you are interested in trying to do something about the problems.

I am not going to say much about the role of the community junior colleges because it has been covered, and I imagine that you would like to get everyone in here before noon and maybe the meeting over with.

But I would like to say a little bit about Western Oklahoma, especially about Sayre. As some of you know, Sayre is in the western part of Oklahoma. We are a town of about 3,000 population, and we feel like that the largest industry we have in Sayre at the present time is the community college. At the present time, we have 310 students at Sayre and in the past three years we have practically doubled our enrollment. Our college was established back in 1938 as a part of the Sayre Public Schools and fourteen years ago, we voted bonds to the school district and the people of Sayre financed this separating our campus from our high school. At that time there were no matching funds, and it was a little bit of a burden on the people of the district, but they felt a need of a community college and they were glad to do this. It did bring our public schools a little bit of finances as most other community colleges in the state have been drained of finances, too. And, as it has been mentioned here this morning, for the past three years, the Board of Regents have given community colleges some aid—little better each year and we hope that next year we will at least get three-fourths of the funding or maybe full funding that state supported junior colleges are receiving. I believe that we will get additional funds this next year.

When Dr. Vineyard was making his talk here this morning, our college fell in the category of the one he had visited where he did see five or six faculty members trying to share one office because of a lack of facilities. We do need additional classrooms. We need at least three to four large additional classrooms at the present time to take care of our present enrollment. We do need a library very badly, and when they voted the hero bonds, the presidents of the community colleges know that there were some funds in the hero bonds that were for building for their community colleges, and we do have in our campus master plan, and some of the others do, but there were not enough Federal funds available this year to match all of our monies. We do have $100,000 that the Board of Regents waiting for matching funds now, and we do have a plan in to build additional classrooms and a library. We are having to share our library with the high school at the present time. That is the facility we are sharing. And if these Federal matching funds do not become available soon, we will have to try to do something else because they are pressing us to have a library of our own, and we do need one on the campus.

We feel like that we have a fine group of students in these community colleges, and we have not heard of any in the state that have been having any kind of demonstrations, any kind of riots, or anything in the community type colleges that they have been having in some of the larger schools. I feel like that we are able to hire good faculty members for this reason alone as most any of the universities and I am sure that all of these other presidents agree with me. I have received in the past year numerous letters from faculty members who have received their doctoral degrees that have been teaching in the universities and want to come to the community colleges because they know that we have good students who do not have demonstrations on our campus. They are not trying to burn our schools down. They are coming to the community college to get an education.

We mentioned dormitories this morning, and we are probably the only community college that does have a dormitory. I had not mentioned anything about this, but Senator Harris was real interested in it, and Mike Monroney, at the time Sayre was trying to build the dormitory. I would like to mention a few things about it. Now, Senator, our dormitory has not worked as well as some of the people in Sayre had thought it would work. We only have—they built the dormitory for 104 students—we only have about 20 students living in the dorm, but we haven't missed a payment so far, and we think that within a year or two, with additional programs, especially our med-tech program and our electronics programs, and some of those programs that we are reaching out further and getting students who will stay in the dorm. But in order to make our payments, we feel like we have advantages in having a dormitory for development of the town and community because each summer we hold a girls' basketball camp that lasts five or six weeks with 350 to 400 high school girls coming into Sayre. They come for a week at a time, and the revenue that we make from them goes to payment on the dorm, or cafes in Sayre. We have three civic clubs, and they got to where they would not feed the civic clubs any more in the cafes. They had the tourists coming in so the three civic clubs which we have—which are the Kiwanis, Rotary and Lions Clubs—were about to disband. So we are feeding those clubs in the dormitory and this brings in some revenue so we help the community of ours by being able

to keep these civic clubs in force. We have six police schools every year—we had six police schools last year, and they are having six this year. This is called the Western Oklahoma Seminar, and these policemen come from all towns in Western Oklahoma. A number of them stay in our dorm while the four day school is going on.

They have their meals there and this is either paid by the state or Federal Government to hold these schools. Instructors in these schools are FBI men or from the Oklahoma Highway Patrol. The local officers from the different towns of Western Oklahoma that attend this police school—and I think that all of the cities in Western Oklahoma feel like the police are doing a better job by coming to these schools. We have a number of banquets in the dorm that helps with the financing of the dorm. With these new programs that we have started in the vocational-technical field in our college and with the added facilities, we do think that our dormitory will finally fill up and maybe it will get to where we can make our payments without so many outside interests. All of these have helped our community and helped our town because as dry as it is in Western Oklahoma and other parts of the State, any type of industry is really appreciated, and I know that Sayre has supported our college. The reason that we don't have local money now is that we have pretty well drained the school district and anything that we could get from the state level or Federal government level we definitely need in our facilities.

Thank you, Senator Harris.

Senator HARRIS. Thank you. You really pointed very well the importance of these community colleges to the community in which they are located and also the varied purposes they serve—educational and community development purposes. I think that it is a really important aspect of community colleges. I call on President Elmer Tanner now, President of Seminole Junior College.

We are glad to hear from you. I was there not long ago and saw the beginning of the building program.

ELMER TANNER, PRESIDENT OF SEMINOLE JUNIOR COLLEGE, SEMINOLE, OKLA.

Mr. TANNER. I do not know what I can add to what has already been said. I would strongly endorse the recommendations that Dr. Phillips made on Sections 302 and 305 and outside of that I can have no other comments.

Of course you have visited and known something about it. We existed since 1931 as the 13th and 14th grade of the high school, but two years ago the citizens of Seminole voted a bond issue and started the movement to develop our own campus and separate it from the high school. At that time we had 77 students. We are now teaching in a church. The first year we had 364 and this year we have 604 students. It is estimated that next year we will have between 1,000 and 1,200 students. This brings to the point of why this bill is very important because we estimated in our ten year master plan that it would take us five years to get 500 students, and we have reached it within the second year and within our development of the college we estimated that we would fill 4,000 students. Of course, in the first phase which was a $790,000 project, we were not able to develop the whole campus. Basically we are going to outgrow our present facilities before they are even completed so this is a very important measure which I think could aid Seminole Junior College. Of course, I would like to brag on the people of Seminole for they are the first people I think in the State, I know they are in the State, in the Nation, to assess an additional one cent sales tax and earmark that money for the junior college so that we could have a stable source of revenue for operation, maintenance and capital improvement. It is the intent of the Board of Trustees to take this money and have it available if certain Federal funds are available. And, of course, just to complete our campus to handle 1,000 students, it will take a million and a half dollars to do this.

So, I want to thank you for the support that you have given the junior college. There is a definite need for these colleges. I don't know if you are familiar or not—in fact, being an Oklahoman you should be—at one time Seminole produced one-third of the world's oil. And of course, those wells are now depleted, and the average income in the area that we serve is now around $2,150. And of the 600 students that we now have enrolled, 147 of them say that had it not been for the Seminole Junior College, that they would not have been able to go to school. Also, we have a number of adults—the average age of our student body is around 25. So, there is a great need for this community junior college. Any support which you could give us we would greatly appreciate. Thank you.

Senator HARRIS. Thank you. You really are doing a fine job there in face of phenomenal demands that have been revealed in that area. Seminole, as is true for so many of these other communities, is greatly to be commended for the kind of support it is willing to give and has been willing to give to the junior college.

Is President J. C. Nichols of South Oklahoma City Junior College here?

J. C. NICHOLS, PRESIDENT, SOUTH OKLAHOMA CITY JUNIOR COLLEGE, OKLAHOMA CITY

Mr. NICHOLS. Thank you, sir. Mr. Carlton V. Myhro, Chairman of our Board of Trustees is in attendance today, Senator, and I would like to have him acknowledged. He said he would leave the remarks to me and then make a critical critique afterwards. Also, I brought one-third of our staff and faculty with us. Mr. Victor Varner, a research assistant, and I am the second one-third, and we left our secretary at home to take care of the important mail. I believe that the topic has been covered and as at a rock festival after you have heard fifteen organizations, they all start sounding the same so I believe that about the only point I would like to cover is that as the newest junior college in Oklahoma, we are facing the same problems the rest of them are. We do plan to be in operation in September of 1972. We plan to have basically the same type of operation Oscar Rose and the Tulsa Junior College have. We are in the process of developing our enrollment projection and our construction needs. Not only do the existing colleges have a great need for additional resources, but it is quite obvious to me as I have started planning this new junior college that the start-up costs of these new junior colleges are quite excessive. Oscar Rose and Tulsa have found that to be so. So I would encourage that as there are amendments to the Higher Education Facilities Program to give additional funds for colleges for leased facilities or start-up money that possibly an amendment be included in this particular bill to assist the larger metropolitan colleges with some of this seed money or start-up money would be helpful. I think that the main three points that the other presidents discussed that I would want to leave with you would be (1) we need more support in these new bills than the total income from the previous bills; (2) we need to have nation-wide representation on our advisory committees. We do not need to be dominated by the New York, California, Florida system of community colleges. We think that we have something pertinent to offer here. (3) Finally, I believe that we should take an extremely close look at the possibility of separating construction from this bill. I feel like possibly increasing the Higher Education Facilities Act may be a way to go on this. Other than that, Senator, we appreciate your coming here and taking your time. We hope that we will continue to do in the community college movement what we should be doing, and we look forward to having you on our campus when we get one.

Senator HARRIS. Good. Thank you. I want now to call on Mr. Carter Bradley who most of you know. He is the executive secretary of the Higher Education Alumni Council in Oklahoma, and Carter, we would be glad to hear any comments that you have got.

CARTER BRADLEY, EXECUTIVE SECRETARY, HIGHER EDUCATION ALUMNI COUNCIL

Mr. BRADLEY. Thank you, Senator, I appreciate this opportunity to put in a word here at the close of this hearing. I just hope, Senator, that you can move this legislation through the Senate as expeditiously as you have moved testimony through this procedure here this morning.

We as an organization, Higher Education Alumni Council, have not taken any action directly bearing upon this legislation, Senator, but our Board and our purpose in being is consistent with the over-all aims and objectives of this kind of legislation. I think that speaking personally, what this legislation represents, Senator, is part of the reordering of priorities, both nationally and locally. We have to proceed with great alacrity if we are going to deal with the crisis in education and particularly in higher education. We as an organization are dedicated to that, to try to develop a new force in Oklahoma that will bring to bear the public opinion of concerned alumni on this problem. Now Dr. Dunlap's message, I am sorry that he couldn't be here today because he had a State Senate Education Committee matter this morning, makes the point that the doubling that occurred in the last decade at the same rate of increase in higher education student load is occurring this year and in this decade. As a matter of fact, although Dr. Hobbs and his research staff cannot support this statistically at this time, the indications are that we may double again in this decade as we did in the last decade. In other words, go up from around 90,000 now to 180,000 in higher education in this state in this decade, and certainly by 1981. People of Oklahoma and the people nationally just simply are not aware, Senator, as you know, of the tremendous pressure this puts on all levels of the budget in the public budget making.

The same thing exists here that exists in Ohio, Florida, Pennsylvania and many other states across this nation where higher education has simply fallen further and further behind. In the State of Oklahoma, this year we are getting in state appropriated funds for this fiscal year around 69 million dollars. The State Regents for Higher Education, which you know, has constitutional authority to do the kind of research and examination of needs says that just to maintain present standards in higher education in Oklahoma will take an additional 16 million dollars for the 71–72 school year. That is an increase from 69 milion to 99 million plus in state appropriated funds. We are a long way from being there at this point in the state revenue picture. We have got to have this kind of legislation. We have got to have a re-ordering of priorities nationally. I know that you are on top of this situation thoroughly. Everything that you have said and have written in recent months indicates that you are fully aware and way ahead of most of us, Senator, as to these new needs that we face as a nation and as a society. I just want to tell you that as far as the Higher Education Alumni Council is concerned, we are going to need a lot of copies of this record that you are making

here, and the record that will be made by this Committee because I have got a lot of people to educate. Literally thousands of alumni in this state who have benefitted from our higher education system are not aware yet that their own children and grandchildren are not getting the same break they got because of lack of state and national budget priorities that higher education deserves. I want to express again our thanks to you, Senator, and to say that it will be our effort in the Higher Education Alumni Council to do everything we can to see that measures of this kind get fullest and best possible public acceptance from the people generally.

Thank you very much.

Senator HARRIS. Thank you, Carter. No man could have been chosen who could do a better job in the position that you now serve in, and I think that you have really made a great additional contribution to our record here. Is there anyone else who would like to have anything to say at this time on this subject. Anybody else present or anybody who would like to add anything additionally to what has already been said? If not, let me say again how grateful we are to each one of you for being here, to Dr. Al Phillips who has been our host and who has made excellent arrangements and accommodations for these hearings.

I think beginning with Dr. Dan Hobbs of the Regents for Higher Education in Oklahoma and winding up with Carter Bradley of the Higher Education Alumni Council of Oklahoma and everyone of you in between, we have seen documented here both the fact and the enormous proportions of a growing crisis in higher education in Oklahoma. I was astounded to see the figures that Dr. Hobbs talked about and to hear some of the figures and statistics that Carter Bradley has talked about and hear, for example, what was said about the growth at Seminole and Oscar Rose Junior College, where already you are behind before you even start. I am kind of a Populist in that I mean that we ought to stand up for the people's interests, and I do not know of any more vital people's interests than the question of what is going to happen to my child, will my child have a better chance than I had? Will he have the education and the skills to have a better chance in life than I have? And I don't think we are facing up to that question with the kind of urgency that we are going to have to face up to and particularly with a growing population and with the tremendously increasing educational requirements. People have to know a lot more, we all realize, than you used to have to know. They have to in order to be employable in our society and to be productive members in our society. There are a lot of people who are adults now who did not have that chance and there are a lot of kids coming on now who won't have that chance unless we can strengthen and fully support the comprehensive community junior college program that has been the subject of these hearings. Among other things, that most basically means money, and as Carter Bradley said, we are not going to be able to provide the kind of money we ought to provide in higher education generally, or for junior colleges and community colleges, unless we put first things first and get our priorities back into some kind of whack. Just like the Oklahoma housewife who cannot buy everything she wants to buy when she goes to the grocery store because she has limited funds, the same is true of the Federal Government. We will always have limited resources and that is what the government is—the process by which there is a division of limited resources. I think it might be a terribly romantic and dramatic thing to do as some suggest for us to start now to spend additional billions of dollars to try to put a man on Mars and bring him back one of these days, if we have a lot of money lying around—surplus over and above what we need. But we do not have that at the present time, and therefore, I think education and health and other such people's concerns ought to take priorities over those kinds of programs until such time.

I do not see that time right away—when we have more money than we know what to do with in the fields like education. That means a re-ordering of priorities so that we can expand the federal support for higher education and for community and junior colleges. It, also, means giving the State some relief, particularly from its welfare burden. President Nixon and others have suggested that we have got to give some additional and massive financial help to the states in an unrestricted way so that they could use that however they please. I think the best way to go about that particularly since the Supreme Court has, in my judgment, rightly held that states can't set residency requirements on welfare recipients, that welfare is more and more a national rather than just a state problem, and I think we ought to federalize the welfare program thereby relieving the states of one of the two twin and increasing financial burdens, welfare and education, which I simply think they cannot continue to bear up under. We could and should and will under legislation which I have introduced begin now in steps to take that welfare burden off the states and some of the cities and thereby relieve them of that financial expense and, in my view, do a more humane and uniform job as well. Then the states would have more of their own money which they are presently having to use to match Federal welfare funds. The state government in Oklahoma then would have a substantial sum that they could turn to such growing needs as education. That is in addition to what we ought to do in increased support for education at the Federal level.

I will take the transcript of these hearings back to the Senate and Congress, bring your views to the personal attention of the members of this Committee and all Members of the Senate. We will have the transcript printed and I believe that it will be very helpful to us first of all in improving the legislation before it is passed and in providing the impetus in the Senate to get others to see how urgent it is that legislation along this line be passed. I am grateful for the participation of everyone and for those of you who came to sit in as spectators as well. Thank you very much.

THE MILITARY SELECTIVE SERVICE ACT

The ACTING PRESIDENT pro tempore (Mr. METCALF). Under the previous order, the Chair now lays before the Senate H.R. 6531, which the clerk will state.

The legislative clerk read as follows:

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 resumed consideration of the bill.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mrs. SMITH. Mr. President, I have joined the distinguished chairman of the Armed Services Committee in sponsoring this Nixon administration legislation to extend the draft for a 2-year period. The Senate has already heard the detailed points that the chairman made last week so I shall not go into them now.

We think it is a good bill. Our objective—at least my objective—is to cut the numbers in our services; to have a small, well trained and paid regular service, which would mean that a large, well-trained reserve will be necessary.

I support this legislation because I stand for a strong Regular Military Establishment backed by a viable and well-paid Reserve force.

I told the President when he first called for the volunteer service that I would go all the way with him and that I hoped it could work. I am supporting the volunteer military service.

I support the 2-year extension of the draft because in matters of national security I like to be a realist. If we are to attain an all-volunteer force there must be a trial period and we must have a realistic pilot program. During this trial period we must have a law on the books to provide insurance that our goals will be met.

No undertaking of such vast importance should be attempted on a crash basis. We must take every precaution that the transition to an all-volunteer force is an orderly one.

I wish to remind my colleagues that the all-volunteer force has my full support. I have said many times before, and I will repeat it now, that I would fully support the abolition of the Selective Service System if three big if's are met:

First, if sufficient numbers of volunteers can be obtained and our national security will not be impaired;

Second, if the quality of such volunteers meets our military requirement;

Third, if the taxpayers are willing to pay the price.

Those are three big "if's."

The first "if" depends on the 2-year extension. This is the trial period. In today's environment and the public attitude toward the military, it would be most imprudent to embark on such a program without the shakedown needed to learn if the system will work. This is the trial period needed to learn if the inducements in the bill will attract the numbers required to maintain whatever manpower levels are established. To do otherwise would be to gamble without security.

The second "if" is of equal importance, if not more so. Without qualified manpower, today's complex and sophisticated weaponry is rendered useless. Without a trial period we have no assurance, let alone any guaranty, that the caliber of volunteers will meet the necessary physical and mental standards.

The third "if" depends on the American taxpayers and their willingness to pay for the necessary inducements, measured in dollars, which are essential to attract the numbers and the quality of volunteers.

If these three "if's" can be met, this Nation has nothing to fear.

In order to bring this about, I would have preferred to have it 4 years, but the committee, nearly unanimously, voted to extend the selective service authority of the President to 2 years, and I am willing to go along with the 2 years; but I fear for the results, the chaos, that will be created if we go into a 1-year period or if we cut it off immediately.

Therefore, Mr. President, I hope the Senate is going to think, and think long and hard on this, debate it to the fullest, that every Senator will have a chance to say everything he wants to say, that Senators will offer the amendments they want to offer; but I hope in the end we will not do anything to destroy especially the hope in this area in the transition from the regular establishment, from the draft, to a small regular establishment, a large reserve, and a volunteer service.

Some of you perhaps recall that early in 1970 I offered in this Chamber to sponsor legislation that would embrace the recommendations of the Gates Commission for an all-volunteer force. I did so because I was willing to accept the advice of the Commission, whose members were men of proven judgment and experience. Important among the considerations which impelled me to sponsor legislation at that time is that I visualized a long and difficult debate. I was convinced then that we should make the effort to achieve an all-volunteer force while there was still time. I was certain that these important decisions should be made while we had a Selective Service System in being.

In a Senate speech I notified the President that I was prepared to introduce at that time such legislation as he desired and proposed on the goal of an all volunteer force. The bill now before the Senate represents for the greater part what the President a year later requested.

Since the 30th of June is fast approaching and time is running out, we must fish or cut bait. In my judgment a vote against the 2-year extension to suit a temporary mood could be a catastrophic error.

As I mentioned before, an important if is contingent on the willingness of the taxpayers to pay the price. The cost to the Nation of preparedness is high both in dollars and in sacrifice, but the cost of being unprepared could be suicidal. I, for one, will not be encouraged to forget history. I will not soon forget that first Sunday in December, 1941, nor will I forget the shock and anger that swept this nation in the aftermath of Pearl Harbor.

The lessons of Pearl Harbor remain valid today.

I would remind those, who argue that the day for ground troops belongs to the past, that since the advent of nuclear weapons we have been faced with Korea, Berlin, the crisis in Cuba, and later Vietnam. I would also remind them that we have a continuing crisis in the Middle East where political decisions continue to be made on the success or failure of trained manpower and conventional weapons.

The pay provisions in the bill have been arrived at after a painstaking review and most comprehensive hearings. They represent the President's recommendation and are substantially below the amounts passed by the House.

Only time will tell if we have acted with wisdom and forethought. It is my belief that any delineation of the funding or the 2-year draft extension would be gambling with our national security.

Mr. STENNIS. Mr. President, I listened very carefully to the analysis by the Senator from Maine, and, in her usual, fine, terse way, the Senator certainly touched upon the very vital spot of the problem that is embodied in this bill. As always, she has lent strength to the debate, as she did to the committee in the hearings and in the marking up of the bill.

I noted, too, what the Senator from Maine had to say about the reserves, the necessity for it, the vital role, the right kind of reserve, training, and equipment—not necessarily great manpower in numbers, but the need for quality. I heartily endorse what she said as a very serious part of the manpower program, and a necessary one.

With the Senator from Maine, I wish to thank the Members of this body for an opportunity for the subcommittee to fully present the bill in all its major facets. Although the attendance is not as good as it could be, to hear the speeches, it is through this method that the facts are brought out, put into the RECORD, and given to the press, and the Members of the Senate themselves, and their staffs, are thus informed, whether they are on the floor at the time or not, and also the public is informed.

I have a quite brief statement to make this morning. I expect to make brief statements, perhaps, as the debate continues.

After looking over the amendments and getting the drift of some of the amendments that are being presented, and judging by some of the amendments, but not all, of course, which have been introduced to the Selective Service Act, I believe it is possible now to see what the thrust of the debate will be. The underlying issue of this debate is not so much the Selective Service itself as it is whether or not Congress is to attempt to end the war by destroying or crippling the draft—our primary means of procuring military manpower. This is a dangerous thing to attempt to do.

We all want to end the war, and we want to end the war as soon as we can. We honestly disagree about methods, and I do not impugn the motive of any Member of the Senate, because his ideas are entitled to as much consideration as mine; but I do want to emphasize, with all the vigor I can, with the full responsibility of the chairmanship of the committee that I try to carry, that the pending bill is not an issue over the war. The bill goes to the question of the availability of the necessary manpower to man all of our services—the Army, the Navy, the Air Force, the Marine Corps—with enough qualified personnel to protect our people—not South Vietnam primarily, but our people—and the security of our Nation. That is the purpose of the bill. That is the President's purpose.

I believe the requirements with respect to the manpower level, and so forth, that we have put in the bill are necessary and that this is a sound bill.

Let me say, too, the committee thoroughly reviewed the entire Selective Service System and we actually considered every major recommendation that was made and took an unprecedented number of votes. I think we spent about 8 days of long sessions in writing up the bill and had rollcalls on a great many of these provisions.

For the last several years not only has about one-third of our military manpower been supplied directly by the draft but about another one-third—half of the men who enlist—has been supplied indirectly by the draft. This is because large numbers of men are induced to enter the military services because of the draft. That is no reflection on them. That has been an established policy of the Government for more than 50 years. This is not only true of the Army but also of the Air Force and the Navy.

I was not content to rely on statistics. Last fall I visited over 1,000 of these young mer. in private halls, with no one in there except the group, and I was the only other person outside their group. I wanted to see what they had to say and how they felt about it. To attempt to end the war by crippling or ending the draft would be a calamity for our Nation's security. Directly and indirectly, the draft supplies not only our soldiers in Vietnam but the crews for our submarines, the ground crews for our aircraft, and the men who operate our intercontinental and ground-to-air missiles.

That is, it supplies a great number of them. These men are on duty in submarines, on the ground where the ICBM's are, and other places that I have referred to in highly responsible positions. A great number of them are there because of the influence of the draft, and I emphasize that that is no reflection on them.

All services rely on this draft motivation to a very heavy degree.

A draft extension for only 1 year will not allow us time to do the work which the President believes is necessary to move smoothly to a voluntary military system. I believe this will be an extremely difficult job at best, even during peacetime, but within the next year it will be impossible.

As the Senator from Maine said, almost all of the members of our committee, no matter how we might disagree on a so-called volunteer army, agreed that at least 2 years was absolutely necessary in order to meet the situation with which we are confronted.

I say here the President. It is not just the President's judgment. It is the judgment of most of us who have wrestled with this problem and tried to weigh the facts. Of course, the President is entitled to consideration, because he is the man who carries out the responsibilities of the laws we pass.

Mr. President, many will argue that we should review the draft every year because we review other military needs annually. I believe that, although superficially attractive, this argument is really wholly without merit. We already annually review the manpower needs of

our military services. This year the Committee on Armed Services recommended a significant reduction—about 100,000 men in end strength—in our Armed Forces.

That is a matter that we expect to follow up on, not only this year but in the years to come, and we have already announced an in-depth review and survey, to be followed by hearing upon the essentiality of these numbers. This review of military manpower is an important function, and it is one that our committee will pursue with an intensive effort in the months to come, and without a deadline date hovering over our heads when we must finish it in order to get a bill moving. This is the way military manpower should be reviewed. The levels should be reviewed annually, but not the method of procurement. This bill relates to the method of procuring these men.

To argue that we should, every year, review whether or not to give the President the authority to induct men into the armed services is a bit like arguing that we should review, every year, our entire tax system, and decide whether or not we will have taxes next year. Our military services and the Selective Service System could not operate effectively with the kind of disruption which would be produced by a perpetual uncertainty over the very existence of the system by which military manpower is procured. I do agree that we should annually review the levels of military manpower, just as we review expenditures, but I do not agree that we should conciously force all of our armed services into continuing confusion and disruption in an attempt to end the war.

There is one further issue I would like to comment on very briefly, Mr. President. In an article in the Washington Post this morning a retired Army lieutenant colonel is reported as saying that the Army needs no men outside the actual combat divisions and their immediate support troops which are deployed with them. Mr. President, if this report of the colonel's statement is accurate it betrays an appalling lack of familiarity with military manpower requirements. For example, nearly 200,000 Army personnel are required to maintain the Army training establishment—this includes trainees as well as those who are in the various schools. Although 80 percent of the manpower for the Army's base operations is supported by civilians, there are still required 32,000 men to operate the bases. These 39 major Army bases in the United States serve an important function in helping to maintain our national security. Over 40,000 men are required to maintain the medical support for the Army. And there is a large category of men who are in transit because of changes of station. To argue that the Army needs no men except those who are present in the divisions themselves and in the units—many of them combat units—which support the division in the field is to neglect some of the fundamental realities of military manpower.

As I say, Mr. President, I am talking about the realities of this matter. It is proper that these matters be reviewed from time to time, but, with all the earnestness I have, I warn the Senate now that just a meat-axe method of passing an amendment here on the Senate floor drastically reducing available manpower numbers, with drastic reductions in fields where sensitive international policy is involved, is a dangerous precedent and a dangerous thing to do. If there is any other alternative, the Senate should pursue the more sound course, rather than this extreme.

Mr. President, I am glad to see the Senator from Ohio (Mr. SAXBE) is in the chamber. He is a very valuable new member of our committee. I have not seen anyone contribute more, and few as much, as he has in such a short time.

Mr. President, I yield the floor.

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

Mr. SAXBE. Mr. President, I find myself in an unusual position this morning. I have been a steady opponent of our involvement in Vietnam. I have supported with reservations our commitments in Europe. I cannot help but feel that the tremendous amounts of money we have spent on the Continent have contributed substantially to the devaluation of the dollar which occurred this past week. I also find myself at odds with some of the military's practices, which I find wasteful. I have been critical of the C–5A. I have been critical of a great many of the expensive developments that have gone on in regard to other aircraft.

But I feel that I have an obligation, this morning, to try to bring into focus what is happening in this country, particularly in regard to the Selective Service, which is the subject of the bill we are discussing.

There is a tremendous antimilitary movement in this country. I talked with young people in my office last week who said that the military was the root of all our difficulties—that they are inept, they are pompous, they are expensive, and they are unnecessary. The greatest gripe of those young people seems to be that this country is run by and for the military, and that we in Congress are simply pawns of them, that they make not only the military decisions, but some of the political decisions of the State Department, and that therefore we must root them out, and only then can we be objective in our dealings.

Others come in and say we must do away with the ROTC—in other words, that we should only have professional Army officers, educated at the professional academies, and that the civilian concept of officers will have to go, because it has no place in our universities, that in fact it has a very serious bad effect at our universities, and must be driven out. They have gone so far, in some places such as Kent State and others, to burn the ROTC buildings. One of the prime reasons for the disaster at Kent State last year was the burning of the ROTC building.

This antimilitary attitude in this country has extended generally to all aspects of military life. A young man with a military haircut is identified in a downtown place in Columbus, Ohio, and is jumped by a group who are opposed to anyone who is in the military. My son had a similar experience here in Georgetown. If you have a military haircut, you are singled out as obviously a square.

This feeling is deeper than just the cursory examination that one might give it would indicate; and it is centered today on the draft, on the Selective Service, because here is an instrument of "the horribly inefficient and evil military machine" that has to be extended by act of Congress. It is the obvious symbol that can be set upon.

So these people, not the ones particularly who are antimilitary, but those who are subject to their attitudes and those who join with them in some of their feelings, feel that we can deal the military a serious blow—and the only possible blow, some of them think—by failing to extend it, or by extending it for only 1 year. By extending it only 1 year, they feel that next year being a political year, a presidential election year, no one will have the courage to ask for a further extension, and that would be the end of Selective Service.

I can understand what many of these people stand against in this opposition, but I do not understand what they stand for in regard to their country's future, because many of the assumptions that are made in doing away with the danger just are not true and cannot be proved by history. We have a feeling, as we go down this road of antimilitarism, that it is a result of the exhaustion, the tiredness, the complete estrangement of our people, with the hassle they have gone through since 1939: World War II, then a period of active demilitarism, until we let everyone go, and then a rapid buildup for Korea, and that leading into Vietnam, and then the seemingly endless involvement there, and we can see that there is an attitude that would naturally develop as a result of this fatigue.

But we have commitments to our people in this country that we cannot overlook. It will be recalled that in 1946 and during World War II, we said that never again are we going to be so weak in the world that things can happen that did happen. Never again are we are going to let evil men and evil people build up a military regime that threatens the freedom—I said "freedom" of the individual. We enlisted in great numbers and we were enthusiastic, because we were fighting for a world in which we could live as we wish to live. We talked a great deal about liberty, we talked a great deal about democracy, and we talked a great deal about freedom.

These words are not popular today, because since that time, an attitude has crept in that all these things can be enjoyed without any of the responsibility of fighting for them or the unpleasantness of fighting for them. Fighting is something that only the cave men did; modern, educated man has no responsibility for nor has any real purpose in fighting. All things can be settled if we will just act as reasonable men. But history tells us that the world has never been run by reasonable men.

I do not know of a time in our world history when we can say that reason prevailed for any length of time. Our world

affairs have been run, and run badly, by emotion. They have been run by bad people, people who were not interested in liberty and freedom. In fact, when we speak of liberty and freedom and then we equate the number of years in the history of the world when man has enjoyed these things, we find them to be very few and usually very temporary; because the despots and the tyrants come in and say:

We will relieve you of your responsibilities. Just give us your freedom and your independence, and we will tell you what to do. We know what is good for you.

So, over the years, we have made certain commitments to the peoples of the world that this would not happen again. One of these concepts was NATO. Here is a group of European nations, many of which had survived the war only at a tremendous cost of lives and property. Some had been defeated. But all said:

We do not want this kind of war again. Man is destined for something better than this kind of misery and death.

An effort was made, after the war, that Russia and all others could live in peace. Then came the Iron Curtain, and then came the subjugation of the Baltic States, and we found that freedom and independence, as we knew it, had departed. So NATO was set up to protect what was left. And surely it has happened that those who did not come into NATO were gobbled up—Hungary, Czechoslovakia—behind the Iron Curtain.

Many of us feel today that the threat from Russia, although declining, is still there. Those of us who have visited Russia recognize that this is a threat to our lives—not a red, glorious future that we hear about in Russia, but the grey, dismal future of standing in line, being told what to do, having every one of your moves directed, and enjoying none of the independence and freedom that we like to talk about perhaps once or twice a year.

So we have made these world commitments, and we have made these in SEATO. However ill-conceived, we have tried to live up to those commitments. One might say, "Well, you cannot be the policeman of the world," and I suppose that is right. We have found that out the hard way.

I do not question that President Kennedy and President Johnson went into Vietnam with the best of motives, with the idea that here was a small country whose independence and freedom were under attack, a country which wanted to exist as a free nation but was being overwhelmed by a stronger, more militaristic group. This is the thing we had agreed to help with, and we felt that we were serving that purpose, only to be hung up in a war that has lasted for 10 years, and a no-win concept developing about the middle of it that made a farce out of all our great promises.

We find ourselves now in a situation that is tearing our country apart, estranging our young people, and destroying our economy. We have learned from this that we cannot be the policeman, but we can be the tower of strength in the world, and we can lead by example; and we can, by our tremendous wealth, under the so-called Nixon doctrine, supply arms to those who do wish to defend themselves, even though we cannot supply manpower. We have our fingers in this international setup in Morocco, Spain, all the countries of NATO, and our island possessions that are gradually working their way to independence and statehood. We have our far-flung outposts in all parts of the world that protect freedom and give integrity to our promises.

I do not think anyone would care to venture how long Israel would survive if the 6th Fleet were not there, or how long some of the countries bordering the Soviet Union would survive in independence if we did not have NATO. These things are brought home to us forcibly when we look at countries such as those in the Balkans, where there is no real independence.

I was interested in the visit that Hugh Downs, of NBC, made to Rumania. It is a charming country. They witnessed many delightful things. But this morning, after his return here, he reported that it is a great country; that they are developing fast, but in the countryside the peasants still are operating as they did 200 years ago; that one can write all the sports news he wants, but one cannot write any political news; that one can make a speech about domestic affairs, so long as he does not criticize the Government; that there cannot be any organization that is critical of the Government.

I am certain that if we want to accommodate Russia, we can have this in Western Europe and we can have it in this country.

A young man, the son of a prominent attorney known to some Senators, told me quite seriously that China and the Soviet Union are ascending and that we in America are declining and, therefore, we should accommodate to Russia and China, we should not antagonize them, we should not have troops in Europe, we should not point our missiles at them, or do anything warlike in their direction.

Mr. President, do you know what that means to me? That is a "Finlandization"—if there could be such a word—of the Western World; in other words, we would not give up our prerogatives or our independence but we would adjust ourselves and live according to the way that would cause Russia and China the least interference.

Mr. President, the price of freedom has never been cheap. One of the difficulties we encounter today is that, as we approach extension of the Selective Service Act, we have the idea that we can live at peace in the world by throwing away our defenses, by standing before our good friends and saying, "Well, here we are. We know you will look after us," and then withdrawing to our shores, which is about all that we could do with a garrison army that we would wind up with, and hope for the best.

I know it is an unpopular thing to talk about extending the draft, but the questions raised if we do away with it, are also unpopular.

The most important question is: What would be our degree of safety?

Can we rely on "good old Russia?" Can we rely on "good old China?" Can we rely on the fact that they will recognize we have taken the olive branch and have weakened ourselves to the point where it would take a major effort to reestablish our world leadership?

These are things which no one wants to talk about but I hope they will be brought out in this debate.

Personally, with the present antimilitary feeling in this country, I do not believe, that we could have a volunteer army. I do not agree with the President that a volunteer army is the coming thing and that we are going to have one in a few years' time. Nor do I think that, in a democracy, we should have a mercenary army, an army hired by raising the pay so that those who need money will take the jobs.

I believe that we have to have a civilian army and a civilian controlled military. I feel that we have an obligation that each American should feel necessary to perform, and it should be performed with pride.

If this is not so popular as it once was, perhaps we should have it in the way of a national service, because we never need the tremendous number of men available at the age of 18 every year. Perhaps we should have a national service where those who wish to go into the Peace Corps or into VISTA or work in the Neighborhood Youth Corps, or in various other good works of that kind, could elect to do that if they so chose.

Those who feel sympathetic towards the military, could make that their choice. I do not think we would have any shortage that way.

I maintain that it is unfair that a young man, approaching the age where he will be subject to Selective Service, should have to give 2 years of his life to a military duty which he does not look forward to, nor enjoy, and that another young man of the same age but with flat feet, or a young lady, has no such obligation. I would think that a national service would make sense. Of course, we do not have that now. We have to deal with what we have and that, of course, is Selective Service.

But I find a moral problem when we talk about the professional military. I met with a group of young men in my office early last week, and one of them said that he could think of no situation which would cause him to bear arms for his country—no indignity, no violence against it that would cause him to bear arms for his country. I said:

Then what do you think about a volunteer army?

He said:

That would be just great.

He would not bear arms to defend his country but he was perfectly willing to let someone be hired to fight for him. A hired gun, in other words.

To me, that is an attitude in this country that I find distasteful.

If we believe in freedom and democracy, then we have an obligation to bear our share of the burden of maintaining that freedom and democracy.

If we want to cave in, or to accommodate, then let us begin at the top. Let us not cut off the vine at the root. Let us begin pruning from the top. Let us withdraw from all our world commitments, get out of NATO, bring the 6th Fleet back to Norfolk, and get the 7th Fleet out of Southeast Asia.

Let us not fool ourselves. Let us not begin by cutting off the roots while we have all these worldwide commitments, all these treaties which this body has voted for—42 of them, which are still in existence—and, at the same time, trying to make a farce out of the necessary manpower supplied through Selective Service to keep those commitments and back up the treaties.

Mr. President, I am the first to recognize that the Army could perhaps benefit, as well as other groups, by severe cutbacks which would, in fact, make it a leaner, harder, and more effective military force, if we could take some of the slack out of the line and get better organization, and get rid of some of the people at the Pentagon and substitute men from the headquarters that we have scattered all around Europe and other places to bear the command burden.

I do not question that attitude, but what I do think is, we should recognize the fact that until we start to cut back on these commitments, we need the manpower.

The distinguished Senator from Maine (Mrs. SMITH) said this morning—and we hear this from the military too—that what we need is a lean and hard Military Establishment with a strong Reserve—a strong Reserve, well equipped, well trained, and capable of moving in at any time.

Well, Mr. President, let me tell you something about the Reserve. I think I can do that because I enlisted in the Ohio National Guard in 1937. At that time there was no military pressure of any kind. When it came time to go to camp, we had to go out and talk people into going to camp because we did not have enough to make up even a troop of cavalry.

Every Sunday morning, when we drilled, we never knew whether we were going to have enough men to get paid. No one ever achieved a high degree of proficiency because if a man moved along or left town, we had another obligation there, we had a vacancy to fill.

Then, after World War II, when I again joined up with the Ohio National Guard, at that time there was no pressure and no draft call, although the draft existed up until 1948. But there was no call and no pressure on us, as we were able to get a number of veterans to make up our units, and they were excellent—people that were willing to train. However, as natural attrition drew them off, we could not get any replacements. The people who were attracted for the money were not much good. Most of them were not well educated. And most of them did not have the degree of training capability that was necessary for the then not very sophisticated weapons.

Then in 1948 the draft went out altogether. And as the antimilitary was even then growing, we began to hit the bottom of the barrel. Our National Guard units at that time often would not have enough men attending drills so that the unit could be paid for a paid drill. There were other times when the sheriff was called to go out under a State law and pick up people who were supposed to be at drill and did not come. That is bad business.

Then we struggled along until most of us were called up during Korea. But when we were called up, we were not worth a great deal to the Army simply because there was a vast turnover caused by the indefinite nature of the life of the Reserves at those times. They had to start training us right from scratch because our training was not competent.

There were other causes. We have gone through the same thing again. We now have a waiting list to get in the Guard. Because of the pressure of the Selective Service they would rather be in the Guard unit at home than be called up on active duty. But the pressures will disappear with the ending of Selective Service. We will dump billions of dollars into a system of Reserves that is not going to be effective. It is simply going to be a holding area where we will have a list of names. They say we will have a ready unit.

Let me tell the Senate what a ready unit is. It is a unit that can operate at unit strength and at a level of training commensurate at least with the platoon. At present standards the turnover will be so great if we lose selective service that it will be at the individual training unit all of the time. We will never get over the turnover of officers and enlisted men.

There are other reasons that I feel strongly about the reserves. We train them like soldiers for 2 weeks out of the year, and the rest of the time like foreign relatives. They do not get any benefits. They do not get many commissary benefits. We make them leave the Guard when they are 40 to 45 or 55 years of age. Yet they cannot draw any kind of retirement pay until they are 60.

These are things that I hope will be later corrected. However, what I am saying is that without selective service there will be no effective Reserve. It will just disappear and wither on the vine. They cannot pump enough money into it to make it anything else. I think this is something that should be part of our consideration.

We have these world commitments and we have this reserve all dependent upon an effective military. If we take off the pressure of the draft, it means that these are going to die right on the vine.

What do I mean by pressure of the draft? During the middle 1950's, selective service was in effect. However, in most States there were no actual calls. It was taken care of because of the small number of calls primarily by enlistments. But the pressure was there.

This is fine. This is something that I would like to see continue over a long period of time. We should raise the pay, raise the opportunities in the Army so as to make it a career. However, at the same time, we should keep the Selective Service so that the slight pressure is there and that it exists for the 1 year during which it survives under the lottery.

I believed that with this kind of system we could continue and we could have an effective Reserve. If we want to cut back on any of the other fleet commitments or manpower in this country, I think we can do it. However, I think that we should always be aware that once we give up our position in this world, liberty and freedom have lost their best ally in the world. We may be hard put to keep it here in this country.

Let us not make any mistake about it. If we are going to opt to do away with the military, let us realize that we will be in danger of throwing the baby out with the bath water.

I regret that we live in such circumstances. This is what we learn from history. Those who refuse to learn from history are destined to make the same mistake again and again. That has been said on the floor many times: "The past is prologue."

I cannot think of a time when it has been more true than today. If we in our revulsion do away with the military and make it a garrison force in this country, as many would have it be, we must be ready to suffer the international consequences of our actions.

I think that defense manpower is a vital resource needed for the national security. Our best national security objective is to preserve the United States as a free and independent nation, to safeguard its fundamental institutions and values and to protect its people.

I do not believe that any of us want to pump money into the military to keep it as an institution for itself. It only has one purpose and that is to provide security for the people.

Through our foreign policy and collective security arrangements, the United States seeks an environment in which its basic security objective can be obtained.

This does not mean that the committee intends to give unbridled authority to the President in the areas of manpower. We have already decided on a definite limit that we want to see continued. However, I repeat that what we are talking about here today is national security. We can take a calculated risk with the national security, but we must never take gambles.

In the fiscal year 1972 we will need over 170,000 nonprior service personnel to meet the needs of our Reserve components, and in fiscal 1973 we will need 110,000. If the draft is removed, we will lose over 70 percent, or 196,000, from our selective reserve draft which has already been authorized by the House of Representatives at the level of 972,000 personnel. We have made excellent progress in equipping our Reserve components with modern weapons and other up-to-date equipment. Without an extension of the draft, we would dilute our empha-

sis on readiness in search of manpower. It may, in fact, be possible with such a volunteer force, but the draft must be phased out in search of such a force, not all at once. I personally have serious doubts whether we could ever do it. If we do we may have nothing left.

Mr. President, I would like to make some reference to the Gates Commission, which is the primary source of argument for all those favoring an all-volunteer Armed Forces, commencing in fiscal year 1972. The Gates Commission makes assumptions which will not prevail over the next 2 transition years. First, it assumes a need of 325,000 new enlisted personnel in fiscal year 1972, instead of the actual requirement of slightly over 500,000. It also assumes a higher retention rate because a man who volunteers is more likely to stay. But for the next 2 years we are dealing with draftees and draft-motivated enlistees. Therefore, we are not dealing with those people who were motivated by a true desire for military life. Therefore, how do we bridge the gap between 500,000 and the Gates Commission assumption of 300,000 personnel? We do it by higher pay and ending of the Vietnam war. House Resolution 6531 contains increases of $1,030,600.00. The President is now winding down the war. But I dare say that an Army life will not be competitive by July 1 of this year.

Mr. President, at the outset of my statement, I said that our manpower requirements were related to our worldwide commitments, and not just the Vietnam war. As anyone who has been listening to me for the last 2 years knows, I have been first and foremost in arguing for a reduction of our commitments. We are overextended, we must get other countries to pick up their fair share of the burden. However, until we do, and while we are doing it, we must not undercut these commitments by a reduction of our manpower beyond the point where we can no longer meet them.

I commend to the attention of my colleagues the statement of Secretary Laird, entitled "Defense Military Manpower Requirements for Fiscal Year 1972," starting on page 3 in the supplemental manpower hearing record, which should be on each of your desks. He explains the reasons and missions of our total manpower commitment. Our manpower level, based on the forces we need to carry out specific missions—mission forces—and the support necessary to sustain these forces, general support. In fiscal year 1972 the Defense Department needs 139,000 men to man the strategic forces which serve as our deterrent against nuclear attack on the United States.

These personnel seek to provide reliable reconnaissance and early warning capabilities to minimize the likelihood and consequences of a surprise attack; appropriate defense forces to protect against limited air and ballistic missile attacks; and effective and reliable command and control of these forces. I wish to point out to my colleagues that no operational manpower has been provided for the Undersea Launched Missile System—ILMS—and the B–1 manned bomber. Furthermore no operational manpower is planned for the Safeguard Anti-Ballistic Missile System. These systems are still controversial and no one should vote to reduce our strategic forces because of his opposition to any of these systems.

About 40 percent of our total military manpower in fiscal year 1972 or 1,032,000 men is attributable to land, tactical air, naval, and mobility forces which comprise our general purpose forces. These forces are maintained to support our commitments predicated upon two policies which have been inforced for over a decade spanning four administrations. They are: first, that the security of our region is inextricably tied to a forward defense and thus to the security of our allies; and second, that strategic nuclear forces in and of themselves cannot be relied upon to provide a credible deterrent or a reasonable response to the entire spectrum of aggression which we must be prepared to face.

Our general purposes forces are sized so that the United States will be prepared for either a defense of NATO, Europe, or a defense of Asia. In addition we would be prepared to assist our allies in Asia against an attack by one of its neighbors and also provide limited forces for a strategic reserve and for minor contingencies. Our forces are designed so that major operations in one theater must be conducted at the expense of the major capability in the other. The one and a half war strategy.

In fiscal year 1972 591,000 personnel, comprising almost 25 percent of total DOD military manpower, will man our Army and Marine corps land force elements. In addition we need 170,000 in the tactical air forces of the Air Force, Navy, and Marine Corps. Finally our general purpose forces provides for the assignment of 203,000 Navy and Marine Corps personnel to our naval forces.

I am eternally faced with those who give the simplistic answer:

> Well, we have all these bombs and missiles and they are in silos and all we need is one man to push those buttons.

If we have a defense based on missiles and the annihilation of one-half of another country, with deaths that may reach 40 million, we will never have anyone to press that button and we will be nibbled to death with wars of conventional forces. We will be unable to defend ourselves in wars of conventional forces and those are the wars from which our peril will come.

Yet many will say that all we have to do is sit back and push that button and we will be able to defend ourselves. It just is not that easy, gentlemen.

The Defense Department will need 68,000 men in its mobility forces which comprises strategic and tactical airlift, sealift, key positioned equipment, and mobility support forces including air and sea terminals.

Thus, 199,000 personnel are needed for the four categories of our mission forces: intelligence and security; communications; research and development; and support to other nations.

To meet general support requirements in fiscal year 1972 we will need 1,135,000 men. These include individual and base support elements, training, command, and logistics.

Mr. President, I have long urged a reordering of our priorities. I have been a constant critic of the Vietnam War. Finally I have spoken out against cost overruns, inefficiency and mismanagement in the procurement of certain weapons systems.

I have long recommended a reordering of our priorities. I have been a constant critic of the war in Vietnam. I have spoken out against cost overruns, inefficiency, mismanagement, and the procurement of certain weapons systems. But I stand on the floor of the Senate today and ask each of my colleagues to think long and hard before in their pain, grief, and agony over the war in Vietnam—which our President is now attempting to wind down—they vote against or filibuster the extension of the Selective Service Act.

I think the choice we are really going to have to make is not unlike the choice of the old cowboy in the West who was the fastest gun and who decided that he wanted to abandon that post of leadership and retire. He will always find someone who is going to challenge him, especially if he was the lawman of that time who was the fastest gun. That man is not going to be permitted to retire.

It seems to me we are the fastest gun in the world; and by that I mean in defense of what we stand for. We are that lawman giving up the idea of policing the world but we like to think we can protect what we stand for and believe in. I am old fashioned enough to believe there are bad people in the world who do not agree with the concept of liberty, equality, and justice on which our Nation is founded.

I hope we realize that the military, even though it does not meet all of our wishes, is our gun. If we do not like it, let us correct it. If we do not want our commitments let us cut them back, but let us not just abandon our world responsibility.

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

Mr. SAXBE. I yield.

Mr. GRAVEL. I was struck by the Senator's comparison with the cowboy, the fast gun, or the "peaceful arrow" as it is known in Mexico, and the efforts to retire. It is an apt comparison and one that is probably not germane in this particular century. I say that because I am reminded of a statement made by a very able Alaskan, a Dr. Charles Koenigsburg at our recent Public Works Committee hearings in Alaska. He made a similar comparison of our cowboy society and our new space age society and noted that things are changing and that we cannot afford to allow ourselves to live in a cowboy society, although this was a laudable goal in times past because the cowboy had the wide open spaces and could do pretty much what he wanted to do. But in today's hair-trigger society, what happens in an instantaneous fashion is not man to man in a shoot-out. It is one man, possibly, with all of society. So that if a mistake is made, it is not man to man; it is the total destruction of our

space capsule. So we do not have a society any more where one man can shoot it out in a very gallant way; we have a spaceman society where one decides it all.

So I think the example given by my able colleague has expressed some of his views, views I may disagree with over the next month and a half or longer. I think that there is a danger, of course, in winding down the system, but I am reminded of reading an article by my distinguished predecessor, Ernest Gruening, which appeared in the New York Times last week. I was not aware of this, but apparently President Nixon, as a part of his campaign rhetoric in 1968, promised over and over again that, if elected, he would end the draft. That was almost 2½ years ago.

What does that mean? I pose the question to my able colleague. That is a very sound and deliberate argument—we cannot quite do it now because of our responsibility—but it is an argument that can be made next year and the year after that and the year after that. That is an argument that really offers no termination.

I thank my colleague for his views.

Mr. SAXBE. I thank the Senator from Alaska. I cannot help but feel that we live with the feeling on the part of all of us that the world must become a better place, that we must learn to get along, that we are on this small planet, hurtling through space, and it is becoming smaller and smaller and more confined, and we have to find a solution to get along. But we can only judge the future by the past, and man has not accommodated himself as he should. We have not done a good job of it. We wind up in wars. We wind up in violence. Violence occurs in our cities and violence occurs every place. We must learn to organize ourselves, but during that period we must recognize that this winding down cannot be done overnight; that we have to get rid of our commitments.

I know that any time we talk about cutting back on a military installation in a Senator's State, he hits the ceiling.

Mr. GRAVEL. Mr. President, would the Senator yield on that point?

Mr. SAXBE. I still have the floor. We object to cutting back. I do. They all do. I say, "It is not necessary to cut back on this installation in my State."

So if we are going to cut back on the source of manpower, we have to be realistic. We know we have a total of 600,000 troops and dependents in Europe today, in NATO. These troops are costing us $14 billion a year in the loss of exchange. I think this is where we have to start. We have to start cutting back there. We have to cut back in manpower everywhere. But I know one thing I observed on my recent visit to Vietnam—that dedication is more important than hardware or anything else. A man can take one of our battle tanks costing $700,000, run it down the road, and where there is one little soldier with determination and dedication, with a satchel charge, he can lay down in the middle of the road and blow up that tank.

We have somehow gotten the idea that we can hire a sophisticated helicopter costing $400,000, or a C–5A costing $40 million, or a $15 million F15, and that it does not need a dedicated soldier behind it. But I have observed, and I doubt that anyone has not seen this in the dedication of some of our enemies in Vietnam, that the dedicated man, with the most simple of weapons, is capable of holding his own against the most sophisticated weapons in the hands of a man who is not dedicated.

I do not know how we are going to inject this spirit into anyone. I am not saying that at some time in the future, perhaps, we cannot get a volunteer army. I question it with the present antimilitary view and feeling. But I do know that until we cut down on our commitments, we would be doing a foolish thing by cutting down the source of manpower while we still have our commitments. We surely should cut down on those before we cut down on our manpower.

I refer to the analogy of the fastest gun in the West, and that surely those days are outmoded, that we live in different times, we live in an age when we are supposedly sophisticated and civilized; but so often we scratch through the veneer of that civilization and find ourselves just at the place we were when we first came out of the jungle.

This, I agree, is regrettable, but the man who fought for what he believed in and achieved freedom in this country, which he had to fight to get, is not going to just abandon it with promises that man has changed, because all around us we find that man has not changed.

Mr. STENNIS. Mr. President——

Mr. GRAVEL. Mr. President, I would like to ask the Senator to yield, but first I would like to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, if the Senator will yield to me to make a comment, I think the Senator from Ohio put his finger on the real issue or question. As the Senator from Ohio has said, we would all like to end the war. We would all like to abolish the draft. But what are the consequences? What are the consequences of doing what we would all like to do? His discussion is certainly a lucid statement and a very reasoned one—an understatement, perhaps—about what would happen to our source of manpower—and these are not contradictory—to our services, not only the men in the Army, in the rifle companies, but all the rest of the services, including the submarine crews, carrier crews, ICBM crews, and all the rest.

If we do not have the Selective Service System, certainly for 2 years, there will be a liquidation of the Reserve. There is no provision in any existing law that could possibly hold them together unless there was selective service.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Chair would like to inquire as to who has the floor.

Mr. GRAVEL. Mr. President, the Senator from Ohio yielded to me. I yielded for a brief statement. The Senator from Ohio still has the floor.

Mr. SAXBE. Mr. President, I yield the floor.

Mr. GRAVEL. Mr. President, I want to take the floor for a brief time. I would like to ask the Senator from Mississippi a question.

In this morning's New York Times there was a very fine article concerning the Senator from Mississippi, in which there was a statement made which I think is rather interesting and which refers to him. The article states:

> He said the committee's reduction "if it would run for a full year" would be 100,000 men.

The quoted matter refers to the Senator's statement:

> "There is a billion dollars," he added.

Am I to infer from this statement that the implemental trade-off is probably $1 billion for 100,000 men, so that if we were to cut 300,000 men from our Military Establishment, that would mean about $3 billion, in round figures?

Mr. STENNIS. Yes, in round figures. In round figures, if you reduce the total by 100,000 men, that is an off-the-cuff calculation that I think is fairly within reason. That includes, of course, the operation and maintenance in addition to the average salary, and so forth. But it is a round figure that we can use.

Mr. GRAVEL. Very good. I am glad we can agree on that.

The only other point I wish to make—and unfortunately, the Senator from Ohio has left the floor—is to underscore that we are not a cowboy society, we are a statesman society. The dedication and commitment of which the Senator from Ohio speaks we obviously do not have in Vietnam, because this great colossus is not able to achieve a military victory there. It is true, as he says, that one small person with a satchel charge can wipe out a dozen helicopters or a very expensive tank.

The reason for this is very simple. Our boys over there are mercenaries, just as our boys in Europe are mercenaries. That was a point I made earlier in conjunction with a statement made by the distinguished Senator from Illinois (Mr. PERCY).

That is a very simple thing. We had that experience in this country ourselves during the Revolutionary War, when we had Hessian mercenaries operating in this country, and they were not nearly a match for our own American boys, who fought very ably in our War for Independence.

I suspect that, regardless of the circumstances around the world, as long as we have American soldiers acting as mercenaries, they will never be a match for people who are fighting for their own ground, because of the difference in dedication.

The irony in it all—which of course speaks poorly for our economic wisdom—is that in days of old, when a country sent out mercenaries, it was the foreign government that paid for those mercenaries. But uniquely, in today's society, we send out our mercenaries and the American taxpayer picks up the tab.

I think the time is perilously close when, regardless of the will to pay the tab, we will not have the economic fiber to do so. I do not want to be a prophet of economic gloom, but I think we are

rapidly spending ourselves into bankruptcy with these worldwide machinations.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, H.R. 6531, providing for a 2-year extension of the Selective Service Act, has my support and in my judgment amounts to a sound proposal to meet the Nation's military manpower needs.

This bill, as amended by the Senate Armed Services Committee, was written with the recognition that our Nation cannot fulfill military manpower requirements and national commitments without a 2-year extension.

Thus, this legislation would provide the authority to induct into military service up to 150,000 men a year through July 1, 1973. This ceiling provides a lid on the authority and is slightly above the administration's estimated needs of 114,000 men in the approaching fiscal year. The Selective Service Act extension date coincides with the time by which the Secretary of Defense hopes to achieve what has been called "zero draft." This term implies that although the draft would still be in effect, no one would be called because manpower strengths would be sufficient without involuntary induction.

Normally, the Selective Service Act has been extended at 4-year intervals. This Nation has needed the draft since shortly after World War II. At that time the draft was instituted because of falling manpower levels, and this action turned out to be critical when President Truman ordered American troops into Korea.

In my view the Congress would be wiser to extend the draft for the normal 4-year period. Then at the end of fiscal year 1973 if zero draft is attained, men would not have to be inducted, but the nation would have the draft machinery intact for instant use if necessary.

As Commander in Chief, the President of the United States must be given some authority to act, and act promptly, if he feels that a military deployment is necessary in our national interest. In a fast moving situation the President must move more quickly than the legislative process sometimes allows. The Congress always has the authority to grant or deny him the funds to support such actions.

However, it is my view that Congress will accept no more than a 2-year extension of the draft at this time. Should world tensions increase to a point requiring a buildup of U.S. forces, then the Congress will have to extend the authority 2 years from now.

In preparation of such an eventuality, this bill provides that the draft machinery and organization will be continued on a standby basis even during periods when the induction authority is not in existence.

Mr. President, it is recognized that attempts will be made on the Senate floor to do away with the 2-year extension or end the draft next month. In my judgment, such action would not only be militarily unwise, it would signal to the world that America has taken another step towards isolationism.

Admittedly, this country is in a trying period as forces are gradually withdrawn from South Vietnam. Considering this situation and U.S. commitments abroad, manpower needs cannot be met on a voluntary basis within the next 2 years.

The conclusion that the induction authority is needed for 2 additional years is supported not only by the needs for new manpower for the active forces but also by the manpower accession requirements of the Reserve and National Guard components. The intake requirement of the active forces and Reserve components is estimated to be 690,000 in fiscal year 1972 and 520,000 in fiscal year 1973. For fiscal year 1972 the total active force and Reserve manpower intake requirement is estimated to equal about 35 percent of the population of men age 19, and for fiscal year 1973, about 26 percent.

Taking into account that about 30 percent of the population does not meet military physical or mental standards, the aggregate active force and Reserve component accession requirement for fiscal year 1972 is the equivalent of about 50 percent of the 19-year-old male population meeting military qualification standards. In fiscal year 1973 it would be approximately 37 percent.

In the absence of induction authority the Defense Department could expect to meet only about half of the total active duty and Reserve personnel needed in fiscal year 1972. Thus, U.S. forces would drop around 600,000 below the required level.

Also, it is absolutely essential that there be continuing authority beyond July 1, 1971, for the induction of medical, dental, and allied specialists. The armed services will not have the personnel necessary to fulfill the medical portion of its mission if the so-called doctor draft expires. The competition from the civilian sector for the services of a scarce supply of medical personnel is intense. The economic alternatives to military service are extremely attractive.

Mr. President, even a 2-year extension looking toward an all-volunteer force will have a major impact on U.S. Reserve components. Few realize that 70 to 90 percent of those young men going into Reserve and National Guard units are draft motivated. Once the legal obligation of military service is removed, experts predict Reserve strengths will nosedive.

To help meet this problem, I introduced legislation last month to establish an Armed Forces Reserve Study Commission. Sixteen Members of the Senate joined me as cosponsors. An investigation and study of the Reserve situation, independent of the Defense Department, is vital if Congress is to fulfill its obligations in this important area.

This bill, S. 1599, would study Reserve needs and strength levels in an all-volunteer armed force or zero draft environment. The Gates Commission failed to make any significant study or recommendations with reference to Reserve forces if an all-volunteer forces comes into being.

Other actions by the committee regarding the selective service bill included restoration of the President's discretionary authority over undergraduate deferments. However, the Senate did reject retroactive withdrawal from this year's freshman students, the class of 1974.

The pay package proposed by the President was approved. It included substantial pay increases over and above present rates for men in the lower military grades.

The committee approved pay hikes amounting to approximately $1 billion, slightly above the $987 million requested by the President. These pay proposals included an enlistment bonus which will be an important tool in maintaining necessary manpower levels. I strongly support this bonus and feel it should apply to reservists as well.

Mr. President, in conclusion, it is my opinion that H.R. 6531 is a sound bill and should be approved by the Senate. The Selective Service extension of 2 years is a minimum, under present world conditions. It is my hope that the Senate will consider this bill carefully but with dispatch.

In closing, I wish to commend the distinguished Senator from Mississippi for his leadership with respect to this important piece of legislation, and also to commend the ranking member on the minority side, the distinguished Senator from Maine, for the great contribution she has made in this matter.

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

Mr. THURMOND. I am pleased to yield.

Mr. STENNIS. I thank the Senator for the remarks he has made. He was very forceful in presenting these major points.

Furthermore, the Senator from South Carolina certainly speaks with experience. As a young boy in college, he joined the ROTC and selected that part which was voluntary and continued it there. From there, as a lieutenant in the Reserve Force, he went straight on through and became a major general in the Army Reserve and took part in World War II with distinction.

I appreciate his work on the committee, his counsel, and his guidance. I appreciate the remarks he has made. He has touched on vital aspects of this matter.

I feel that when the facts are all brought out and the importance of this bill is realized, with the proviso for all the manpower of our services—almost all of them—it will pass in the form it is presented here, or substantially so, after a very good debate.

I thank the Senator again.

Mr. THURMOND. Mr. President, I thank the distinguished Senator from Mississippi for his kind remarks.

Mr. CANNON. Mr. President, I wish to speak briefly today in support of the Selective Service bill, H.R. 6531, as it was reported by the Committee on Armed Services, and particularly to support the need to extend the induction authority under the Selective Service Act for a period of 2 years.

Much has been said in the media and in the debate in the other body about the recommendations of the Gates Commission report. That report recommended that we move to a volunteer army—I

would say a more accurate phrase would be all-professional force—by this summer. Some have indicated that they have great confidence in this recommendation and for that reason they wish to reduce the length of extension of the President's induction authority to 1 year or even to refuse to extend it altogether.

It should be noted, Mr. President, that the Gates recommendation that we end the draft this summer was predicated on an assumption that there would have been this last year a transition period in which there were very high pay raises to induce more volunteers to enter the armed services. This transition period has not yet occurred. Pay raises which will enable the President to test out the concept of moving to all-professional force will only begin this summer.

Moreover, even the very high pay raises included in the House version of the bill—$1.7 billion in addition to the pay increases in the bill before the Senate—fall far short of the increases for new entrants recommended by the Gates Commission. About $1 billion of the money in the House version of the bill is for the career force and it is very difficult to argue that this money will have any appreciable effect in dramatically increasing enlistments of 18- and 19-year-olds.

But there is a far more serious problem with the recommendation that we move to an all-professional force this summer or next summer. That is the needs of our combat units in the Army. I am not speaking now of the war in Vietnam. The problem is far more general than that. It is a problem that was, I believe it is fair to say, neglected by the Gates Commission. Their investigations dealt with overall force levels, not with the subcategory—the vital subcategory—of Army combat units.

It is a striking statistic that only 4 percent of the men who go into Army combat units volunteer for the job. Over two-thirds of the men who go into those units are inducted; the rest are enlistees who do not specify their choice of assignment when they enlist and whom the Army therefore feels free to assign to combat units. This is no reflection on the Army. The job of being a ground soldier is tough, demanding, and dangerous, even in time of peace. Physical training is rigorous—it must be, if men are even to survive in ground combat, much less be able to prevail. It is not a job, frankly, that most men seek. But it is a vital one. Our committee has recommended a reduction in the manpower for the Army requested by the administration. But this reduction does not obviate the need for the draft. Far from it. As the Army is reduced in size during the withdrawal from Vietnam it becomes even more important that the remaining units be effective and ready for combat in case our national interests require it. The men to fill these units are not going to appear because we wish them to appear—there must be an effective manpower procurement policy which insures that we can maintain effective Army combat units. At this time, Mr. President, and certainly for the next 2 years, only the draft provides that assurance.

One aspect of this problem is illustrated by current recruiting policy. It must be frankly admitted that all three services rely to a great extent on the draft to induce men to volunteer.

Most estimates are that about half the men who volunteer for the Army, the Air Force, and the Navy are motivated to do so by the draft. These men seek to be able to choose the type of training they may receive and even the part of world to which they may be assigned. Recruiting policy permits, indeed encourages, this type of selection. These choices which are given to prosective recruits are absolutely central to recruiting for most services. The primary selling point is "Come with us and you would not have to be a foot soldier." This is true not only for the Air Force and Navy, but also for the Army's own recruiting, which offers options for training in noncombat specialties. It is important to understand that there is nothing wrong with these practices. But they represent the reality of acquiring manpower for the military services.

Now it may be that if the draft is removed we could, with very sizable pay increases—far beyond anything approved even in the bill as passed by the other body—acquire enough technical men for the Armed Forces. But I do not believe that it can be seriously argued that we could acquire enough riflemen. Nor has it been demonstrated that we could do so. Should we find within the next 2 years that the difficulties are less serious than they now appear, we will be free at that time to establish an all-professional force. But it is entirely unrealistic, I believe, to suppose that we could succeed in this major restructuring of our procurement system for Army combat manpower within the next year.

Mr. President, I want to add a final note on the Reserves. This point was just discussed by the distinguished Senator from South Carolina (Mr. THURMOND) and the distinguished Senator from Mississippi (Mr. STENNIS) just a few moments ago. Whatever the difficulties of acquiring manpower without the draft for the active forces, they are doubly great for the Reserves. About three-quarters of the new men coming into Reserve units are motivated to do so by the draft. We are now attempting to improve the readiness of our Reserve units in order to make it possible for them to take the place of some active units in our planning for certain contingencies. It is entirely inconsistent to make this attempt and at the same time to remove the driving force behind the procurement of the vast majority of Reserve manpower.

When the 6-month Reserve program was established in 1955 it was with the explicit assumption that this service would provide an alternative to the draft. Draft motivation was thus, from the beginning, central to the success of the Reserve program. New equipment is useful, but the Reserves cannot exist with new equipment alone. A hasty and ill-considered abolition of the draft would leave us without the manpower needed by the Reserves to perform their mission.

Mr. President, I have tried to indicate some of the important military reasons why I believe it would be extremely unwise to terminate induction authority either this year or next. It may be that with 2 years of experiment and effort we will be able to achieve an all-professional force. This will only be true if we are willing to pay the very high price which this would require, and pay it in the face of other very pressing military and civilian needs. But if we are able to accomplish such a fundamental change in our whole military manpower structure, we will not be able to do it without at least this much time. An assumption that we could do it sooner must be based on something other than a consideration of the real manpower needs of the military services.

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

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

Mr. ERVIN. Mr. President, I want to make a few remarks today about the primary question at issue during the consideration of H.R. 6531. On the surface, the major issue with which we must deal in our consideration of this bill is whether to extend the President's induction authority and, if so, for how long. I believe it is absolutely essential that this extension be for a period of at least 2 years. Frankly, I would have preferred a longer extension, for a period of 4 years, and I so voted in the committee. This is not because I believe that there is some intrinsic value in the draft, but rather because I believe it is totally impractical to think that we can maintain military forces of reasonable size without it.

With all due deference to those who advocate extending the draft for a period of only 1 year, I am constrained to say that their position reminds me of a man who had a long-tailed dog which he wanted to convert into a short-tailed dog. So he cut off the dog's tail a little at a time so that it would not hurt the dog so much.

We are going to have to extend the draft upon its expiration, regardless of whether it is made to expire in 1 year or in 2 years. There is an old adage which declares that even the most pious man cannot live in peace unless it pleases his wicked neighbor.

Those of us who are elevated by the people to the Senate of the United States owe those people an obligation to act as watchers upon the towers. While all of us wish the world were otherwise, we are bound to concede, if we are able and willing to face reality, that we live in a very precarious world. And wistful wishing will not make it otherwise.

It is incumbent upon us to keep our Nation militarily strong if we are to act rationally and with a view to insuring its survival. It is very unfortunate that the incumbent of the White House campaigned for the abolition of the draft while seeking election to the office of President.

I am satisfied that if he had heard

and heeded the counsel of any member of the Armed Services Committee who has served upon that committee for any substantial period of time, or any military man possessed of knowledge of the facts, he would never have come out for a program which cannot be consummated without jeopardizing the security of our country.

I know there has been some criticism of the operation of the draft because of certain inequitable conditions which it produces. I have always been a person who advocated universal military training for a limited period of time for all of our youth. If every one of our youth were compelled to undergo military training at the same age under exactly the same circumstances there would be no basis for any inequitable treatment of any youth in respect to one of his primary duties of his country, that is, serving in the military forces when the interests of his country so demand.

I do believe that the substantive reforms recommended by the Armed Services Committee in the operation of the draft will make it a fairer system and I believe this is important. Procedural fairness will not mean that the prospect of military service will thereby be made pleasing to all who are called. But the obligations of citizenship are not always pleasant, and it is not necessarily the obligation of the State always to subordinate its citizens' long-run interests to their immediate desires. The draft is not an obligation we should impose lightly on young men. Military service, and even possible death in combat, is not a matter to be taken lightly. But neither should we take lightly a fundamental restructuring of our entire policy for procuring military manpower.

Mr. President, advocates of the volunteer army often contend that, since all those who are serving in the military who are beyond their initial term of service are volunteers, we are already on the verge of being able to implement an all-voluntary army. This claim is dangerously deceptive, for it ignores the fundamental issue of military manpower procurement. By focusing on the entire military such an argument neglects the great deficiency in new acquisitions which would be caused by eliminating the draft. The figures I am about to cite will become well known to each Member of this body during the course of this debate, but they cannot be repeated too often. For the last several years about one-third of our new men coming into the military have been inducted and about another third have been motivated to enlist by the draft. That is, they enlisted only because by doing so they could have a better opportunity of fulfilling their military obligation in a job more to their liking than they would have obtained if they had been inducted. This is not to any man's discredit, but it is very clearly quite important for it means that the vast majority of our military manpower is still produced, directly and indirectly, by the draft.

Mr. President, at the beginning of these remarks I said that "on the surface" the major issue we are debating is the extension of the President's induction authority. As every Member of this Chamber knows, the underlying issue of this debate is quite something else. The underlying question is whether or not we are to deal with issues of justifiable concern to this body—and I refer to the constitutional authority of the President to engage in hostilities without a declaration of war by the Congress, and to the President's conduct of the war in Vietnam—directly or indirectly. I say this knowing that there are some of my colleagues who actually believe that a volunteer force of reasonable size can be maintained and our national security protected without the draft. With them I disagree. For many others, however, I believe the underlying issues which I have mentioned are the primary ones. There is a strong desire to use the issue of draft extension as a convenient method to assert the Senate's powers in the field of foreign affairs and, more specifically, to constrain the President's power to wage war and the war in Vietnam in particular. It is not an ignoble objective for this body to assert its constitutional prerogatives. We can all agree with the principle that the Senate has important constitutional functions in the field of foreign affairs. But I believe there is a great deal wrong with trying to exercise the Senate's important constitutional powers in an indirect—I would even say backhanded manner—by creating an unworkable system of acquiring men for our Armed Forces.

There is real danger in limiting one Presidential authority—the authority to induct—in order to have an effect on another—the authority to use men in combat. There is danger because we will affect far more than we bargain for. If we fail to extend the President's induction authority, or extend it for so short a time that our procurement of military manpower is severely disrupted, we will severely hamper our military strength around the world.

I believe it is undeniable that our security depends on others believing that we have at our command effective military power. The world is too insecure a place—from the harbor of Cienfuegos to the Near East to the international waters off North Korea—for us to be able to rely on the good will of others to maintain the peace. Nor can we hope to deceive the world into believing that undermanned and understrength forces provide credible military power. We are, thankfully, an open society. But this means that most of the deficiencies and problems of our military are public knowledge to the rest of the world within minutes of the time they are known to ourselves. Does any Member seriously believe that serious deficiencies in our military manpower could be kept a secret? Is it at all plausible that such deficiencies would not have most undesirable effects on the behavior of our potential enemies? The Nation is weary of the war in South Vietnam, but that is no reason to encourage other potential enemies through weakness and thereby make other conflicts more likely.

Mr. President, I want to add one further point. I believe it is especially important since there are many now who support the notion of a wholly professional military as an objective and wish to dispute only the speed at which we reach it. I said at the beginning of these remarks that I did not believe there was an intrinsic value in the draft. I do believe, however, that there is intrinsic value in the notion that citizenship is not a matter of all rights and no obligations. We would all, in our weaker moments, wish to have nothing required of us. But that is not the nature of citizenship in America in the latter half of the 20th century. There have been times in our history in which this may have been an appropriate—or at least not an entirely pernicious—view. But those times are past. We face all sorts of threats to our continued existence as a constitutitonal democracy.

Some of those threats are gradual and internal. They are the result of short-sighted policies by our own Government which have grown quite serious in recent years. These are policies which imply a lack of trust in the American people and which produce a lack of willingness to recognize any limitations on intrusions into their privacy and their communications.

But while we are guarding our Constitution and our Government from internal erosion we must also protect it from external assault. It is important that we not raise future generations of Americans to believe that the only appropriate posture for a citizen is one of being on guard against excessive demands on him by his own government. On guard he must be, but he must also recognize his obligation to protect his form of government when necessary.

I believe it is irrefutable that, for the sizes of military forces needed to maintain our security, we must for the foreseeable future use the draft and call on young men to perform this obligation.

Mr. President, I stated a few moments ago that we live in a precarious world and that we have potential enemies, and that if we are to insure our survival, we must keep militarily strong. I am convinced, from long service on the Senate Committee on the Armed Services, that it would be impossible for us to maintain our Armed Forces in sufficient strength to insure our survival in this rather dangerous world without the extension of the draft for a substantial period of time.

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

The PRESIDING OFFICER. Does the Senator yield?

Mr. ERVIN. I am glad to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I appreciate the opportunity to have heard the part of the Senator's address that I did get to hear. On the Senate Armed Services Committee we respect the Senator's opinion and his rugged approach to the realities we have to deal with. That is true here on the Senate floor in other subjects far beyond the subject matter of armed services.

I also appreciate the Senator's statement because of his fine knowledge of government and policies designed to protect our country during times of stress and strain.

Another thing the Senator has put his finger on is the predominant American point of view toward anyone having to serve or being inducted for any service, including the military service. We do

not exactly like the idea. It is not a pleasure, or anything like that, but it is an obligation of citizenship in the times in which we live. I heartily subscribe to what he has said. It is a necessary function that someone who lives in a free country should be prepared to defend that freedom, which includes the obligation that falls upon those of a young age.

Despite statements to the contrary, I find that a high percentage of young men basically look at it in that way. They are not boys I have seen on the streets or around the Capitol or in my home, but I have made visits among them, and, by and large, they realize what makes it possible for us to have these freedoms.

When we were writing up the bill, one of our guidelines and one of our guiding motives was to provide what we thought was the necessary manpower for all our services. It was not just a war matter. Many of these amendments are getting off on the idea of limiting the war or ending the war, but it is not just that; the bill carries the manpower that we recommend as necessary for all our services, including those who are on carriers on the high seas and those who are in the missile pits of the ICBM's. A great many of those boys are there because of the draft. It includes not only men who carry rifles, but men who work on ground-to-air missiles, the Nike-Hercules, and missiles of that type. So it is the whole structure of our military services everywhere that we are trying to provide manpower for.

Is that not correct? Would the Senator enlarge on that?

Mr. ERVIN. That is absolutely correct. The Senator from North Carolina will say in his own behalf that he has always believed that when the politicians or statesmen, or whatever you may choose to call them, fail to such an extent that war comes, they ought to take a back seat and leave the actual direction of the tactics on the battlefield to the admirals and generals who have been trained for that purpose.

I, myself, am convinced that the United States could have won the war in Vietnam 4 or 4½ years ago if the civilian authorities who controlled the armed services had given the military force the power to determine its own tactics on the ground and permitted it to win. However, they did not see fit to do so. And I am convinced that the Nation has lost its will to seek to achieve a military victory in Vietnam.

For that reason, I support the disengagement policies now being pursued by the President, because I think they are the soundest policies which have developed to extricate ourselves from our very unfortunate involvement in Southeast Asia.

I think that when the Senate Committee on the Armed Services adopted its amendments to H.R. 6531, it was not actuated primarily by the purpose of procuring men for service in Vietnam. It accepted in good faith the fact that we are now withdrawing from Vietnam, and it acted in the hope that our withdrawal would be consummated at the earliest moment consistent with the safety of our men and the immediate safety of our country and the world.

As I understand the work of the Senate Armed Services Committee in this respect, it was concerned with the necessity of having our Nation retain the capacity to survive in this very troublesome world, and the amendments to the bill were designed primarily for the future, and not for the mere purpose of securing manpower for armed conflict in Vietnam.

The Senator from Mississippi has so well indicated by his questions that the Senate Armed Services Committee, in action upon the bill, was seeking to perform its duty to recommend that the Congress take such steps as the members of the Armed Services Committee honestly felt were necessary to insure the survival of our Nation during the immediate future in the very precarious world in which we now live.

Mr. STENNIS. I thank the Senator for his statement. As I said, I did not get to hear all the Senator's speech, but as manager of the bill, my idea here is to try to get the judgment of the committee members and any other Members of the Senate on the vital points of the bill.

I remember that the Senator from North Carolina and I discussed, before any votes were taken in committee, whether or not a pure volunteer army would work, and then whether or not it would do to extend selective service for just 1 year, or 2 years, or 4 years. As I remember, the Senator from North Carolina and I voted for the 4-year extension as our preference. But I want the Senator to give his direct opinion now, and his reasons, with reference to the so-called volunteer army. We had an amendment here a year ago in which 39 fine Members of this body voted to stop the draft June 30, 1971—just quit.

For the purpose of this question, I assume another such amendment likely will be offered. I should like the Senator to state his opinion about it.

Mr. ERVIN. Mr. President, I have always entertained the conviction that all Americans owe certain obligations to their country by reason of their citizenship and by reason of the blessings which their country secures to them.

One of those obligations is to pay taxes, and the other is to serve in the Armed Forces of the Nation when there is a need for such service.

I think it is absolutely impossible, at the present moment, to maintain sufficient Armed Forces for the defense of this Nation by dependence upon a voluntary army. I think it would be just as wise, under the conditions which now confront us, for the Nation to depend upon voluntary taxpayers for support as it would be for it to depend upon volunteers for the defense of the Nation.

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

Mr. ERVIN. Just a moment. As I have pointed out in my remarks, a very substantial number of those who have theoretically volunteered for service in the Armed Forces of the Nation during recent times have been induced to do so because they realized that if they did not volunteer, they would be drafted, and that in the event they were drafted, they would be assigned to service in some branch of the Armed Forces less desirable than the branch to which they would be assigned if they volunteered and thus chose their own branch.

Furthermore, I think that the concept of a volunteer army is not workable in a period of the world's history in which so much danger exists internationally as exists today. I think the establishment of a volunteer army today would mean that the old adage which we have heard on occasion about a rich man's war and a poor man's fight would be absolutely true. The sons of the affluent are not going to be attracted to military service by reason of the compensation they receive, because the compensation of the men in the service is always going to be less than the compensation of people in civilian pursuits. The consequence would be that the poor and the disadvantaged would be the ones who would volunteer, because of the material considerations which they would receive, and not the sons of the affluent.

I think that any nation which imposes the obligation of serving in its military forces and possibly fighting in wars upon the poor and the disadvantaged is a nation which cannot justify its own actions.

Moreover, our Nation would have a tendency to lose the advantage it now enjoys of having substantial bodies of men serve temporarily in the Armed Forces and then return to civilian life. Such action enables our Nation to look at the civilian and military authorities in proper perspective.

Mr. STENNIS. I thank the Senator. On that point, is it not true that a young man feeling that he does have an obligation is entitled to the assurance that he will be called when needed, or when his time comes, by someone authorized by law to pass a judgment and rule on who is qualified, and by the method under law established by his lawmakers as to when he will be called? Is that not somewhat of an assurance to him?

Mr. ERVIN. That is abolutely true, in my judgment.

Mr. STENNIS. And, as a practical matter, a great many of them rely upon it from that viewpoint; is that not true?

Mr. ERVIN. That is true.

Mr. STENNIS. There is an amendment here, and the report has already gone into it, to provide for just a 1-year renewal of the draft. As the Senator will remember, that matter came up in our committee's deliberations and was debated around the table. I would like for the Senator to speak directly on that. He has already said that he was for more, but just what is the Senator's reasoning about the 1 year?

Mr. ERVIN. I would say to the Senator from Mississippi that sometime earlier I stated that the proposal to extend the draft for only 1 year would be about as wise as the action of the man who cut off his dog's tail just a little bit at a time, to keep from hurting his dog so much. If we extend the draft for only 1 year, Congress is going to be compelled to consider a further extension before the end of that year. If we extend the draft for only 1 year, we are going to handicap the military forces, or the military authorities, in devising plans for the maintenance of the forces necessary for our security in this very precarious world, and I do not see any use in putting off

until tomorrow something that we are going to have to consider again day after tomorrow. I think it would be the better part of wisdom to consider and determine that question now.

As the distinguished Senator from Mississippi has stated, he and I voted in the committee for a 4-year extension of the draft. I personally believe that is going to be absolutely necessary to keep the draft law on the books for at least 4 years, if we are not going to be so foolish as to jeopardize our national security and impair the sufficiency of the Armed Forces to protect that national security.

Mr. STENNIS. And, if I may add one point, the Senator will recall also that it takes about 3 months to process a man through all the different preliminaries and the call and everything of that kind, and get him to the training camp, and a minimum of 3 months more to give him even basic training.

Mr. ERVIN. Oh, yes.

Mr. STENNIS. So there is 6 months gone right there, and if he goes into a specialty of any kind, there is an additional time required, a period of some 2 months to 3 or 4, as a minimum.

Mr. ERVIN. Yes.

Mr. STENNIS. So there is almost a year gone, and that makes it almost conclusive, does it not, that we could not limit it to 1 year?

Mr. ERVIN. I would say that it takes a minimum of 6 months to train a soldier to an extent where he can function to any substantial degree in the capacity of a rifleman.

Mr. STENNIS. Yes.

Mr. ERVIN. And in view of the fact that so many of our weapons are so much more intricate and complicated than a rifle, I think that, as the Senator from Mississippi has suggested, it would take many more months after the 6-month period to qualify men to use those weapons in an effective manner.

Mr. STENNIS. Yes. And their knowledge of those weapons and their capacity to use them effectively is absolutely essential to our national security.

I thank the Senator very much and I thank him for yielding to me.

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

Mr. ERVIN. I yield.

Mr. GRAVEL. As I understand it, then, if we have a draftee for 2 years, if these weapons are so complicated and so involved, it would seem very inefficient, moneywise, to keep running young men through the turnstile, training them on these sophisticated weapons, and, just about the time they develop a proficiency, having them go back to civilian life. Would it not make more sense to find some way to develop a category of proficient people to learn these complicated weapons and the computerizations which go with them, and then hang on to those young people, so that we could have the benefit of their training and the practical experience they would develop over the years?

Mr. ERVIN. I would say to the Senator from Alaska that we need a combination in order to have an effective Army—a combination of fresh young men coming into the Army for limited periods of time, so that we can remobilize them in case we get into what one might call a world conflict or a serious conflict, and we likewise need a permanent cadre of career men to train these young men and to use, when occasion arises, our most complicated weapons.

Mr. GRAVEL. Another question. I have great admiration for the Senator. Even before I came to the Senate, I felt that he was certainly one of the great constitutionalists of our Nation and certainly in our history. Particularly of late in his activities with respect to individual freedom, primarily in wiretapping and surveillance, I cannot commend the Senator enough, as a colleague, as a Senator, with respect to the service I think he is doing for the Nation in this regard.

I ask the Senator whether he sees any possible invasion of a person's personal liberties in the fact that the present service—the Senator's exact words are:

The Nation has lost its will to fight.

If the Senator does not think there is a possible violation of a person's individual freedoms by being pressed into service to fight a war that the Nation apparently does not believe in, No. 1; and No. 2, if there is any inequity in the fact that we press into service only young men.

In the Second World War, people 40 years of age were being drafted. I enlisted in the service, and I would be happy to enlist again, because I am still young enough to serve and to carry a gun. If this Nation were under attack, I would be the first to leave this Chamber and enlist.

But is there not an inequity in the fact that we select a small cadre of young people and say, "You go fight and die, and the rest of us will sit comfortably"? Is there not a danger that this might be an imposition on a person's personal freedom?

Mr. ERVIN. I have been to a number of colleges recently, and I have had the opportunity to meet and discuss matters with numerous young people at these colleges; and I am convinced that the part of the Nation which has lost its will to fight has been the civilian population, not the people in the military service or our young people.

I think we cannot let the fact that we are now engaged in an unpopular war in Southeast Asia blind us to the realities of this world and, because of our dissatisfaction with that war, refuse to take steps which are adequate and necessary to guard our future.

Mr. GRAVEL. Let me restate my question. Relying upon the Senator's expertise as a great constitutionalist on personal freedoms, he does not see any problem with pressing young men, and only young men, into service? The question I phrase is twofold: One, we press people into service to go and fight and die in a war which the Nation does not feel we should wage; two, the fact that we only press into service a certain age span and we do not press into service the entire spectrum of able-bodied human beings in this country who could go and wage that war.

My question is this: Does the Senator feel, from his expertise, that this denies these people their personal freedom?

Mr. ERVIN. It may deny a person his personal freedom to draft him into the Army. But, frankly, I do not think that any young man who loves his country ought to be unwilling to serve in the military forces when we are confronted by the kind of precarious world in which we now live. I am not talking about the Vietnam war. I think that the civilian authorities of this country denied the military forces in Vietnam the power to win a war which they could have won 4 or 4½ years ago. But our country is going to have to have some of our youth in the military forces and exempt some of them from service in the military forces so long as we have a situation in which the country does not need all its youth in the military forces. At this time we do not need all our young people in the military forces and for this reason it would be a lack of economy to compel them all to serve.

I am frank to state that if I were running this country by myself, every boy in this Nation would serve in the military forces for a limited period of time, under exactly the circumstances that all boys were called on to serve. I think that would be a good investment in character and in knowledge of sanitation and other things, if it served no other good purpose.

Mr. GRAVEL. I do not know that I share the Senator's view in that regard. But I would say that the first part of my question, which the Senator has answered, is that we have to exclude the Vietnam war with respect to these draftees because that is the point in which the people of this country have lost heart. I will accept the Senator's answer in that regard with respect to Vietnam; and if I am misconstruing it, I would appreciate the Senator's correcting me, because I want to be precise in the information I acquire—that is, that there is an invasion of a person's freedoms by being drafted and being sent to fight a Vietnam war when the Nation has lost its resolve to fight that war.

Mr. ERVIN. I think it may be said to be taking advantage of our personal freedoms when Congress compels us to spend at least one-third of all the time we work during the year merely to earn money sufficient to pay our Federal income taxes. But I think Congress has no choice in the matter at this moment.

Mr. GRAVEL. If the Senator makes that equation, let me state—and I say this most respectfully—that he made the statement that our taxes are not voluntary. I was impressed by a speech delivered by the head of this IRS. The point he made was that the success of our tax system is that it is voluntary. We police it and put people in jail if they violate the law. But if the people of this country chose not to pay their taxes, we could not hire enough policemen to force them to pay their taxes.

So, basically, it is a voluntary system, and we assume that people are honest. When we find on a spot-check basis that some are not honest, we make them pay the price for the lack of honesty. Basically, once a year, the Senator and I and millions of others sit down and figure out our taxes. Big brother is not watching us, and we figure out our taxes, and we send in our checks. Of course, we

know that if we do not do that, we are subject to penalty. So there is a punitive aspect. But, as the IRS official said in his speech, it would all come crushing down around our heads if it were not for the spirit of voluntarism and the patriotism of Americans who feel they have to pay their taxes.

Mr. ERVIN. If I had heard the head of the Internal Revenue Service say that the payment of Federal income taxes is voluntary, I would have voted for him to be recognized as the biggest liar in the United States.

Mr. GRAVEL. The next question that I posed, and I think it still is germane—and it is very simple—is the fact that we only draft young men at a certain age frame. If we say we are at war in Vietnam and the Nation needs the manpower, should it not be as it was in World War II, and subject everybody to the threat of this service—say, everyone from 19 to 45 years of age?

Mr. ERVIN. Not meaning to be facetious, I am constrained to observe that that would be similar to electing everybody to the U.S. Senate, notwithstanding the fact that only 100 Senators are needed.

Mr. GRAVEL. But what I am saying—and I do not particularly consider facetious what the Senator has said—even though we may need 1, 3, or 4 million people, I think that we should draw 1, 3, or 4 million people from the total reservoir and not from the minor reservoir. What I am saying is that if we draw from that minor reservoir, there are people in that minor reservoir having their freedoms impressed upon or put upon more than someone else's.

I will give the Senator a graphic example. I happen to be 41 years old this week. That means that in the Second World War I would have been subject to being drafted. We have had the Korean war. Why should not I, at 41, be as liable to go into military service and fight for my country as a boy 19 years old? What is the difference?

Mr. ERVIN. There is a lot of difference. One is the fact that a boy 19 years of age can recover from hardship much quicker than even a young fellow like the Senator from Alaska, who is only 41 years of age. Young men are the most effective in conditions of hardship. They can come back after being crushed to mother earth. They come back the quickest.

Mr. GRAVEL. Well, since I took up jogging 3 years ago, I have been in better shape than I was at 20. I must confess I think I have a little better judgment than when I was 19. I think I could make a darn good soldier right about now. I could pack my M–1, or do better than that. I could probably exercise my judgment very effectively on the sophisticated military equipment we have these days and which Senators are talking of.

I think we should draft a lot of these computer people around the age of 35, 40, or 45, because they would do one very good job with all the equipment it takes so much sophistication to know how to handle. I believe, by doing that, we would be able to save all the money that is being spoken of here to be used for training, because men in that age bracket would have instant training. The only cost would be to put them in uniform and that would not be very much. These people would know all about the techniques of computerization and math and how to operate today's sophisticated arsenal.

Mr. ERVIN. Well, I do not think the computer will help a fellow fighting with a rifle in a jungle.

I do not want to say anything to discourage my good friend from Alaska, but I believe that when he gets a little past the age of 41 he is going to find that his youth has begun to vanish.

I have just one grievance against the Almighty and that is, that youth is such a precious thing it is a shame He wastes it all on young people. I think He should have kept some of it for the elderly. [Laughter.]

Mr. GRAVEL. Every day that goes by, I can see the wisdom of that admonition to the Almighty. I share the Senator's view.

Mr. ERVIN. And that is the reason we should draft young people into the Armed Forces.

Mr. GRAVEL. But, does not my colleagues agree with me that there are many tasks that a 35-, 40-, or 45-year-old can do in today's Army?

Mr. ERVIN. Oh, yes; but I doubt seriously that they could in a water-soaked trench where their feet are frozen in icy water and recover from that as well as someone about 20 years old. I also doubt seriously they could get out and hike 25 miles or make a forced march with a rifle and a pack on their back as well as a young fellow 20 years old. I think, in many respects, that they would be deficient as soldiers compared with the efficiency of a soldier of 20 or 21. Athletic coaches do not choose 35-, 40-, or 45-year-old's to play football or engage in other competitive sports.

Mr. GRAVEL. Let me ask my distinguished colleague from North Carolina—I am not on the Armed Services Committee—but there are 2,900,000 Americans under arms today; what percentage of them hike 25 miles a day and carry a rifle and a pack on their back? There used to be the M–1 rifle—I have forgotten what it is called now—but how many go through the physical rigors the Senator describes? How many do we need of that 2,900,000 men? How many do we have with a little bit of paunch that sit back in the orderly room? How many of those do we really need that can go through the physical rigors the Senator speaks of?

Mr. ERVIN. In all the wars fought thus far in the history of the world, the overwhelming proportion of the men who fought them have been young. If we could confine all activities in war to those who can press a button and fire a nuclear weapon, maybe a Methuselah would be the only military man we would need. But, thus far, there has been no war won by any nation in the history of the world that has not had a substantial part of its armed forces made up of young men serving in the infantry or in that part of the field artillery which uses guns of small caliber.

I do not believe the world will change overnight in this respect. What has been true about wars in the past will be true about wars in the future, unless, of course, we have a nuclear holocaust and the whole world is destroyed.

Mr. GRAVEL. My distinguished colleague from North Carolina has helped me make the points I wanted to make. But, at this particular point in time, this is a period that I do not want to impose upon, as it is the initial period which belongs to the Armed Services Committee and its membership, because they are presenting their case to the public. But I did not want this opportunity to go by without availing myself of the Senator's expertise in the civil liberties area.

Let me add for the RECORD that maybe it will be misconstrued as time goes on, but I personally believe that the young people of today are just as patriotic and love their country just as much as anyone else in past history, and they would be prepared to defend it.

Let me say, for my own record, so that my motives and my actions today will not in any sense be misconstrued, that if this Nation were under attack, I would be here leading the battle to impose the draft, or to impose any measure that would provide for an adequate, proper, and instantaneous defense of this Nation.

Mr. ERVIN. I am satisfied that that is true. The Senator is a great patriot.

Mr. GRAVEL. I thank my distinguished colleague for so graciously yielding to me.

Mr. ERVIN. Mr. President, more than 50 years ago when the world and I were both young, I had the privilege of sitting one night in a YMCA hut in France, listening to a great Shakespearean actor, Edward H. Southern, as he entertained an audience composed solely of young men who had entered the military service in a war to make the world safe for democracy.

I often wonder just exactly how much we made the world safe for democracy because since those days we have had the Second World War, we have had the Korean conflict, and now we have active combat in Southeast Asia.

Edward H. Southern, on that occasion, made a most eloquent recitation of a poem written by one of the greatest poets and the most profound statesman the world has ever known, Rudyard Kipling. Kipling had written this poem at a time when England had undergone a period in which the English people were not willing to keep their military forces strong, and in which their potential enemy, the German Empire, had built up what was up to that time the greatest military might the world had ever known.

Kipling wrote this poem at a time when England was destitute of adequate armed forces with which to protect itself. As a consequence, when the Germans drove toward the British canal, Britain had to send Kitchener's mob to oppose the Kaiser's mighty army.

This poem of Kipling's electrified the British people and gave them the will to persevere in a fight against a mighty empire which was then threatening to extinguish the lights of liberty in all of

Western Europe. This poem contains the only prescription by which free men can preserve their freedom in a precarious world such as that in which we now live.

As I remember the poem, it runs like this:

FOR ALL WE HAVE AND ARE

1914

For all we have and are,
For all our children's fate,
Stand up and take the war.
The Hun is at the gate!
Our world has passed away,
In wantonness o'erthrown.
There is nothing left to-day
But steel and fire and stone!
Though all we knew depart,
The old Commandments stand:—
"In courage keep your heart,
In strength lift up your hand."

Once more we hear the word
That sickened earth of old:—
"No law except the Sword
Unsheathed and uncontrolled."
Once more it knits mankind,
Once more the nations go
To meet and break and bind
A crazed and driven foe.

Comfort, content, delight,
The ages' slow-bought gain,
They shriveled in a night.
Only ourselves remain
To face the naked days
In silent fortitude,
Through perils and dismays
Renewed and re-renewed.
Though all we made depart,
The old Commandments stand:—
"In patience keep your heart,
In strength lift up your hand."

No easy hope or lies
Shall bring us to our goal,
But iron sacrifice
Of body, will, and soul.
There is but one task for all—
One life for each to give.
What stands if Freedom fall?
Who dies if England live?

Mr. President, I repeat that poem gives the only prescription by which free men can preserve their freedom in a precarious world such as that which confronts us.

The old commandments still stand. If America is going to survive, it must keep its heart in courage and must lift up its hand in strength. To be able to lift up its hand in strength at this dark moment, America, through its Congress, must extend the draft for at least 2 years.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I thank the Senator for a very fine speech and for setting forth the minimum requirements for our Armed Forces.

QUORUM CALL

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. SAXBE. 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. SAXBE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 6531, a bill to amend the Military Selective Service Act of 1967.

UNANIMOUS-CONSENT REQUEST

Mr. SAXBE. Mr. President, I ask unanimous consent that in further proceedings there be a time limitation of 3 hours on each amendment and 6 hours on final passage, and that the time be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of Virginia. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. The Senator from Virginia reserves the right to object.

Mr. BYRD of Virginia. Mr. President, will the Senator from Ohio temporaily withhold his unanimous-consent request?

Mr. SAXBE. No. If the Senator cares to object to the request he may do so.

Mr. BYRD of Virginia. Well, I would prefer that the Senator from Ohio withhold temporarily his request, and if he will not, I will have to object.

Mr. President, I want to say, still reserving the right to object, that my objection has nothing to do with attempting to delay the consideration of any amendments to the bill. But I believe it would be better to withhold temporarily the request.

The PRESIDING OFFICER. Is there objection?

Mr. GRAVEL. Yes. Objection is heard, right here.

The PRESIDING OFFICER. The Senator from Alaska objects.

Mr. GRAVEL. I apologize. May I have the request restated?

The PRESIDING OFFICER. Will the Senator from Ohio restate his unanimous-consent request for the benefit of the Senator from Alaska?

Mr. SAXBE. I ask unanimous consent that the time on all amendments be limited to 3 hours, to be equally divided, and that the time on final passage be limited to 6 hours.

If we are not ready to proceed with the consideration of amendments we create the kind of proceedings that bring the Senate into disrepute. This is the kind of situation we tried to accelerate by our actions last fall, and it seems to me we should not wait 5 or 6 weeks to vote on matters that could be voted on this week. We should get down to business. If they want to get down to business let them proceed.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 6531, a bill to amend the Military Selective Service Act of 1967.

Mr. STENNIS. What is the unanimous-consent request now before the Senate?

The PRESIDING OFFICER. Objection was heard to the unanimous-consent request of the Senator from Ohio.

Mr. STENNIS. Mr. President, if I may be recognized for just a minute, I was called from the Chamber for a consultation. The Senator has some amendments here. I requested, last Thursday, as manager of the bill, that the committee be given an opportunity to present the bill in its entirety and have an opportunity for any member of the committee who wanted to speak to do so. There has not been an opportunity to confer with the Senator from Ohio about that. We are in the process of doing that now.

The Senator from Ohio has been a very fine contributor to the debate today. So, had I been present, for that reason I would have had to object. I wanted to make that statement to the Senator from Ohio, because he is a fine, stalwart member of the committee.

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

Mr. STENNIS. I yield.

Mr. SAXBE. I am a proponent of the bill, and my attitude is that here is one of the most serious problems facing the country today—extension of the Selective Service System. We all know that time runs out on June 30. We also know, and we have been warned by the Senator from Alaska, that there is going to be a filibuster. If there is going to be a filibuster, let us have it. I serve notice right now that any time there are no proceedings going on on the Senate floor, and I am available, I am going to make the same request. If we are going to horse round for all these weeks, and get down to it at the last minute, we ought to know it. We ought to work at it. If there are amendments, we should discuss them and vote on them, and get to a vote on the bill, without wasting 5 or 6 weeks.

Mr. GRAVEL. Let me assure my colleague that I am prepared to work at it. I have enjoyed the colloquy with him. I have enjoyed colloquy with every other member of the Armed Services Committee. So there is no lack of resolve on my part to work at it. I had lunch just outside of the Chamber, and will have it there for the next several weeks. There will be no lack of resolve on my part. I thought we were proceeding as we always have on filibusters. If the Senator or any other member of the Armed Services Committee wishes to speak on the bill, I think it would be proper that the membership of the committee make its case known to the American people during this week. Then it would be proper for those with alternate cases to pick up the cudgels and make their case in the ensuing weeks.

Let me make my course clear on the time limitation. It is not my intention to thwart the will of the Senate in voting on amendments, but I wish to register my objection now, and as long as necessary, to requests for limitation of time on amendments. We are intelligent people. If a subject is discussed fully, it can come to a vote. I do not think we have to be put in narrow traces and march to a tune that is timed as to the moment we should vote on which amendment. I want to stand up and make my case. If my colleague wants to join in a similar way, I am prepared to occupy as much time on the floor as necessary.

Mr. SAXBE. Mr. President, I make this statement simply to call to the attention of the people of the United States the fact that here we are, three or four Senators out of 100, on the floor of the Senate. If this continues for 7 weeks, if we are going to have Senators aimlessly reading boilerplate material prepared by

someone else, which could be entered into the RECORD merely by going up to the desk and having that done, it is not going to change one vote. Here is a momentous decision to be made. Here we are, three Senators on the floor, and I would guess the average attendance for the rest of the 7 weeks will be between three and five, including the Senator occupying the presiding officer's chair.

If they are not dilatory tactics, not only on the part of the proponents but the opponents, I do not know what is. Why should we sit and not change any votes and dawdle away 5 or 6 weeks, when we should be getting down to the appropriation and authorization bills? They will be coming out of committees very rapidly.

The fact remains that unless we are resolved to go to the mat on some of the major questions facing this country, we are going to find ourselves, next January, having to spend 12 months plus in the year, without giving proper consideration to many bills.

As Senators will recall, we were here late at night at the end of last year.

I would suggest to the leadership on both sides that we dig in here. We have 5 hours a day of germaneness on this bill. Let us not read into the RECORD a lot of boilerplate. Let us get down to facts. If it takes all-night sessions, let us have all-night sessions. Let us get to it. If we do not want extension of the Selective Service, let us vote it down. If we want 1-year or 2-year extensions, let us vote on them. But let us not try to fool anybody by what is happening on the floor of the Senate. We are just trying to string something out on which most minds are made up.

Toward the end of the week, on Thursday, we will start to disappear. Nobody will be here. We will start to skip sessions. We will go along on 2-or-3-days-a-week sessions. We will say, "Well, we have a very serious matter down there we are discussing. We are discussing Selective Service." Well, we are not doing anything of the kind. We are just horsing around. It seems to me, if it is as important as Senators say it is, that we owe it to our people to be straightforward about it.

Mr. GRAVEL. Mr. President, I certainly think some of the comments, in my mind, would be germane a week or 2 weeks from now, but if there is anything that the majority leader of this body cannot be faulted for, and something I felt pinched about, it was the speed with which this legislation was taken up. In fact, it was almost instantaneous. The bill was laid before the Senate on a Wednesday afternoon and was taken up on Thursday. In fact, it was printed in such haste, as I noted before, that the report had the numbers on it reversed. I could not get a copy of the report until late that afternoon, and I had to spend the wee hours of the night reading it.

When we speak of momentous debates, I think this is a momentous debate, one of the most momentous, probably, in the history of the United States, because we are not only talking about hundreds of thousands of young men who will be drafted, pressed into service, some of whom will be killed, but we are also talking about the major vector in the Nation. It is the direction that this Nation will take, this Nation that calls itself a peaceful Nation.

The majority leader came right out of the box—and I quote that—starting with sessions at 10 o'clock in the morning. If that is not putting the feet to the fire of the proponents and opponents, I do not know what it is.

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

Mr. GRAVEL. Yes, I yield.

Mr. SAXBE. I would like to call the Senator's attention to the fact that we did start at 10 o'clock. When I interrupted with the request to stop the quorum call, we had had four quorum calls today, which had occupied more time in calling the roll than had been taken in talking.

I can see the Senator's point. He wants to filibuster past June 30. The Senator has been very fair and direct in saying that. What I am saying is that because that is the Senator's tune, we do not have to dance to it.

Mr. GRAVEL. Senators may not have to dance to it, but I respectfully say that we are all equal in this body.

I am not here to call a tune. I am here as any other Member of this body has been in the history of this body, to use my prerogatives, to work a will that I think is the will of the Nation. This filibuster, unlike many filibusters in the past, is not dissent and is not designed to thwart the will of the Nation. It is designed, if anything, to thwart the will of the administration.

If I may draw a parallel, which I think is an interesting one, let me point out that last year this body sat in a filibuster under the leadership of the other side of the aisle for exactly the same period of time involved here, not because hundreds of thousands of American young men were involved, not because of the vector that is festering in this Nation, but to save the votes for the President so he could withdraw troops from Cambodia on his time schedule, and not be disciplined by this body and forced to do it.

That is why the filibuster was conducted at that point in time. So I do not think it is too much to ask of any Member of this body to come forward and say that for the same amount of time that we spent saving the face of President Richard Nixon, we now want to spend making a determination as to whether or not we want to send more thousands of young men to their deaths, whether or not it is even equitable, whether or not it is even just to draft a small segment of our young men and leave people in other segments of our society untouched, undrafted, and unthreatened in their livelihood—a situation where we take the young people and send them out to fight, while those who have the economic wherewithal sit back and callously enjoy the benefits of that conflict.

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

Mr. GRAVEL. I yield.

Mr. SAXBE. Mr. President, I cannot help feeling that the Senator is shooting some firecrackers he ought to be saving for 2 weeks hence, if we can get this laid down, as we are attempting to do right now.

In many ways, I am fully in agreement with the Senator. But I would like to point out, since the Senator is talking about sending thousands of boys off to be killed, that he might look at the casualty rates. We kill more people on the streets of the District of Columbia than I hope will ever be killed in Vietnam.

Mr. GRAVEL. Does my colleague suggest——

Mr. SAXBE. I would just like to say this: I think that we are winding down what has been a terrible episode in our history, but I repeat what I said this morning: Let us not let our hatred for the war in Vietnam blind us to the responsibilities of this world.

I should like to read to the Senator a statement from an editorial published in the Detroit News of May 1, 1971. The statement is:

> Some Germans believe the United States is defending the freedom of West Berlin when it fights in Vietnam.

I ask unanimous consent that the entire editorial, entitled "U.S. Role in World," concerning a statement made by a German lecturer at Wayne State University, be printed in the RECORD at this point.

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

AT STAKE IN VIETNAM—U.S. ROLE IN WORLD

"Some Germans believe the United States is defending the freedom of West Berlin when it fights in Vietnam."

That statement, made by a visiting German lecturer to a Wayne State University history class, brought a gasp of astonishment and disbelief from the American students. It obviously was an entirely new—and improbable—thought to them.

While the German lecturer admitted his statement oversimplified the situation, he emphasized that many Germans see the U.S. withdrawal from Vietnam as a possible threat to their own security on several grounds:

First, they fear that the United States will become increasingly isolationist and will wish to withdraw its forces from Europe as well as from Vietnam.

Second, they fear that as the United States gives up its commitment to Vietnam, it also might give up its commitment to defend West Berlin and West Germany.

Third, they fear that without U.S. forces in Germany—which serve as a kind of "hostage"—the United States might be less likely to defend Germany against any new aggression.

The visiting lecturer has raised an issue about the U.S. withdrawal that deserves attention and consideration. The point is that withdrawal from Vietnam cannot be viewed as an isolated act. It must be considered in terms of its effect elsewhere in the world.

Even the way the United States is getting out of Vietnam is important. If this country gets out and leaves behind a viable South Vietnamese economy and a South Vietnamese defense force capable of defending itself, the world could look at the withdrawal in one light. But if this country withdraws so suddenly in response to the demonstrators' demands of "Out now!" that the South Vietnamese fall quickly to the Communist North Vietnamese, the world could look at the withdrawal in a different light.

In the first instance, the world could conclude that the United States had carried out its commitment. In the second, the world

could conclude that the United States had permitted an ally to go down the drain.

It may be, as some people argue, that the United States has given enough of its blood and substance in the defense of South Vietnam and that it must get out as quickly as possible to concentrate on the critical issues facing the country at home.

Despite all of the argument over the specific timing of a U.S. withdrawal, it is clear that the United States is getting out. President Nixon favors a phased withdrawal which he believes will best serve U.S. and South Vietnam interests. America's doves believe the divisions in this country demand an immediate pullout. So the argument is not over whether the United States will withdraw. The debate is over when.

Yet that withdrawal will not be without its effect on other people and other nations, as the West German lecturer pointed out. For every friend that the United States would frighten with an abrupt withdrawal even at this late date, there would be an enemy that would be delighted at a U.S. pullout of that kind.

In the country's current mood, it is not popular to discuss, let alone defend, the virtues of a phased withdrawal. Yet the way this country pulls out could have a profound effect on the future role of this country not only in Southeast Asia but in the rest of the world as well.

Mr. SAXBE. What I am saying is this: The hatred against the military and the opposition we have to the war in Vietnam should not be so strong that it blinds us as to the world role that we in this country play. A week ago, I was host at a luncheon for former Ambassador Reischauer of Japan. He is a very realistic man, and I thought he made an excellent presentation at that time.

He said that the world looks to us and trusts us. If we run out on Vietnam precipitately—and he is for getting out, like all of us, but he wants to set a time, and do it in a regular way—but if we simply turn our backs on our commitments, we will never again have the trust of an Asiatic nation, because already they believe that we have a double standard, one for the countries of Europe and another for the countries of Asia.

He said they have always regarded our commitments over there as something that we could throw off at any time that they became onerous. He went on to say that our failure to maintain a military position in the world—a presence, if you please—our failure to maintain a military presence would require both Germany and Japan, now the most solvent and strongest countries in the world, to start on another militaristic development.

The question is: Are we ready to turn them loose? Are we ready to say to Germany, "There is nothing more we can do for you, you are going to have to build up your own military machine"? Senators know how the Germans can do it.

Are we ready to say to Japan, "We can do nothing more for you; we have not got any presence any more; we are not interested in our so-called burden in this world any more, so get going, build your own submarines and your own missiles, and get back into this thing"?

These are the dragons we will be unleashing if we just pull back and take a back seat on the military front. These are the things we need to be talking about here. I am glad to talk about them. I want to hear what the Senator from Alaska has to say on this subject, because these are problems that bother me.

What is going to be our position in the world? I do not want to draft people to be killed. I do not want anyone serving in the Army who does not want to serve. But I recognize that the world is not filled with good guys.

We have a role to play. What is that role? Is it to pull back until we have nothing but a garrison force, or are we going to have a world front? If we are going to do the former, let us not fool anybody; let us trim our sails. Let us pull back in. Let us take the second-rate seat we would deserve under such conditions, and turn Germany and Japan loose, and then hope that our grandchildren will not have to deal with that problem.

Mr. GRAVEL. Mr. President, my colleague has raised several points. Let me address myself to the first one: hatred of the military.

I think the military in our society is very important. I volunteered and served in the military. I have many friends who are in the military. If there is anything this country needs, it is a strong, effective military force.

But what is happening today? A hatred of the military is being developed. It is being developed, not because of the policies of the military, but because of the policies of the civilian leadership, which uses the military as a tool, and then, when the heat comes on, throws the military services to the dogs, when the fault really lies with the civilian authorities.

Let us consider, for instance, surveillance. I was a Counterintelligence Corps agent, and I knew of the surveillance that took place on civilian people—Americans and foreigners. In fact, I took part in it myself on a few occasions, in Europe.

It was not the military people who gave the final order. It obviously came from the civilians. But who takes the heat when it goes bad? It is the military types.

So I can say that, among the goals I have set for myself, I want to do as much justice for the military as possible. I want an effective military, a military that is admired. I want our flag to be admired by our young people. I want the uniform to be admired by our young people.

But obviously the course followed by the political leadership of this country has not brought that about.

Speaking of foreign commitments, if you have a bad commitment, do you go down the tubes with it? If you have a bad commitment, do you die with it? If you have bad leadership, do you die with that bad leadership? Of course not. This is representative government, and it is an evolutionary type of representative government.

If our country has made bad commitments in the past, we have no obligation to live up to those bad commitments, because those commitments were under the limitations of the intelligence and wisdom of our people at that point in history. Commitments made in the Civil War should not be binding today. If that were the case, my good friend JOHN STENNIS would not be here.

Obviously, a commitment is a commitment made at a point in time, and after that point in time has elapsed, it is subject to reevaluation at any point. We have commitments in Southeast Asia which I think are so obsolete they are putrid.

Let me add that if those commitments are a source for our losing face with other Asians, I submit that they do not have to wait for that eventuality; they need but look and see the butchery that takes place at the hands of the white man in Vietnam, and they have ample reason to be dissuaded from any desire for friendship with our country.

Another point, about winding down the war. I have heard that statement. I have heard it for almost 2½ years. The President of the United States had a secret plan to wind down the war. If it takes him this long to wind it halfway down, and I think that is stretching it a little, it may take him another 2½ years, if he gets it, to wind down the balance of the war. I think that is much too long. That war could have been over years ago.

I think there is a time, and I think the Members of this body, at this point in history, are going to have to fish or cut bait, because the time is now. We have an opportunity now, not to legislate, but an opportunity to avail ourselves of executive power, as a result of the very simple fact that the draft, the President's induction power, will expire on the 1st of July; and I think we can be successful in thwarting an extension of that expiration date.

When the Senator speaks of world presence, what does it take to have a world presence? We had far in excess of 3 million men under arms last year and the year before that. We had a world presence. This year we have under arms 2.9 million, and it was done under President Nixon. For that decrease, I applaud; for not doing more, I do not applaud. Have we lost world presence because of that? Will we lose world presence if we come to 2.5 million troops? Will we lose world presence if we come to 2 million troops? That is a lot of people under arms. Will that cause us to lose world presence?

Let me ask the Senator from Ohio, who is on the Armed Services Committee, and for whom I have great respect and personal affection: What do we have 1,600 troops doing in Ethiopia? What are those 1,600 Americans doing in Ethiopia, and what is that presence, and what is the definition of that presence? That is costing us dearly, and that is costing us good money. I will wait for the answer. What are 1,600 Americans doing in Ethiopia today?

Mr. SAXBE. If the Senator will yield, I should like to point out that I am not one of the defenders of our far-flung missions, and I do not presume to come here today to defend the commitments of our troops.

What I am saying is simply this: If we are for cutting back these commitments in the world—and I assure the

Senator that they are there—on international commitments that we have made, 42 peace treaties and a thousand executive agreements, over the last 20 years, we should attack those directly. If we feel that 300,000 troops in Europe—265,000, I believe, at the last count—are no longer necessary, let us get the troops out of Europe. Let us not fool about that. Let us say, "I am against NATO; I am against any troops being in Europe." And if we want to get the 6th Fleet out of the Mediterranean, let us say, "We don't want it there. If Israel goes down the drain, let it go."

Those are things that I think we should be talking about, and this is the plane I want to talk about. But we tried to cut back in the Armed Services Committee and did cut back to a total strength, at the end of the biennium, of 2.5 million troops. Personally, I think it could come down even more than that. We would be a leaner, harder Army, Navy, and Air Force.

But what I am saying is that until we do that, let us not cut it off at the root by saying that a volunteer army is going to come along and we are going to get the type of people and we are going to raise the pay enough to attract those who will hire themselves out.

Let us do this. Let us attack it. Let us say we do not need any troops in Ethiopia; we do not need any troops in NATO; we do not need any troops any place in the world except the garrisons in this country. Then we can operate on a volunteer Army. There is no question about that. We can operate on a volunteer Army, such as the old dog-face Army we had before World War II. It was not a very good Army. All during World War II, we said: "How in the world did this happen? It will never happen again. We have lost a million lives because we were so stupid that we sat here and let our defenses go downhill." We did not have any Army worthy of the name. We did not have officers trained. We did not have any equipment. But it is not going to happen again. We are going to see that we are strong.

We all have an obligation to our country. The selective service is the way we handle that obligation. We have never learned from history, and I would guess that if we do what the Senator from Alaska proposes, we are about to repeat the same mistakes.

Mr. GRAVEL. Let me state it again. I do not want to be colored in that light.

Perhaps my colleague disagrees with me in the reading of the Gates report and many other reports. I find no authority in the field who says that we cannot very easily maintain 2 million people under arms on a voluntary basis. For that matter, they say 2.5 million. Perhaps someone could enlighten me in that regard.

Mr. SAXBE. I put in the RECORD this morning the fact that the Gates report is wrong in saying that we are going to get a 70-percent reenlistment, or some fantastic figure such as that—it is the speech I delivered this morning—from the people who are now in the military. What the Gates Commission failed to take into consideration, in this respect, is that the people now in the military are there because of selective service or the pressure of selective service. They are not volunteers. Yet the Gates Commission is trying to put the percentage on those who will re-up as persons who had come in under their own volition. That is not true.

Mr. GRAVEL. Then perhaps the Senator, with his expertise, can tell me and the Nation what level of troops we will have, what the Armed Forces will be. Will it be 2.5 million? 2.2 million? 2 million? What will be the number under a volunteer army?

Mr. SAXBE. I think we are going to spend about half our time recruiting, under a volunteer army, and I believe that the cost is going to be tremendous for this aspect of it.

First, the Senator should understand that there is among the youth of today—whether one supports it or not—a great antimilitary feeling. Therefore, it is going to be extremely difficult.

Second, once we assume this concept of a mercenary army——

Mr. GRAVEL. On the first point, why the antimilitary feeling? If we took away that antimilitary feeling, would that not destroy the first part of the Senator's argument?

Mr. SAXBE. If we took away the antimilitary feeling, it is not going to be with this generation; and if the Senator has talked with them, he will understand that.

Mr. GRAVEL. I have talked with them.

Mr. SAXBE. It is a fixation, and a great deal of it stems from the feeling that we do not need any military, with which neither the Senator nor I agrees. I think we have that right away. We do need a military. I think our difference is on how to get it. The Senator says immediate voluntary. I say we have to continue the Selective Service or the thing will fall apart.

Mr. GRAVEL. My colleague has not come up with the figure I asked him for, as to what level we will be at if we do not have selective service.

Mr. SAXBE. I cannot say, because what are going to be the commitments?

Mr. GRAVEL. Can anybody say?

Mr. SAXBE. No one can say.

Mr. GRAVEL. Then, if no one can say, we really do not know. Is that correct?

Mr. SAXBE. As I said this morning, I believe that after we cut back in NATO—and I hope we do—after every man is out of Vietnam, which I hope will be soon, then we shall have to reassess what our mission is in world political organizations.

Mr. GRAVEL. Why cannot we reassess that mission right now? It has been reassessed. I have heard Senator FULBRIGHT and Senator SYMINGTON and other Senators bring that assessment up every time we have been in session. We are not going to stop here and all of a sudden start assessing where we are. We are there. It is an evolving thing, and it changes every day.

I assure the Senator that if we do not have the draft, this will bring about the greatest assessment of our involvement in the world, and that is the discipline I seek to bring about.

Mr. SAXBE. I understand that. The Senator's concept is that if we cut this off at the ground, then the whole thing will wither and die.

Mr. GRAVEL. Not at the ground. My concept is very simple. I think that under a voluntary system, we can easily maintain 2.5 million, and in the crunch, maintain 2 million troops. Personally, as a red-blooded American, I would feel secure, going to sleep at night, I would feel secure having my children go to sleep at night, knowing that we had a 2,500,000-man Army which could defend ourselves in the event of attack. If that attack came, I would be down here on the floor of the Senate voting for a draft, or any other instantaneous method of either declaring war or defending ourselves. I feel perfectly sure that 2,500,000 men can adequately do the job and show the flag wherever it must be shown. All I am doing now is calling into question the simple thing that mirrors the whole issue. For instance, why do we have 1,600 American soldiers in Ethiopia?

Mr. SAXBE. It is 16,000, I believe.

Mr. GRAVEL. The number is 1,600.

Mr. SAXBE. It is 1,600?

Mr. GRAVEL. Yes.

Mr. SAXBE. That is less than I thought.

Mr. GRAVEL. Oh. Why would my colleague think we have so many there? Is there something going on in Ethiopia that a member of the Armed Services Committee knows that I do not know about, as an equal representative in the U.S. Congress? What is going on in Ethiopia?

All I know is that when I was a little kid of 6, Haile Selassie became the head of that country and he, bless his soul, is still the head of Ethiopia, which is still poor as salt, starving to death, and is a backward country, all of which is no disrespect to Haile Selassie, but it does not seem that he has been tremendously effective over the years. So, I do not know.

I want to ask, why do I have to pay out my tax dollars to put 1,600 American soldiers in Ethiopia? Why?

Mr. SAXBE. I am sure that the Senator is disturbed about 1,600 troops in Ethiopia. I have been more alarmed about the almost 300,000 troops, up until last year, that we have in NATO.

Mr. GRAVEL. That is a firecracker that the Senator anticipates will come, but today we will discuss Ethiopia.

Mr. SAXBE. I am sure that we will talk about many other countries if this debate continues for 6 or 7 weeks. But I think that the Senator spoke truer than he thought when he said that the only way we can bring this reckoning rapidly into focus is by cutting off the Selective Service and then we will really have to reckon with what we do all over the world.

I think that is what is going to be the focus on this whole thing in our attitude toward the military—an antagonistic attitude, I might add.

Mr. GRAVEL. Let me restate my position to the Senator, that I love the military.

Mr. SAXBE. The way we get to that position is to cut everything off and say there will be no more manpower.

Mr. GRAVEL. The Senator is misleading—and I say that respectfully. I have a great affection for the military because they defend our national security in time of crisis. It is the leadership. It is not the military. Why should we blame the military when it is the leadership of the country, in this body and the elements of the leadership that wishes to work its will throughout the world. So it is not the military. In my view, it is not to cut them off at the root. It is not to cut them off at either 2 million men or 2,500,000 men which, to my mind, will leave a gigantic tree trunk upon which this Nation can rest its defense posture.

Mr. SAXBE. I might interject at that point, as the most junior minority member on the Armed Services Committee, to say that I have probably had less to say about a great many of the military aspects that have been discussed in that committee than anyone else. But I do feel, and I have some knowledge of the military, having spent a great portion of my life there, in the Reserves, the National Guard, and on active duty time, that today, our concept of the military role in the world is up in the air. People on both sides of the aisle are worried. They are uncertain. They want to cut back on military spending and, yet, they look at what we expect in the next 10 years.

Today, we just do not look at the next year but at 10 years from now. We say, "I want to cut back and save the money we are spending, 7 percent of the gross national product, on a rather pointless military continuation and buildup. This is too much. We need the money for other things." But they have a second thought and they say, "But is eternal vigilance and readiness the price of freedom? Do I want to be the Senator who says we do not need any NATO? Do I want to be the Senator who says we do not need the Sixth Fleet or any defense in the world, and that we have the missiles in the silos and we can push the buttons and everyone will be defended?"

What I want to bring hard home to Senators is that that is the choice they are going to have to make, because I can see that if we say we are going to have a volunteer Army and everything will be just great and we are going to have it on July 1, 1971, I want them to realize that it is not that easy.

Mr. GRAVEL. Let me make this one point, that it is not going to happen on July 1. That is misleading because the power of the President will continue, the authority to draft those who have deferments; so that there will be plenty of men available over the next 6 months or longer to supply the President with whatever needs, unfortunately, he may want to pursue in Southeast Asia.

So that the illusion that the world will stop on July 1, because we do not have a draft any more, or that this Nation's defense posture will wilt away, are just illusions. That is not what is going to happen, because the President can call up all young men who are under present deferments if he feels the need.

Mr. BYRD of Virginia. Mr. President, I rise to support the extension of authority to induct personnel into the Armed Forces for another 2 years.

I might say in regard to the colloquy which has just taken place between the Senator from Ohio and the Senator from Alaska that, on the merits of the legislation, I agree with the Senator from Ohio. But as to whether there should be a time limitation imposed this early in the discussion of this vitally important piece of legislation, I agree with the Senator from Alaska.

This is an extremely important subject, as the Senator from Ohio indicated and as the Senator from Alaska has stated. It is a matter of grave concern to all the American people. I feel it is a subject that should be fully debated. It is too early to be talking about a time limitation on either amendments or the bill itself.

I think it is important that all Senators, whether they favor the legislation, as I favor it, or whether they oppose it, as the Senator from Alaska opposes it, should have full opportunity to present their viewpoints. The more the American people can understand this legislation, the better the decision that will be made in regard to it.

We know that it is a subject of intense debate. We know that there was only a two-vote margin for a 2-year extension of the draft in the House of Representatives. Thus, it is an extremely important and very debatable subject.

I personally feel that those who oppose this legislation should have ample opportunity to present their arguments in opposition.

Today I shall attempt to make some arguments in favor of it.

I feel that our national security is directly related to a 2-year continuation of the draft at this particular time. Every Department of Defense witness who has appeared before the Armed Services Committee hearings has stated that the armed services, particularly Army, cannot yet meet its manpower needs on a volunteer-only basis.

This has been the case, by and large, ever since this country assumed a position of world leadership. Our first experiment without a draft between World War II and the Korean conflict showed that we required a draft despite the small size of our Armed Forces.

Although the administration's effort to increase the enlistments are commendable, a gap still exists between the number of volunteers and the requirements for manpower. If this Nation is to maintain its credibility in the eyes of friends and foes alike, we must maintain our force of authorized strength.

I feel that we have allowed the emotionalism of recent years and days concerning our commitment of troops to battle in Southeast Asia to cloud our vision and to cause us to lose our perspective.

Mr. President, I think it is important to get into the RECORD certain facts.

Beginning with the year 1966, our Government took into the services 939,000 men.

In 1967, the total taken into the services was 833,000. In 1968, it was 922,000.

In 1969, it was 856,000.

Mr. President, when the Secretary of Defense appeared before the Committee on Armed Services on February 2 of this year, I queried him as to the number of men who would be needed for 1971.

I read now from page 54 of the committee hearings on February 2:

Senator BYRD. You might say 600,000 we will need to take in during the year 1971.

Secretary LAIRD. We will have to take in 565,000 enlisted personnel, plus 43,000 officer personnel.

Senator BYRD. In round figures you will need 600,000 men.

Secretary LAIRD. 600,000 men, and that is in fiscal year 1971, the year we are currently in.

In fiscal year 1970, we took in almost 700,000 enlisted and officer personnel.

Mr. President, in considering the very large figures that are needed for the military services at this particular time, it seems to me obvious that without the stimulus of the draft and without the draft law being on the books, it would be almost impossible to obtain the required number of military personnel.

In that regard I want to say that I supported in the Committee on Armed Services a reduction of the total authorized strength of our military. The committee reduced the administration manpower request to a level of 2,400,000 by the end of the upcoming fiscal year.

So, I favor reducing the number of men in uniform. However, Mr. President, I think that we must be realistic. We cannot have drastic reductions all of a sudden unless we are going to run grave risks in this period of great uncertainty.

I feel that the draft law should not be the target of those who oppose the war in Vietnam. Our involvement in Vietnam is a problem of foreign policy and should have been treated as such by Congress and the administration. From the very beginning I have said that the commitment of American ground troops to a land war in Southeast Asia was a grave error in judgment. Once our troops were committed, however, I have given full support to our fighting men.

The need for a continuation of induction authority should be considered only on the basis of what is needed at this time for the security of our Nation. I happen to feel that it is necessary to continue the draft for 2 years at this particular point in our history.

In the colloquy between the distinguished Senator from Ohio and the distinguished Senator from Alaska, the Senator from Alaska stated that in his judgment the war could have been over several years ago. I agree thoroughly with that assertion. As a matter of fact, I have been saying the same thing on the floor of the Senate for more than 4 years now.

I am convinced that the way in which the war was fought during the preceding administration prolonged the war and increased the number of casualties.

Mr. President, when Richard Nixon became President, he was faced with the fact that the United States had 540,000 men in Southeast Asia. He did not put them there. They were put there by the previous administration. He had no responsibility for sending those 540,000 men to fight a ground war in Southeast Asia.

In the little more than 2 years, however, since he has been President, he has

reduced the number of military personnel in Vietnam by approximately 50 percent.

Mr. President, it seems to me that is making progress. It is going in the right direction. President Nixon has completely reversed the trend of the previous administration and completely reversed the policies of the previous Secretary of Defense, Mr. McNamara, who was wedded to what he called "a limited war."

I opposed the McNamara concept of a limited war just as I opposed from the very beginning the sending of ground troops to Southeast Asia to fight a land war there.

Certainly, once we committed the troops there, it seemed to me that the McNamara plan of a limited war was a plan that could only lead to a conflict that would be very long and very costly in lives and in treasure. It was mainly the lives of the men that I was so deeply concerned about. Almost every week, for several years, I called attention on the floor of the Senate to the American combat casualties in Vietnam.

I have been deeply concerned about this war for a long time—deeply concerned about it. I am deeply concerned about it now. I want to see it brought to a close at the earliest possible time. However, I submit that President Nixon is making progress in that direction. He is getting a great deal of what, in my judgment, is unjustified criticism for his handling of the war in Vietnam.

I think the public should be aware of the fact that he has reduced the number of Americans there by 50 percent in a short period of slightly more than 2 years.

I would like to see greater reductions, but so long as he is heading in the right direction and so long as he is making progress in disengaging American personnel from this land war in Asia, I want to give the Commander in Chief my support.

In regard to the draft law, taken in isolation, the practice of compelling our young men to enroll for military service might be interpreted as alien to basic traditions in a great nation, where we go to great lengths to protect the freedom of the citizenry. But, conscription cannot be considered in isolation. It must be placed in the greater context of national security interest. If we could achieve a standing defense force of sufficient size and quality then the extension of the Selective Service law would not be necessary.

In my judgment, however, it has not yet been proved that the necessary military force can be achieved or maintained without continuance of the draft. I am, therefore, unwilling to pursue a course that would lead to the weakening of our defenses to the end that this Nation could not control its own destiny.

The people look to the Congress to assert our responsibilities and assume our obligations under the Constitution. I admit that extension of the draft is not popular, but we must assume our responsibilities to raise and support defense forces which are necessary to secure and preserve our Republic. In my judgment, a temporary incursion on individual liberties through continuance of conscription today is imperative if we are to prevent a permanent incursion on the liberties of posterity.

To me, this represents a decision in the best interest and traditions of our democracy; that is, an acceptance of the principle that freedom carries with it certain inherent responsibiliites and obligations—certain inherent burdens, if you will—which must be shared equally by all the people of any republic. I believe that this is as much of a tradition in the United States as the principle that the rights, privileges, and freedoms of this Nation are to be equally shared.

Presently all of the armed services have a gap between their manpower needs and their supply of true volunteers. While this gap is most severe in the Army, it also exists to some extent in all of the other services.

On this point it is necessary to point out and be aware of the fact that a very substantial percentage of those who enlist as volunteers are volunteers because of the stimulus of the draft. I think that is important and significant.

The services have initiated many actions to increase professionalism and improve the attractiveness of military careers, but even if all their actions are successful and we act favorably on all their proposals, there are specific manning problems which cannot be solved immediately.

The Secretary of Defense and other Defense witnesses have assured us that they are making an all-out effort to reach a zero draft. Meanwhile, we must insure that an adequate armed strength is maintained to insure the security of this Nation during the transition period.

Over the past 2 years, draft calls have declined. The draft for calendar year 1970 was 163,500, the smallest annual draft call since 1964, and one-half of the number inducted in calendar year 1968.

Progress is being made toward a zero draft, but there is little evidence to suggest that the draft bill will not be needed for another 2 years; namely, to June 30, 1973.

As draft calls steadily decline, we must attract additional people to enlist in our armed services. I support the need for appropriate increases in military pay for the lower enlisted and lower officer grades. The Committee on Armed Services has recommended such an increase—a billion-dollar increase. Indeed, there has been a military pay increase every year for the past 8 years—since 1963.

Since 1963 there has been an increase every year in military pay. I think that is not generally recognized by the Nation. It is not generally realized in the Congress that there has been an increase in military pay every year for the past 8 years.

Mr. President, I believe that any attempt to reach a volunteer force until the Vietnam war is concluded is bound to fail.

We must also consider the effect of the elimination of the draft on the Reserves. Our Reserve forces and our National Guard are swiftly increasing in importance to the national defense. As we reduce the manpower authorizations for our active forces, more and more reliance must be placed on trained, ready Reserves.

For the most part, the draft does not directly supply manpower to our Reserve forces. It does, however, motivate about 70 to 80 percent of the first-term enlistments in our Reserve forces. Many young men who believe that they are likely to be conscripted into the active military forces when they reach the age of 19 enlist in the Reserve components at the age of 17 or 18.

If the draft is not extended until July 1, 1972, the Reserve forces will begin to experience reduced enlistments in the 17- and 18-year-old group in the very near future. In this respect, a personnel shortage may result in the Reserve forces even before the active forces are faced with the same problem.

Mr. President, if we do not extend the draft for a 2-year period, our Reserve forces may well fall below the manpower levels needed to discharge their responsibility. Our Reserve forces will undoubtedly suffer just at the time when reductions in our active forces are making the role of the Reserve forces most critical.

Finally, there is the matter of fairness to the young men who are of age to be potential draftees during the next 2 years. If we extend the draft for only 1 year instead of 2, there will be a natural tendency for these young men to assume that acceptable all-volunteer force levels will be met by July next.

I do not believe it is logical to assume that this country could have an all-volunteer military force in that short a period of time.

The plans made by these young men would be subject to serious disruption if we find it necessary to extend the draft again next year.

A 2-year extension now, on the other hand, will allow the President to reduce draft calls to zero before July 1, 1973, should it become feasible to do so at an earlier date. I think it is safe to say that personal and career plans will not be significantly disrupted should that happen.

So when one considers the full import of whether to extend the draft for 1 year or for 2 years, or, as some would like, to end the draft as of June 30 this year, it seems to me that the preponderance of evidence is on the side of extending it 2 years.

I feel our Nation is faced with very grave and severe problems throughout the world. It has taken on extensive commitments. In my judgment, we have taken on commitments in some areas that we should not have taken. Nevertheless, commitments have been made in the name of the United States—some commitments by the Congress, some by the President, some jointly.

So we are faced with commitments that have been made. Until those commitments can be reduced, it seems to me that we must continue to have a strong military posture.

Many Members of the Senate say they are not too deeply concerned about the Soviet threat. I am frank to say that I am concerned about the Soviet threat.

We know what the Russian capabilities are. None of us knows what their intentions are. Many very splendid citizens contend that the Soviet Union has no intention of bringing about difficulties for the United States.

I submit that none of us knows what the Soviet intentions are. We in Congress, who, collectively, are responsible for the safety, welfare, and security of the American people, must be governed by what the Soviet capabilities are.

With that in mind, I feel the only logical course for the United States to follow today—it may vary 1 year from today or 2 years from today or 3 years from today, but the only logical course for us to follow today—is to extend the draft authority for 2 additional years; namely, until June 30, 1973.

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

Mr. BYRD of Virginia. I am glad to yield to the chairman of the committee.

Mr. STENNIS. I want to especially thank the Senator. He has done exactly what I asked him to do in this debate. I asked him to come on the floor and give us the benefit directly of his views, whatever they might be, upon the key parts of this bill. We have no more valuable member of our committee than the Senator from Virginia, and his ideas are very seriously considered by our committee, and I think they will be by this body before the final vote is taken.

I heartily agree with him on a point that he made so clear, that this is the draft law, this is the personnel law, for all of our forces to protect us in all of our vital interests, and should not be used as a means of ending the war or trying to cut off the manpower that will make the war fall and collapse on its face.

I certainly agree with that. With his fine, penetrating mind, he has made that point very clear. It is a manpower bill, and manpower amendments, of course, are relevant; but, going back to the old days in grammar school, the teacher would say, "Keep your eye on the ball." We have to keep our eye on the ball in passing on this bill and keep in mind what its real purpose is.

I was impressed by the fact, as he made clear, that he wants to end the war at the earliest possible time. The Senator has certainly been in that position and has espoused that cause in every way at his command, going at it, though, in what he calls a realistic approach and a realistic way.

I am glad the Senator mentioned the Reserve. I just do not see any way in the world for the Reserve to survive as a reserve force in this Nation unless we are going to have a continuation of the Selective Service Act.

I do not see how the Reserve is going to survive on a volunteer Army basis, should that be undertaken 2 years from now. I do not know of any program that is going to be enough of an inducement to keep the Reserve going anywhere near approaching the rate of manpower that we have now.

Mr. BYRD of Virginia. I do not know of any way.

Mr. STENNIS. We have some very fine men who would volunteer and be willing to serve perhaps for nothing, but under the present pay scales, the increase for the Reserves would be only $29.24 a month. A brick mason gets that much in 2 hours, in many places, and certainly in 3 hours in all places.

I thank the Senator for his contribution. I trust that certainly, in any future debate, he will bring his viewpoint to our attention and I hope the Senator will engage further in the debate as the various amendments come up, because he is very qualified to speak. I thank him very much for the splendid statement he has made.

Mr. BYRD of Virginia. I thank the Senator very much.

I would like to comment on the matter of pay. It seems to me increasing the compensation of military personnel is not in itself going to bring into service the desired and required number of individuals. As I mentioned, I favored and supported, just this past week in committee, an increase in pay for our armed services. I think it is justified, and I favor it, but that in itself will not make it possible to have an all-volunteer military force until such time as the Vietnam war is fully concluded.

I want to emphasize again that there has been an increase in military pay ever since 1963. That is a period of 8 years. So it may be that at some subsequent time it would be practical to go to an all-volunteer military force, but I do not believe that time has yet arrived. Until a year or more has passed, I believe the best thing we could do for the safety of our Nation would be to extend the Selective Service Act for 2 additional years, ending June 30, 1973.

Mr. President, I ask unanimous consent that there be printed in the RECORD a speech which I made in the Senate on Tuesday, May 4, 1971, dealing with the Vietnam war and President Nixon's actions in regard to Vietnam.

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

PRESIDENT NIXON'S VIETNAM ACTIONS PLACED IN PERSPECTIVE

Mr. BYRD of Virginia. Mr. President, as the Nation's Capital is being harassed by antiwar demonstrators, it is worthwhile, I think, to put President Nixon's Vietnam actions in perspective.

President Nixon had nothing to do with sending combat troops to Indochina.

It was the administration of Lyndon B. Johnson that propelled the Vietnam war into the longest—and one of the most costly—in American history.

President Johnson began large-scale combat operations in Vietnam in the spring of 1965. He and his Secretary of Defense, Robert S. McNamara, then began to send more and more American military personnel to Vietnam, until the total for a particular time reached 540,000. All together, 2½ million Americans have served there.

It was more than 4 years ago that I began to speak out against the Americanization of the war in Indochina. It was more than 4 years ago that I began to continually call the attention of the Senate and the Nation to our current casualties and the need to deemphasize America's role in this war, the need to encourage the Asians to fight their own battles.

From the very beginning, I stated that it was a grave error of judgment for the United States to become involved in a ground war in Asia. But when President Johnson, under his authority as Commander in Chief, sent troops to Indochina, I consistently supported those troops.

From the beginning, it has been my deep conviction that U.S. involvement in a long war in Southeast Asia is not only costly in lives and treasure to Americans, but is also highly advantageous to our chief adversary, the Soviet Union.

With that thought in mind, I had a standard question which I put to every high official of the Department of Defense who came before the Senate Armed Services Committee. That question was: "In your judgment, is U.S. involvement in a long war in Southeast Asia advantageous to the Soviet Union?"

I was deeply disturbed and alarmed at the attitude of Secretary of Defense McNamara and his top civilian advisers. To me, it was clear that they did not regard U.S. involvement in a long war in Southeast Asia as being advantageous to our chief adversary, Russia.

As a result, there was no sense of urgency in the Department of Defense under Mr. McNamara to bring the war to an end. As a matter of fact, it was the very foolish McNamara policy of a so-called limited war that in fact prolonged the war and increased the casualties. The McNamara line—which one heard throughout official Washington during 1966, 1967 and 1968—was the "merits" and "sophistication" of a limited war.

So when President Nixon came to office in January 1969—only a little more than 2 years ago—he was faced with a critical situation not of his making. At that time, 540,000 Americans were in Vietnam.

President Nixon; the new Secretary of Defense, Melvin R. Laird; the President's Foreign Affairs advisor, Dr. Henry Kissinger; and the Secretary of State, William P. Rogers, decided to reverse the Johnson-McNamara program of sending more and more men to Asia, and instead began a program of steady withdrawal.

Instead of 540,000 Americans in Vietnam, President Nixon has reduced that figure by more than 50 percent.

He is continuing his withdrawal program, and at the same time, he is concentrating on developing the Vietnamese to a point where they have a reasonable chance to hold their own against invaders from the North.

So I say the facts are—and the figures show—that President Nixon, in a short period of time, has made progress in bringing about American disengagement. In a few more months, American troops will no longer be assigned to combat misions.

Those who continually condemn the President for not moving fast enough should, I feel, give him credit for what he has done.

Instead of putting more and more men into Vietnam, as was done by President Johnson and Secretary McNamara, he has been taking more and more men out of Vietnam.

Instead of following the McNamara policy that a long, limited war in Southeast Asia is somehow advantageous to the United States—or at least not disadvantageous to the Soviet Union—President Nixon has stated loud and clear that he wants this war brought to an end, and he has taken firm, clear, precise and definite steps to bring American involvement to an end.

Over the weekend, I read again the official testimony of 4 years ago high Defense Department officials before the Senate Committee on Armed Services.

The testimony, to my mind, made clear that the McNamara team in the Defense Department had no sense of urgency in bringing the war to an end.

I shall quote from the testimony of only two, but these two, in my judgment, personified the basic civilian thinking in the

Defense Department under Secretary McNamara.

First, I quote from the hearing on June 28, 1967, when John T. McNaughton, of Illinois, Assistant Secretary of Defense for International Security Affairs, was nominated to be Secretary of the Navy.

(The following is a part of the colloquy that I had with Mr. McNaughton:)

Senator BYRD. Let me ask you this question.

During the past 2 years do you feel that the war has greatly widened?

Mr. MCNAUGHTON. Widened during the past 2 years? No.

Senator BYRD. Now, could I recite what seems to me areas where it has been greatly widened. Two years ago, that is, April of 1965, we had 29,000 ground troops in Vietnam. Today, we have got in round figures 462,000 ground troops in Vietnam. Now, it seems to me that so far as the American people are concerned that the war has been greatly widened.

Mr. MCNAUGHTON. I agree that the war has "widened" if you use the word "widened" in that sense.

The war has been greatly intensified.

Senator BYRD. It has not been widened insofar as going beyond the physical boundaries of Vietnam?

Mr. MCNAUGHTON. That is correct.

Senator BYRD. It has not been widened insofar as bringing in additional allies to help us?

Mr. MCNAUGHTON. Well, we have gotten some additional allies. The Koreans and the Australians and New Zealanders and the Thai and the Filipinos have all contributed forces in that period, a total of over 50,000, between 50,000 and 60,000 forces.

Senator BYRD. While it hasn't been widened beyond the borders of Vietnam, it may be widened so far as the contributions of the American people are concerned?

Mr. MCNAUGHTON. It has intensified in that sense; that is correct.

Senator BYRD. Intensified both in regard to manpower and in regard to economic resources?

Mr. MCNAUGHTON. That is correct. And furthermore—a correction of my original answer, Mr. Senator—the actions against North Vietnam have been intensified in that period.

Senator BYRD. During that same period of 2 years, while the American ground forces were being built from 29,000 to 462,000 today, the harbor at Haiphong has been an open harbor insofar as cargo going to the Vietnamese enemy is concerned; is that correct?

Mr. MCNAUGHTON. That is correct, with minor qualification. There have been some strikes on some facilities. The answer in substance is "Yes."

Senator BYRD. In other words, while the war has been greatly widened insofar as the American people are concerned in the way of combat troops, and in the way of economic resources, we have done nothing to shut off the supplies going through the harbor at Haiphong?

Mr. MCNAUGHTON. For practical purposes, that is correct.

Senator BYRD. Do you see an end to the fighting in Vietnam within the next 12 months?

Mr. MCNAUGHTON. It could happen. But this is a matter of probability. I think it is unwise for me to say something which could be taken out of context and construed to imply optimism or pessimism. There is a chance.

Senator BYRD. Do you see a long war?

Mr. MCNAUGHTON. We have already had a long war, Senator. I believe the best chance for a short war is to be prepared for a long one. The best chance to shorten the war is to be dug in with absolute perseverance to see through a long war if necessary.

Senator BYRD. Is a long war in Vietnam to the advantage of the Soviet Union in your judgment?

Mr. MCNAUGHTON. This is similar, Senator, to a question put to Mr. Nitze. And I would answer about the same way. I think that the Soviet Union on balance wants to see the war ended, but not if she has to take steps to bring it to an end which would work to her disadvantage, and not if it came to an end on terms that would severely disadvantage her. And, therefore, the question can only be answered in terms of what the outcome is likely to be. I think the Soviet Union would like to see the war brought to an end on terms acceptable to her.

Senator BYRD. Do you feel that with the United States so deeply involved in Vietnam, suffering heavy casualties, and fighting a very costly war from an economic point of view, that it is or is not to the advantage of the Soviet Union to keep it going?

Mr. MCNAUGHTON. I think that it is to their disadvantage to keep it going. And I would like to make this strictly a personal opinion, Senator.

Senator BYRD. In all of these I am seeking your own personal judgement.

Mr. MCNAUGHTON. I am labeling this clearly so that there is no misunderstanding.

Senator BYRD. I was hoping that all of this would be your judgement.

Mr. MCNAUGHTON. Yes.

I think that the military power of the United States is greater today than it has ever been. I think that the Soviets do not think of the war in Vietnam as something that is weakening the United States in the way you implied your question. I have forgotten the final sentence of your question, but I do not think that they want to keep the war going in order to weaken us. I do not believe that.

Senator BYRD. You do not believe that. I must say that I am 100 percent in disagreement with you.

Mr. MCNAUGHTON. I am sorry that we are in disagreement.

Senator BYRD. I respect your opinion.

To get back to my original question, to which I assume your answer would be "No," the original was this: Is a long war in Vietnam to the advantage of the Soviet Union in your own personal judgment? I assume your answer is "No" to that question.

Mr. MCNAUGHTON. The answer is "No, if they can bring it to an end on terms that fall within their shaded area of acceptability."

Senator BYRD. If they can accomplish all their objectives, perhaps they would like to. But assume they don't accomplish their objectives.

Mr. MCNAUGHTON. They have some minimum objectives. I don't know what they are, unfortunately. But I would suspect that they would like to see this war brought to an end. They do have the problem that Secretary Nitze raised, of their position in the world; and they cannot be in a position of running out on a colleague, or of being put in an embarrassing position vis-a-vis China. They have a very complex problem to face, too. So I just can't answer your question yes or no.

Senator BYRD. I have been fearful that a great many individuals in high positions in our government have taken that view—that the Russians will not be advantaged by a long war. I can't help but believe that a long war logically from every point of view is an advantage to Russia. We are losing men every day. We have these great economic commitments to Southeast Asia, and the Russians have an opportunity to hit us elsewhere and stimulate adverse activity elsewhere as they did in the Middle East.

But anyway, your judgment may be right and my judgment may be wrong.

Mr. MCNAUGHTON. Let me add, Senator, that we do not, in our decisions or behavior, count on my being right or your being right on this point.

Senator BYRD. I think it is very important, though, what is the real thinking of the men who have to make these vital decisions. And to me it is a matter of vital consequence whether or not they believe that a long war is to the advantage of the Soviet Union. And I can't help but see that a long war is to the advantage of the Soviet Union.

But if they don't feel that way, naturally they are going to make decisions differently from what they would otherwise.

Mr. BYRD of Virginia. So much for Mr. McNaughton, whose testimony showed he believed that it was to Russia's disadvantage to keep the Vietnam war going, and that the Soviets did not think the war was weakening the United States, as I had suggested.

Now, on August 17, 1967, Mr. Townsend Hoopes, of Virginia, was nominated to be Under Secretary of the Air Force.

(I read into the RECORD at this point my colloquy with Mr. Hoopes when he appeared before the Committee on Armed Services, which was considering his nomination:)

Senator BYRD. Thank you, Mr. Chairman.

Mr. HOOPES. I would like to welcome one who lives in Virginia, with many children, to the committee today.

I might say for the record that I have not had the privilege of knowing you, but I am very much impressed by your appearance befor the committee this morning.

I would like to ask one or two questions.

* * * * *

Senator BYRD. You have had wide experience during the past 2 years with the economic problems throughout the world which confront the service?

Mr. HOOPES. Generally speaking; yes, sir.

Senator BYRD. And that would include Southeast Asia as well as the areas that we mentioned a moment ago?

Mr. HOOPES. It would include Southeast Asia in a broad sense, particularly as far as the impact of what is going on there relates to areas with which I had closer contact and for which I had closer responsibility.

Senator BYRD. In what areas did you have closer contact and closer responsibility?

Mr. HOOPES. I would say the broad area we call the Near East and Southeast Asia. It includes the southeast flank of NATO, Greece and Turkey. It runs through the Near East, and includes Iran, Afghanistan, India, Pakistan, and Ceylon; it stops essentially at the Himalayan frontier.

Senator BYRD. What about the Soviet Union?

Mr. HOOPES. I have had no direct responsibility for the Soviet Union, but of course, that is a pervasive factor in all our considerations.

Senator BYRD. That covers your consideration of all the other matters?

Mr. HOOPES. It does, indeed, in every problem area.

Senator BYRD. Now, another question along that line. You agree, of course, that we are involved in a very costly war in Vietnam?

Mr. HOOPES. I do, indeed, sir.

Senator BYRD. Costly in regard to resources, economic resources; costly in regard to casualties?

Mr. HOOPES. I do, indeed, sir.

Senator BYRD. And it has been a somewhat lengthy war?

Mr. HOOPES. Yes.

Senator BYRD. And I assume you will agree, too, that the end is not now in sight?

Mr. HOOPES. I don't see any evidence of it.

Senator BYRD. Is it your judgment that a long war in Vietnam, insofar as the United States is concerned, would be to the advantage of the Soviet Union?

Mr. HOOPES. I would say not necessarily, Senator, because I think the Soviets would calculate to some extent, as we do, that the longer the war goes on, the larger the opportunity for an escalation. And I believe that

the Soviet Union does not desire a confrontation with the United States in any part of the world at this time.

Senator BYRD. Is it your belief that the Soviet Union would like to see the war in Vietnam ended—on their own terms, naturally—do you think that the Soviet Union would like to see the war in Vietnam ended at an early date?

Mr. HOOPES. I would say that, on balance, the Soviet Union would probably like to see an ending of the war in Vietnam.

Senator BYRD. Has there been any evidence that the Soviet Union is decreasing the military materiel that it is sending to North Vietnam?

Mr. HOOPES. I don't believe there is. I have limited information on that subject.

Senator BYRD. Am I correct in interpreting your response to my questions to be that it is your view that the Soviet Union would not be advantaged by a long war in Vietnam?

Mr. HOOPES. I would say from what I know of the prevailing opinion in the Soviet Government that on balance it would like to terminate the war, because it would fear that the longer the war went on, the greater the risk of a military escalation which might involve it directly.

Let me give you an example of why I believe the Soviet Union is quite reticent about confronting the United States at this time. In the recent Middle Eastern War in June, you may recall that Premier Kosygin took the initiative on the hotline to make it completely clear to us that there would be no Soviet intervention on behalf of the Arabs. This was highly disappointing to the Arabs. But I think it was a clear signal of the Soviet reticence about facing this kind of military situation with us.

Senator BYRD. I am pleased to hear you say that you feel the Soviet Union is reticent in regard to a basic situation with the United States. But that is not exactly the purport of my question.

The Soviet Union does not have to face the United States in Vietnam. It has not been facing the United States in Vietnam. The North Vietnamese and the Vietcong have been facing the United States. And the United States has been pouring resources and manpower in opposition, not to the Soviet Union, of course, but to the Vietcong and the Vietnamese.

Now, it is not to the Soviet Union's advantage, in your judgment, that we continue to pour resources and manpower in opposition not to the Soviet Union but to North Vietnam and to the Vietcong?

Mr. HOOPES. I would agree with that, sir. I think the Soviet Union is not displeased by our expenditure of resources, human and material, in Vietnam. But I don't believe that they would conclude from that that the United States is being severely weakened. It is a fact of history, I think that every war we have fought in has rendered us afterward militarily and industrially stronger than before. And the Soviet Union is aware of this. I would say that the Soviets have to balance their desire to see us expend resources wastefully against their fear that a wider war might involve them.

Senator BYRD. Is it your feeling then, that the longer the war goes on, the stronger the United States would be?

Mr. HOOPES. No, sir; I wouldn't argue that.

Senator BYRD. You said a moment ago that history shows that after each war we are stronger than we were before. Would that naturally lead to your belief that if this war goes on 2 or 3 or 4 years longer, we would be better off than if it were ended quickly?

Mr. HOOPES. I think it happens to be an historical consequence. But I wouldn't turn it around and argue that it was therefore desirable for us to——

Senator SYMINGTON. Would the Senator yield?

Senator BYRD. I yield.

Senator SYMINGTON. I think you are a bit mixed on that, Mr. Secretary. At the end of World War II, this country had $24.5 billion in gold, and owed $7 billion abroad redeemable in gold. Today we have $13.2 billion in gold, and owe over $30 billion abroad that can be called tomorrow morning. I think the Senator from Virginia is correct in the implications of his question.

The gross national product of the United States does not necessarily have anything to do with our financial position, specifically our fiscal and monetary positions. We had the dollar gap and other things after World War II. Those problems are no longer with us today.

To me, a great problem today is inflation. We will have a trillion dollars' worth of life insurance out among the citizens by the end of this year. We have retirement plans, pension plans, and so forth. I predict all these are going to be vitally affected, especially because of this $70 million-a-day expense in Vietnam.

So I would hope you would give full consideration to the implications of the questioning of the Senator from Virginia, because I believe the longer this war goes on the more it is weakening the United States, not strengthening it. I hope you never give the impression that wars are what make capitalism work because that is exactly what the Soviets have been preaching for a long time, the theory of Marx.

Thank you, Senator.

Senator STENNIS. Any further questions, Senator?

Senator BYRD. Yes.

Senator STENNIS. Proceed.

Senator BYRD. I want to say again that I feel that you are a tremendously able individual. I am not in any way discounting that. I am interested in the philosophy, however, of those who are in a high position of our Government, who make decisions regarding Vietnam. And certainly, you have been in a position to influence decisions, and you will be in a position to—in even a more important position in regard to influencing decisions of Government. And I am not clear in my own mind from your response to my various questions, and I would be glad if you would correct. The best that I can determine is that you do not agree with my assertions that a long war in Vietnam is to the advantage of the Soviet Union.

Mr. HOOPES. I would like to try to correct what may be a misunderstanding. I certainly am not, obviously, an advocate of war, short or long.

Senator BYRD. I am aware of that; I am certain of that.

Mr. HOOPES. You asked me what I thought the Soviet judgment would be on the question of U.S. involvement in a long war. And I gave you my best judgment, which was that the Soviet Union probably does not believe that we are being decisively weakened by our expenditure at the current level in Vietnam.

Senator BYRD. Do you think we are being weakened?

Mr. HOOPES. I believe we are expending very substantial resources.

Senator BYRD. Am I correct, though, in assuming that you do not agree with me that a long war is to the advantage of the Soviet Union? Leaving out what they think, what is your judgment? Does your judgment coincide with mine, or is it contrary to mine?

Mr. HOOPES. If the Soviets could be assured that this war would stay at a low level, a relatively low level, and would be contained, that it would not escalate in a way that might involve them directly, I think I would probably agree with you, sir.

Senator BYRD. Let me state it once more. My belief is that a long war in Vietnam is advantageous to the Soviet Union. Now, is that your personal view, or is it not your own personal view?

Mr. HOOPES. I would say it is not my personal view, in broad terms.

Senator BYRD. You do not agree with my assumption that a long war in Vietnam is to the advantage of the Soviet Union?

Mr. HOOPES. I couldn't agree with the way you have stated it, which is somewhat in isolation of other factors which would bear upon Soviet considerations.

Mr. BYRD of Virginia. So much for Mr. Hoopes. His testimony concerned me so greatly that I held up his confirmation for about 10 days.

Mr. Hoopes had stated that "the Soviet Union would probably like to see an ending of the war in Vietnam," and denied, "in broad terms," my assertion that a long war in Vietnam worked to the advantage of the Soviet Union.

Today, 4 years after the testimony of Mr. McNaughton and Mr. Hoopes, I continue to believe that a long war is in the interest of Moscow.

And I feel that had there been clearer recognition of that fact, then officials in the Johnson administration would have acted differently.

And had they acted differently—had they had a real sense of urgency about ending the war—then I think we would not have had as long a war in Vietnam as we have had.

Now we have a different administration. And the Nixon administration has adopted a firm policy of disengagement from Vietnam, which in my opinion has so far been successful.

The record is clear. President Nixon and his associates have reversed the course of ever-increasing American involvement in Vietnam.

I think these facts should be stated and should be recognized by the American people.

Mr. GRIFFIN. Mr. President, does the Senator have any time remaining?

The PRESIDING OFFICER. Does the Senator yield time, and if so, to whom?

Mr. BYRD of Virginia. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of Virginia. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Virginia has 1 minute remaining.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. BYRD of Virginia. I yield.

Mr. GRIFFIN. I wish to compliment the distinguished Senator from Virginia upon his excellent and very statesmanlike remarks. It proves again that, although he sits on the other side of the aisle, he indeed is an independent and a nonpartisan.

I commend the Senator and associate myself with his remarks.

Mr. BYRD of Virginia. I thank my good friend from the State of Michigan.

I want to say, too, that I see on the floor of the Senate a former distinguished Member of this body, the former Senator from Delaware, Mr. Williams, who has rendered such great service to the Senate and to his State as a Member of the Senate.

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

Mr. BYRD of Virginia. I am happy to yield to the Senator from Alaska.

Mr. GRAVEL. Let me say first that though the Senator from Virginia and I may disagree many times on policy, there are few Members of this body whom I hold in higher esteem. I particularly thank him for, earlier this afternoon, raising the objection and giving

me time to get back into the Chamber, because I was not here when the Senator from Ohio made his motion to limit debate on the amendments.

Mr. BYRD of Virginia. Mr. President, if the Senator will yield at that point, I think the RECORD should show that up until today, there has been only 1 day's debate on this very important piece of legislation, and that was last Thursday.

I think it is very important that all parties, those who favor the legislation and those who, like the Senator from Alaska, oppose it, should have full and adequate time to present their views, not only to the Senate but to the American people, because the American people, after all, are deeply involved in this matter. It is their sons who must supply the manpower, whether it be for volunteer service or for a conscriptive service, or a combination of the two such as we now have.

So I, for one, favor full debate on this matter, and would oppose a time limitation at this point. Certainly, I feel, some time should elapse before a time limitation is imposed on Members of the Senate.

Mr. GRAVEL. I certainly appreciate that consideration from the Senator, because that is very much my view of the matter, and I know that the Senator from Mississippi feels this way also.

We can disagree, but we do not have to be disagreeable. I think that the standard by which we conduct ourselves in this debate, which involves such a weighty question, should be of the highest order and in the best traditions of the U.S. Senate. I assure the Senator that, for my part, I shall try to live up to that standard with every ounce of energy I have. I thank my colleague for helping me bring that about today, and thank him also for the expression that he has voiced with respect to his desire to have full deliberation of the matter, because, as I stated earlier, I can think of no subject area in the history of the United States more vital than this one.

Not only are we talking about the war, but we are talking about the future course that this Nation will take in world affairs. If that is a sound course, this Nation can sustain itself in the world for another 100 years, or many hundreds of years; but if we make a mistake, our glory will wane as surely as did the glory of Rome, the glory of Greece, and the glory of many other past civilizations.

That is why we must be ever vigilant. I can understand the concern of the Senator from Ohio in this regard, but I think, without being critical of my colleague, and certainly most respectfully, that his point was not well taken in chiding this body about being dilatory.

If anything, the Senate has acted with alacrity in the handling of this measure, and the fact that we meet at 10 in the morning and have 5 hours' application of the rule of germaneness is ample demonstration that we are working as assiduously on this subject as possible. I am sure that if it gets to a point, at a later date, when we must put in more hours, the majority leader will be the first to demand of the membership of this body a greater effort toward meeting the goals that must be met.

But this is a deliberative body, not only unto itself, but unto the American people, because in the goals I seek, there are not two elements, but three: There are the pros and cons within this Chamber, but the most important element of all, as the Senator has just stated, is the people, because they are the ones who fight and die and the ones who pay the tab, and they should be heard from.

I thank my colleague, and certainly underscore his views in this regard.

Mr. BYRD of Virginia. Mr. President, I concur in the statement made by the Senator from Alaska in regard to the leadership. The fact that the leadership is bringing the Senate in at 10 o'clock each day, with the approval of the Senate, and has extended the hour of germaneness to 5 hours, again with the approval of the Senate, indicates to me that both the leadership and the Senate want to see this matter handled as expeditiously as possible, but at the same time to give all of the Members of the Senate full opportunity to present their views pro and con on an extremely important and difficult matter.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. HANSEN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. CASE. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

DEATH OF FORMER SENATOR ALBERT W. HAWKES

Mr. CASE. Mr. President, I announce with sorrow the death of a former colleague, Albert W. Hawkes, Senator from New Jersey for one term from 1943 to 1949.

Senator Hawkes was a strong man, a good friend, a man on whom one could rely to be true to his convictions and to fight for them with great vigor.

It is especially appropriate, I think, that the Senator from Virginia yielded to me, because his father was a great friend of Senator Hawkes. Senator Hawkes often spoke to me about visiting Senator Byrd, and I know that Senator Byrd visited him in Montclair on several occasions.

For a man who has lived 92 years, it is difficult to say that he has not lived a full span or a full life, and indeed, Senator Hawkes did so; but it is still with a feeling of sorrow and regret that I announce his passing, as well as with a sense of very deep personal loss. Senator Hawkes and I disagreed on many things, and sometimes very strongly, but on personal grounds, and especially toward the end of his life, we became quite close again, and I record with sorrow and regret his passing.

Mr. BYRD of Virginia. Mr. President, I join with my friend the distinguished Senator from New Jersey in expressing sorrow at the death of former Senator Hawkes. He was one of my father's very closest friends. They served together for 6 years in the Senate of the United States, but their friendship continued until my father's death in 1966.

I might say that, during the time that I have been in the Senate, Senator Hawkes has communicated with me a number of times. We have discussed many matters of national and international interest.

He was an outstanding American, a man of great patriotism, firmness, high ability, and the very highest integrity. Senator Hawkes was a Member of the Senate, in whom all his colleagues could take pride.

I am glad that I could be in the Chamber today to make these few words of comment in regard to an outstanding American and a beloved friend, former Senator Albert W. Hawkes.

Mr. CASE. I thank the Senator.

ORDER OF BUSINESS

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

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

Mr. BYRD of West Virginia. Mr. President, seeing that only 3 minutes remain under the Pastore rule for today, I ask unanimous consent that the rule be lifted.

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

ORDERS FOR RECOGNITION OF SENATOR HUGHES AND SENATOR GRAVEL ON WEDNESDAY, MAY 12, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday next, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 15 minutes.

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

Mr. BYRD of West Virginia. And that at the conclusion of his remarks on Wednesday next, the distinguished junior Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes.

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

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR STENNIS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, upon the expiration of the Pastore rule, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized, to speak on a nongermane subject, if no Senator has the floor at that time; and if a Senator does have the floor at that time, that the Senator from Mississippi be recognized at such time as such Senator yields the floor.

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.

Mr. STENNIS. Mr. President, I wish to make a few remarks now with respect to the pending amendment.

We have had speeches today from members of the committee who have gone into various phases of the bill and, in addition to the overall coverage, have given their appraisal and their reaction with respect to the facts that came before the committee—such vital factors as the necessity for renewing the act, the necessity for renewing it for a minimum of 2 years and the necessity for looking at the bill as the medium by which the United States regulates and brings into its services the manpower necessary, not just for the war in Vietnam that is being wound down but for all the services, whatever may be their pursuits. Other major points have also been covered by the various members of the committee, including the problem arising with reference to the Reserves. In that way, I am sure they have contributed substantially to the record. The matters are in here now for Senators to read, for their staff members to read, for members of the press, and for others who may have a special interest or a special duty. So, it goes out before the people and, in that way, the ideas in the bill and in the report will gradually percolate out to the country.

Tomorrow, some additional members of the committee will give their special views on these very problems. Additional Members of the Senate have asked for some time tomorrow, 3 or 4 hours. Then, so far as I know, that will be what I shall call the committee's presentation of the overall bill. After that, so far as I am concerned, it will be in order to take up amendments, seek changes, and have some understanding about the time to be agreed on and, if possible, votes on the amendments.

I think it will be helpful to all to have amendments submitted for printing. Many of them will require some research and analysis by those who are well versed in these matters and that will facilitate disposition of the bill.

I am agreeable and willing to have controlled time on any amendment and, finally, on the bill, but that would always have to be consistent with the views of many other Senators, including the authors of amendments, or any other Member of the Senate. Heretofore, we have had good success in working out agreements of that kind.

I believe that by application and the way we have arranged it here, we can get well into the bill this week and have some chance of completing it next week.

But, at the same time, these are major amendments. I do not know how many of them will be offered or finally called up. However, I believe that progress has certainly been made today.

Mr. GRIFFIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Michigan.

Mr. GRIFFIN. I wish to commend the distinguished chairman of the committee for his presentation, and also for the presentations of his colleagues on both sides of the aisle who serve with him on the Armed Services Committee. I know that there will be more tomorrow. I think it has been a very enlightening discussion for the benefit of the Senate and for the benefit of the country.

I wish to indicate my agreement with the Senator from Mississippi that as soon as the committee's presentation is completed, we should try to reach time limitation agreements to deal with the amendment process, and get to a vote on the bill itself.

I am not unaware of the fact that there has been some talk in terms of extended debate and a long debate about the bill. It seemed to me that regardless of one's views on the merits—and we certainly have different views—it is very important that the Senate get to a vote on the merits of the bill, within a reasonable time—before the expiration of the present act.

I think it would be an unfortunate reflection upon the Senate itself as an institution if we were unable to get to a vote. If there are those who want to impede the efforts of the Senate in that respect, they should be on notice that there will be a continuing effort on the part of the leadership on both sides to keep the Senate working on the bill and get to a vote.

I thank the Senator from Mississippi for yielding to me.

Mr. STENNIS. I appreciate the sentiments of the Senator from Michigan and his very generous words about the presentation here by the membership.

This is a subject of great importance that will have to be passed on by the Senate—and I say that with all deference to everyone. There are certain matters we can defer, but we cannot leave our military services, numerous as are their duties—although there is room for improvement within the military and I am pressing for some of those improvements—but regardless of a few points by the wayside like that, we cannot leave our military services stranded for manpower. It will mean the collapse of our foreign policy. Our foreign policy, Mr. President—while we might disagree as to some elements of it—for the time being is carrying a great part of the load of the free world. Without it, there will be a calamitous reaction. I believe that the free world would fall apart rather rapidly. Thus, we cannot afford not to pass on this matter of a final vote. It will not be defeated, either, on a final vote.

I thank the Senator from Michigan again for his generous remarks and, Mr. President, I yield the floor.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. and immediately following the recognition of the two leaders under the standing order, the distinguished junior Senator from Alaska (Mr. GRAVEL) will be recognized for not to exceed 15 minutes; upon the conclusion of which there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the unfinished business, H.R. 6531, an act to amend the Military Selective Service Act of 1967, will be laid before the Senate. Under the previous order, the Pastore rule of germaneness paragraph 3, rule 8, of the Standing Rules of the Senate, will be triggered upon the laying before the Senate of the unfinished business, and will continue for a period of 5 hours instead of the normal 3 hours under the rule.

Upon the expiration of the Pastore rule of germaneness on tomorrow, and at such time as the floor is yielded, the distinguished junior Senator from Mississippi (Mr. STENNIS) will be recognized to speak on a nongermane subject.

ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, May 11, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 10, 1971:

DEPARTMENT OF JUSTICE

Julio Morales Sanchez, of Puerto Rico, to be U.S. attorney for the District of Puerto Rico for the term of 4 years, vice Blas C. Herrero, Jr., resigned.

IN THE ARMY

The U.S. Army Reserve officer named herein for promotion as a Reserve Commissioned officer of the Army, under provisions of title

X, United States Code, section 593(a) and 3384:

To be brigadier general

Col. Benjamin L. Hunton, SSAN [redacted] Infantry.

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned officers of the Army under provisions of title X, United States Code, section 593(a) and 3392:

To be major general

Brig. Gen. Robert L. McCrady, SSAN [redacted] Adjutant General Corps.

To be brigadier general

Col. William J. McCaddin, SSAN [redacted] Field Artillery.

Col. Charles A. Rollo, SSAN [redacted], Field Artillery.

Col. Dana L. Stewart, SSAN [redacted], Armor.

IN THE NAVY

Rear Adm. Philip A. Beshany, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title X, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following-named officers of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided by law:

MEDICAL CORPS

Richard D. Nauman
Willard P. Arentzen

SUPPLY CORPS

Joe G. Schoggen
Edward E. Renfro III
James E. Forrest

CHAPLAIN CORPS

Richard G. Hutcheson, Jr.

CIVIL ENGINEER CORPS

Donald G. Iselin
Albion W. Walton, Jr.

DENTAL CORPS

Anthony K. Kaires

CONFIRMATION

Executive nomination confirmed by the Senate May 10, 1971:

INTERNATIONAL ATOMIC ENERGY AGENCY

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.

HOUSE OF REPRESENTATIVES—*Monday, May 10, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D. offered the following prayer:

Study to show thyself approved unto God, a workman that needeth not to be ashamed.—II Timothy 2: 15.

Our Father God, amid the disturbances about us and the bewilderments within us we come seeking the quiet sanctuary of Thy healing and heartwarming presence. In this moment of prayer grant us to hear and to heed Thy summons to greater moral discipline, to tap the higher resources of inner strength, and to develop a finer faith in goodness and truth that, come what may, we may keep our hearts with Thee.

We pray for our Speaker who this day celebrates his birthday. We thank Thee for him, for his integrity of mind, his sincerity of spirit, and his devotion to our country through this House of Representatives. Grant unto him, we beseech Thee, health and strength, wisdom and patience for this year and for many years to come.

We pray in the spirit of the Master of all good workmen. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 22. Concurrent resolution designating "Human Development Month" and "Voluntary Overseas Aid Week."

ON A U.S. WITHDRAWAL FROM VIETNAM

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussions on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneouslv.

CONGRESS SHOULD DELEGATE CONTROL OF THE DISTRICT OF COLUMBIA TO THE DISTRICT OF COLUMBIA

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, had I a vote in this Chamber—and I should have as the duly elected Representative of nearly 800,000 American citizens who happen to live in the District of Columbia—had I a vote, and I hope that the 92d Congress in this session will vote to give me the vote; had I a vote today I would vote to assign responsibility for decision-making on several of the bills you will consider today to the District of Columbia City Council.

I have watched with interest the vital issues that have claimed the attention of you, our Nation's finest legislators, in the 3 weeks I have been privileged to serve among you. We, as Representatives of the people of the United States, have considered and must deal in this session with a complex and broad range of issues—from the war in Indochina, the faltering position of the dollar in the world economy, the state of this Nation's economy, to the overhaul of the Nation's welfare system. Our list of needs is long; our time is short.

Faced with these pressing issues, the House will consider this afternoon on the District Calendar H.R. 2596. This bill would allow members of the District Fire Department, the Executive Protection Service, and the U.S. Park Police to play in the District police band.

What concerns me, Mr. Speaker, is that this House must spend its valuable and all too limited time discussing such matters which properly are matters for a city council. The Members of the House can far more valuably spend their time in their offices handling constituent mail rather than sitting here acting as the District of Columbia City Council. That this Congress must deal with such questions as who can play in the police band clearly illustrates once again the futility of a system that requires Congress to sit as a municipal legislature.

Let me stress, Mr. Speaker, that I am not opposed to H.R. 2596. If this bill had come before the City Council as a municipal regulation while I was Vice Chairman of the District's City Council, I probably would have voted in favor of it. But this matter should come before a city council and not the National Legislature. Of what possible concern could it be to the people of California or Oklahoma whether a park policeman can play the tuba in the District police band? It is my hope, Mr. Speaker, that before this session is over the citizens of this colony will have self determination. Home rule for the District of Columbia would not only free the citizens of this city, but it would also free the Congress of the United States of much wasted time.