SENATE—*Tuesday, May 11, 1971*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Eternal Father, we thank Thee for life and for every moment in it. We thank Thee for moments of work and of rest, for moments of high reward and deep disappointment, for moments of joy and of sadness.

We thank Thee for the drive of daily duty, for the hidden power which keeps us at our tasks, for periods of plodding effort when success seems remote, and for those better, sudden moments of insight when all life falls into order under Thy divine guidance.

We thank Thee most of all for the luminous moments with Thee when the curtain veiling Thy reality is drawn back and we know who Thou art and what Thou wouldst teach us. Be to us our God in every moment that we fail not.

We pray for this Chamber and for all who labor in it—that the people of this land may be well served and that in serving them we may find joy.

We pray in the Great Redeemer's name. 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 11, 1971.

To the Senate:

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

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 10, 1971, be dispensed with.

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

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment.

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

EXECUTIVE SESSION

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

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

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

DEPARTMENT OF THE INTERIOR

The assistant legislative clerk read the nomination of Nathaniel Pryor Reed, of Florida, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

Mr. MANSFIELD. Mr. President, I am delighted that this nomination is before the Senate today. I anticipate that approval by the Senate will be unanimous.

I have had the pleasure of meeting Mr. Nathaniel P. Reed on a number of occasions. I am very much aware of the outstanding job he has done, in an environmental and an ecological sense, in the State of Florida.

He is credited with a major role in gaining more Federal water to preserve the Everglades National Park, which is now in a very precarious position because of the drought in that region, and in bringing about a halt to the construction of a jet airport close to the Everglades to serve Miami.

He was also instrumental in acquiring by purchase 14 new State parks and three new wilderness areas in the State of Florida.

He has served as executive assistant to Florida's Gov. Claude Kirk, Jr., and to the present Governor, Reubin Askew. He has also served as chairman of the State's Department of Air and Water Pollution Control.

I ask unanimous consent that a background sheet, as well as an article published in today's New York Times, be printed in the RECORD, and urge his approval by the Senate.

There being no objection, the background data and article were ordered to be printed in the RECORD, as follows:

NATHANIEL PRYOR REED, ASSISTANT SECRETARY FOR FISH AND WILDLIFE

Born: July 22, 1933. Son of Mr. Joseph Verner Reed of Denver, Colorado, and Greenwich, Connecticut and Permelia Pryor (Reed) of St. Louis, Missouri, and Greenwich, Connecticut.

Education: Greenwich County Day School; Public schools of Lexington, Virginia; Deerfield Academy, 1951; and Trinity College, Hartford, Connecticut, BA, 1955.

Mr. Reed served in the United States Air Force from 1955 through 1959 as a military intelligence officer. He was stationed in France and served in Europe, North Africa and the Middle East. He retired with a rank of Captain in the USAF Reserves.

In 1960 Mr. Reed returned to Hobe Sound, Florida, where he became involved in his family's real estate and hotel business. He assisted in the management of the family business around Jupiter Island Club.

Active in conservation work throughout the State, Mr. Reed centered his activities on the problems of the Everglades National Park, the estuaries and water pollution. He prepared the basic natural resource platform for Claude Kirk, Jr. and following the Governor's election became a full-time Assistant to the Governor with wide responsibility in modifying existing State programs. Mr. Reed became a member of the Florida Pollution Control Commission in 1968 and the first Chairman of the newly formed Department of Air and Water Pollution Control in 1969. The Department is credited with becoming one of the Nation's most aggressive and active pollution control agencies. Following Governor Askew's election, Mr. Reed was asked by the Governor-elect to stay on in his joint position as environmental consultant to the Governor and Chairman of the Department.

Mr. Reed is particularly proud of the effort made during the Kirk Administration to control air and water pollution, to implement a new water schedule for Everglades National Park, the establishment of Biscayne National Monument, and the position on the proposed Everglades Jet Port. Mr. Reed championed in Florida's administration the need for a major overhaul of the estuarine areas. He was intimately involved in the purchase of fourteen new State parks and three wilderness areas.

Mr. Reed is married to the former Alita Davis Weaver of Greenwich, Connecticut. They have three children: Nathaniel P., Jr.—5, Alita Pryor—4, and Adrian William—2.

An ardent sportsman, Mr. Reed is a member of the majority of conservation organizations and serves on the Board of the Lerner Marine Laboratory, a field station of the American Museum of Natural History.

His conservation memberships include:
National Audubon.
Florida Audubon.
National Wildlife Federation.
Florida Wildlife Federation.
Wilderness Society.
Nature Conservancy.
Conservation 70's.
National Parks Association.
Izaak Walton League.
Garden Clubs of America.

[From the New York Times, May 11, 1971]

NOMINEE TO GIVE UP $500,000 OIL STOCK TO GET INTERIOR POST

WASHINGTON, May 10—The Senate Interior Committee unanimously approved today the nomination of Nathaniel P. Reed as Assistant Secretary of the Interior for Fish and Wildlife and Parks after he volunteered to divest himself of $500,000 worth of oil stock.

Mr. Reed, 37 years old, of Hobe Sound, Fla., told the committee that he would dispose of the stock because "my reputation and my ability to make decisions without being accused of conflict of interest are precious to me."

Senator Henry M. Jackson, Democrat of Washington, who is chairman of the committee, said Mr. Reed had "voluntarily" agreed to dispose of 9,470 shares of the Mobil Oil Company and commended him for his action.

Mr. Reed said that he would sell $200,000 worth of the stock this week and divide $100,000 worth among his three children. In early 1972, he said, he will divest himself of the remaining stock and also liquidate other energy-type holdings. The other holdings were described as a small amount in coal.

The stock came from the sale 10 years ago of oil shale land held in Colorado by his family.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. Reed has been serving as executive assistant to Democratic Gov. Reubin Askew of Florida and chairman of the state's Department of Air and Water Pollution Control. He held the same post under former Republican Gov. Claude R. Kirk Jr.

He will succeed Dr. Leslie L. Glasgow of Louisiana, who was dismissed as Assistant Secretary after President Nixon's dismissal of Walter J. Hickel of Alaska as Secretary of the Interior.

Mr. Reed is the son of Joseph Verner Reed, financier and author of Greenwich, Conn. He served in the Air Force from 1955 to 1960 as a military intelligence officer and retired with the rank of captain in the Air Force Reserves.

He became active in conservation work upon his return to Florida to assist in the management of his family's real estate and hotel business. He is credited wtih a major role in gaining more Federal water to preserve the Everglades National Park, a halt to the construction of a jet airport close to the Everglades to serve Miami, and the purchase of 14 new state parks and three wilderness areas in the state.

Mr. SCOTT. Mr. President, I request that the clerk call the next name on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania wish to speak on the present nomination?

Mr. SCOTT. No, Mr. President.

The ACTING PRESIDENT pro tempore. If there is no further discussion on the pending nomination, the nomination is considered and confirmed.

The clerk will state the next nomination.

AMBASSADOR

The assistant legislative clerk read the nomination of E. Ross Adair, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

Mr. SCOTT. Mr. President, former Representative Adair, of Indiana, is a man of excellent qualifications, and I therefore move, Mr. President, that he be confirmed.

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

The clerk will state the next nomination.

UNITED NATIONS

The assistant legislative clerk read the nomination of 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.

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

U.S. ADVISORY COMMISSION ON INFORMATION

The assistant legislative clerk read the following nominations in the U.S. Advisory Commission on Information:

For a term expiring January 27, 1973: Frank Stanton, of New York, and Hobart Lewis, of New York, as members of the U.S. Advisory Commission on Information for the term indicated.

For a term of 3 years expiring January 27, 1974: James A. Michener, of Pennsylvania, as a member of the U.S. Advisory Commission on Information for the term indicated.

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

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service which had been placed on the Secretary's desk.

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

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

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

LET US NOW PRAISE FAMOUS MEN—COMMENTS ON THE NOMINATIONS

Mr. SCOTT. Mr. President, under the heading, "Let us now praise famous men" I wish to praise E. Ross Adair, our new Ambassador to Ethiopia, whom I have known for a long time and who, with his wife, will make excellent representatives of our country to Emperor Haile Selassie, the Lion of Judah, and the people of Ethiopia.

We are to be congratulated on his appointment.

I am also delighted to see the appointment of Mr. James Michener just confirmed on the Executive Calendar. Mr. Michener is a very prominent author and a resident of Pennsylvania. He is highly literate and quite a famous person. His appointment to the U.S. Advisory Commission on Information, as is true with respect to the other appointees, is to be applauded.

Mr. Michener was chairman of the committee for my opponent in the last election. Therefore, praise from me in this case is praise from Sir Hubert.

I am delighted to see a former leader of my opponent's committee signally honored, because he will truly be a good representative of the American people.

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

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, rather than referring to himself as Sir Hubert, I think he ought to refer to himself as St. George, because evidently the dragon has been slain—at least it was last November.

I join the Senator in what he has had to say and note also the reappointment of Frank Stanton, of New York, to the U.S. Advisory Commission on Information. I am delighted in view of recent controversies that the Senate has unanimously given its approval to this outstanding head of the CBS network.

I think he has done a remarkably efficient job under most difficult circumstances. I am sure that he will continue to do the kind of job he has done in the past in this capacity.

Mr. SCOTT. Mr. President, I thank the Senator.

Mr. President, I am also delighted to see the confirmation of the nomination of Hobart Lewis, of New York, the editor of Reader's Digest. His confirmation is also one for which we are extremely happy. He is an extremely capable and able person.

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.

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

QUORUM CALL

Mr. MANSFIELD. Mr. President, under my time, I suggest briefly 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.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and this is, of course, outside the period of the Pastore rule of germaneness, which does not begin, as I understand it, until the unfinished business is laid before the Senate—that the Senate proceed to the consideration of unobjected to items on the Calendar, beginning with Calendar No. 97.

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

REVIEW OF THE NATIONAL RAIL PASSENGER SYSTEM

The ACTING PRESIDENT pro tempore. The clerk will state the first measure.

The assistant legislative clerk read as follows:

S.J. Res. 92, to direct the National Railroad Passenger Corporation to make a study

with respect to expanding the basic national rail passenger system.

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

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

Mr. MANSFIELD. Mr. President, I call up an amendment which is now at the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 6, strike the following: "by June 30, 1971," and insert "by June 15, 1971" in lieu thereof.

Mr. MANSFIELD. Mr. President, this amendment has been cleared with all concerned, I understand. It is quite simple. It moves up to June 15, 1971, the date upon which the Rail Passenger Corporation is to report its findings concerning needed additions to the Amtrak system. That is all.

In reviewing this matter, it was reported that the proposed investigation could be accomplished in a very short period of time. It is my judgment that time is absolutely imperative when considering the lack of service to areas of this Nation that are in vital need of such service. That is the case in my part of the country, where 80 percent of the population and 80 percent of the area is now without rail transportation service except on a freight basis. This area on the old Northern Pacific route includes two veterans' hospitals and 12 or 13 institutions of higher learning in the State of Montana. It is also the case elsewhere. To move expeditiously to meet the need, my amendment would speed up the reporting date of the Corporation's study of this matter. There should be no time wasted, and I am hopeful, under the authority vested in the act which created this corporation and allowed Amtrak to go into operation, that speedy consideration will be given to expanding the present system, because the need is great and the time is near when something must and should be done to take care of the needs of the people of this country and to do so in accord with congressional intent.

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

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–95), explaining the purposes of the measure.

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

BACKGROUND

In 1970 the Congress took what has been described as a bold innovative step to rescue rail passenger service from certain extinction. The 20,000 trains of the 1920's had dwindled to about 400 trains. It was clear that government policy as represented by Interstate Commerce Commission regulation would not yield the kind of improved rail passenger system necessary to providing better balance in the country's overall transportation scheme. A revived and modernized rail service responsive to public needs and demand would require restructuring and reorganizing.

The Rail Passenger Service Act of 1970 seemed to offer an answer. It was to establish a quasi-public corporation sufficiently flexible, independent of past practices and policies, and dedicated to improving passenger travel by rail. It was to provide new management to use fresh approaches to the old problems of passenger service.

At the time of enactment, it was anticipated that some reduction in service might occur. However, it was hoped that any service reduction would be temporary, resulting from the Corporation's commencement of activity, and in any case would be balanced by improvement in the quality of service.

It was contemplated that reduction in service incident to the Corporation's commencement would generate some level of objection in the areas affected. In reality, however, the prospect of the Corporation beginning service according to its announced plans (See Appendix A) has brought tremendous criticism. The outcry has been monumental and there is much merit in the objections.

There may be several causes for the inadequacy of the Corporation's plans which would account for the outcry.

First, the Act contains very specific time requirements. For example, thirty days after enactment the Secretary of Transportation was to make a preliminary report on the basic national rail passenger system; sixty days later he was required to submit his final report; and the corporation was to begin operations on May 1, 1971 which as it turned out was 90 days thereafter—a total of 180 days after the enactment. In one important area no time strictures were imposed—that was in the naming of the incorporators; and they were not named until December. Although they were almost immediately confirmed after being nominated, the result of the delay in their nomination by the President was that they had only 120 days within which to work. (See Appendix B) Further, and perhaps as a result, the corporation did not announce its route selection until March 22, hardly thirty days before it was to begin operations.

Second, its announcement that a considerable amount of service was to be eliminated naturally created concern among those affected. The Act provides that state, regional, or local agencies may seek to have new service instituted or old service retained if the agency is ready to assume financial responsibility for at least two-thirds of any losses. But undertaking that kind of obligation may require agreements between more than one jurisdiction, it often means approval by legislative bodies, and it certainly demands some serious analysis of the support for and need for such service—these actions take time, certainly in almost every instance much more than 30 days.

Third, another cause is reflected in the very strong belief from the outset among many members of the Committee that the Act was underfunded. There are those, indeed, who conclude that the major cause of the criticism is traceable to the size of the authorization. $40 million. Additional Federal funding may have made the system more acceptable.

Finally, another ground for criticism is the Corporation's determination that the lack of available time dictates providing service through contract with railroads. As indicated above, a principal reason for establishing a quasi-public corporation was to inject fresh managerial attitudes into rail passenger transportation. But under the contracts designed by the incorporators, the Corporation will have, as a party to contract, general management responsibility The railroads will continue to have day to day operating responsibility. The Corporation will be forced to react and will not be in as good a position to propose and carry out new management ideas as it would if it had taken over direct operating responsibility.

The Committee is concerned about the Corporation's plans. It desires to respond to public sentiment on this matter.

The Committee considered, but rejected, amending the Rail Passenger Service Act of 1970 (P.L. 91–518) to postpone the date on which the Corporation would assume the duty of providing passenger service.

The Committee also considered, but rejected, increasing the Corporation's authorization to provide sufficient funds for more service. It was believed that the time available for deliberation was not adequate to permit reasoned decision on the amount, if any, of an authorization increase and in any event additional views of the Corporation should be sought.

The Committee therefore, recommends that the Corporation be directed to study ways and means for increasing the number of routes for intercity rail passenger trains and to report to Congress by a day certain, June 30, 1971, on the desirability of such increase, the specific costs involved, including detailed market characteristics, and the means of accomplishing such increase. In view of the belief of many that the Corporation might be underfunded already, the Committee recommends that $100,000 be authorized for the study.

If new legislation is needed to support routes, the Congress wants to be informed. In order to act intelligently in the framing of legislation Congress will need to know how much more assistance, if any, will be necessary, and the desirability of having new routes and/or service. To the extent possible it would be of benefit to Congress to know the kind of market available to be served or the extent of the market which could be generated by new service. Congress should also be advised in making the increase—whether, for example, new service should be initiated on a daily basis, seasonably, or otherwise.

The Corporation is encouraged to provide as much information as could be helpful to the Congress. It is the Committee's intent that the joint resolution reported herewith will make clear Congress' desire to have sufficient information available to make informed judgments with respect to operations of the Corporation.

COST OF THIS LEGISLATION

The costs of this legislation are set forth in the authorization provision of the bill. The amount authorized is $100,000.

Mr. HARTKE. Mr. President, it is important to comment on some matters relevant to the legislation under consideration and the operations to date of the National Rail Passenger Corporation. Congress must continually review this Corporation's activities independently of requiring a study and report on expanding the passenger system.

There has apparently developed within the Corporation some notion that Congress does not want to hear from it about adding or retaining service if it might mean that there would have to be a request for additional authorizations and appropriations. In the report on Senate Joint Resolution 92 we have tried to make clear that not only do we want to receive the report directed by Senate Joint Res-

olution 92 but we also want to be kept informed thereafter—a special act of Congress should not be required the next time information would be helpful to Congress. Let me say explicitly also, Congress would have been delighted to have a list of routes enumerating the cost for adding each. The argument that Congress has demonstrated that it does not want a money request from the Corporation sounds suspiciously like an argument with its genesis in the White House.

There is no question in my mind that the Corporation had complete authority to make a study identical to the one described by the joint resolution and that a report could have issued without congressional action. Congress is merely directing that the study be started now to be completed within a specific time.

Another matter of not inconsiderable moment regards the sums of money expended by the Corporation in start-up costs. On the one hand the Corporation pleads with us that it simply has insufficient funds to enlarge the passenger system. The Corporation has advised the committee that it spent over $4 million just to start up, a good portion of that—estimates are $355,000 for promotion, $600,000 for attorney's fees—went for "PR" and legal charges. The act requires that the Corporation be held to an annual accounting by independent accountants and gives the Comptroller General authority to audit. Perhaps we should have an audit before money is appropriated under the authorization contained in the resolution.

Finally a potential problem that goes to the very roots of the National Rail Passenger Act is the question of control by the Corporation over the destiny of rail passenger service. As has been said frequently recently a major reason or perhaps the major reason for establishing a corporation rather than leaving the railroads in control of the service was to bring to play managerial ideas and attitudes that for the most part are utterly foreign to rail management. I was very upset to learn that contracts entered into between the Corporation and the railroads leave the railroads actually running the trains and collecting the revenue. Furthermore, the contracts contain only vague indefinite standards and no discernible penalties for violation of the contract terms. Relying on the "good will" of the railroads to carry out the spirit and letter of the act and contracts, the Corporation advised the committee that it was sure the terms would not be violated by the railroads. That is an astounding statement. The committee and the Congress will need better answers than that.

In closing, I only want to say that matters could have been considerably more pleasant for rail passengers in this Nation after May 1 if the White House had decided to pay the slightest bit of attention to the behavior of the President's appointees to the Board of Directors. There should be no question in anyone's mind that the White House prevented the Corporation from coming forward to the Congress and laying out a request for financial aid. The directors of the Corporation like to fall back on the words "for profit" in the act as supportive of a congressional attitude opposing requests for funds. They chose to ignore the fact that Congress by including Federal assistance in the act recognized the probable inability of the Corporation to make money at least initially. There are other arguments to be made on this question, but the essential point is that the Congress would require through Senate Joint Resolution 92 action which should have been taken by the Corporation on its own motion. In the present circumstances, however, I must urge that the Senate approve Senate Joint Resolution 92.

SENATOR RANDOLPH SUPPORTS SENATE JOINT RESOLUTION 92

Mr. RANDOLPH. Mr. President, it is a privilege to express support for Senate Joint Resolution 92, directing the National Railroad Passenger Corporation to study ways and means for increasing the number of routes for intercity rail passenger trains. As Senators know, the Corporation is to report to the Congress by June 15 on the desirability of increasing the proposed rail service, the costs involved, and methods of accomplishing such increases. This is an urgently needed evaluation and I commend the Senate Commerce Committee for expediting its authorization.

When the Congress approved the Rail Passenger Service Act of 1970, it appeared that we had secured a viable solution for providing the traveling public with a modernized and revitalized rail passenger service—service which had deteriorated drastically in recent years. It was felt that the rail program authorized by the act would provide the necessary flexibility, management approaches, and financial resources for a revived rail passenger service, responsive to the needs of our citizenry.

However, the announcement of the proposed rail system has been met with substantial and reasoned objections by communities, public officials, and private citizens. There appears to be a consensus that the basic system is much too limited to provide the service necessary to initiate a new era in rail travel. It is not the system envisioned by Congress.

Along with many other Members of Congress, public officials, and citizens throughout the Nation, I am disappointed that many areas, cities, and communities will not be covered by the basic system being implemented by the National Railroad Passenger Corporation. As you know, there are six States which are not included in the rail plan. In West Virginia—which has one Amtrak route—there are two—nonincluded—routes, a C. & O.–B. & O. line across eastern and central sector and a N. & W. line in the southern portion, for which substantial evidence can be presented justifying their inclusion in Amtrak. I am confident that other States would be able to present similar justification. During discussions with Corporation officials, I found little hope that there will be additions in the foreseeable future, and I believe that under the existing program there is no hope for long-range development of additional service. I am convinced that unless there is timely action by Congress to authorize and appropriate additional funds to expand the proposed system, it is highly unlikely that the passenger service being discontinued will be restored in any appreciable degree, even with a substantial increase the funding at some later time. You are aware of the difficulties and obstacles involved in reinstating service once it has been discontinued. It is imperative that the Congress act now.

The mandate of Congress to the Railpax Corporation was to establish and operate a viable railroad passenger system for the Nation. Clearly, the Congress also intended that the rail service be a part of an integrated and balanced national transportation system in the future. I do not believe that these objectives will be achieved by the program as announced. Rather, it is my belief, with the abrupt elimination initially of 50 percent of the existing passenger service, Amtrak could be a further movement toward the total abandonment of passenger service.

As in most critical problem areas confronting our Nation, the key issue involved in the limited rail pattern under Amtrak is the level of funding. In terms of Federal grant funds, the $40 million authorization for the Secretary of Transportation to make grants is incredibly inadequate. It certainly does not reflect a realistic commitment by the Congress to the development of improved rail service. While there are provisions for loans and loan guarantees in the amount of $300 million, this source of funding, in my opinion, will not provide the assurance that is needed for Railpax to secure the new equipment and facility improvements essential to a viable passenger operation or to the expansion of service in the future. Further, the other financing provisions are of such an uncertain nature that they provide little assurance of adequate funding of the new system. In this regard a recent statement by one of the President's economic advisers is noteworthy. He states:

> As a result of representations from various sides, the initial network has just been expanded somewhat, but still the annual loss is estimated at $100 million. Unless Congress were to appropriate additional funds, a loss at this rate would exhaust the Corporation's funds within two or three years, even without the improvement in service that appears to be widely exected but for which no resources have so far been provided.

Combined with this lack of financial base, there is the seeming urgency to create a profitmaking corporation at the earliest possible date. In fact, I have sensed that the profit or self-supporting objective has become the overriding issue as opposed to the task of providing an essential public service for the traveling public. I do not see how plans for expansions in service will be considered under such conditions. The critical policy ques-

tion of of whether the new rail passenger service system should be required to be a profitmaking corporation has been brought into clearer focus since the announcements of the proposed routes. While I am not advocating a continuing Government subsidy of passenger service or nationalization of the system, I do feel that the existing financial structure and the duration do not provide the sound basis for an entirely new system of transportation in this country.

A recent editorial from the Huntington, W. Va., Herald Dispatch cogently states the case for a full-scale review of Railpax. The editorial reads in part:

Instead of restoring any part of the passenger train complex that once made it possible to get from almost any starting point to almost any destination, Railpax began by eliminating more than 100 trains. The service it inaugurates on May 1 will be so attenuated that it may collapse for lack of feeder patronage.

Even the bare bones of a system which will operate only in selected corridors, will be a severe strain on the slender financing of Railpax. The corporation was forced to start business on $40 million in Federal cash, with the privilege of borrowing another $300 million that will be guaranteed by the Government. A first year operating deficit of about $100 million seems inevitable.

David Kendall, Chairman of the Railpax board of incorporators, said last week that the new system is "probably under-funded," and that his big worry is trying to run the business "without putting this infant railway into receivership."

Out of its slender resources, Railpax is being obliged to loan the railroads money to participate in the system. More and more it looks as though the semi-private corporation was invented primarily to relieve the railroads of an unprofitable burden, rather than to assure the people of the United States of a service that was rapidly dwindling to nothing.

Right now, before disillusionment with the Railpax idea sets in, Congress should get the advice of one of the top organizations that makes feasibility surveys. On the basis of its findings, the government will most likely have to continue to subsidize Railpax for years to come.

It is not my intention to be critical. It is my desire, however, to stress the urgency of moving forward with a complete review of the proposed rail passenger service system. The resolution directing the National Railroad Passenger Corporation to study the possibilities of expanding the basic rail system will provide the basis for this review.

The ACTING PRESIDENT pro tempore. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 92), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The ACTING PRESIDENT pro tempore. Without objection, the preamble is agreed to.

The amended joint resolution, with its preamble, reads as follows:

S.J. RES. 92

Whereas the National Railroad Passenger Corporation in instituting rail passenger service on May 1, 1971, pursuant to the Rail Passenger Service Act of 1970, will greatly reduce the number of passenger trains operating in the United States; and

Whereas it is the sense of Congress that additional rail passenger routes may be needed for a truly effective intercity rail passenger system; and

Whereas the basic national rail passenger system designated by the Secretary of Transportation and the routes and service decided upon by the National Railroad Passenger Corporation for intercity rail passenger service appear to be inadequate: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Railroad Passenger Corporation shall study ways and means for increasing the number of intercity rail passenger trains in the basic national rail passenger system, and shall report to Congress by June 15, 1971, on the desirability of such increase, the routes over which such additional service should be provided, if any, the specific costs of providing such additional service, including detailed market characteristics, and the means of accomplishing such increase, including any necessary legislation.

SEC. 2. There is hereby authorized to be appropriated to the National Railroad Passenger Corporation not more than $100,000 for carrying out the provision of this joint resolution.

COTTON GINNERS REPORTS

The bill (S. 932) to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 43 of title 13, United States Code, is amended to read as follows:

"§ 43. Records and report of cotton ginners

"Every cotton ginner shall keep a record of the county or parish in which each bale of cotton ginned by him is grown and report at the completion of the ginning season, but not later than the March canvass, of each year a segregation of the total number of bales ginned by counties or parishes in which grown.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–97), explaining the purposes of the measure.

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

This bill amends the census law to provide that reports by cotton ginners as to the county in which each bale ginned is grown shall be made at the completion of the ginning season, but not later than the March canvass, rather than at the March canvass. As a practical matter, cotton gins now ordinarily make their reports at the end of their ginning operations, so that the effect of the bill would be to make the law conform to present practice.

Since the bill makes no change in present practice, the committee estimates that no costs would be incurred in carrying it out in this fiscal year or any of the five succeeding fiscal years. This is consistent with the attached statement from the Secretary of Commerce that it would be more efficient if ginners were to make their final reports as soon as they finished ginning:

THE SECRETARY OF COMMERCE,
Washington, D.C., February 11, 1971.

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

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To amend title 13, United States Code, to provide for a revision in the cotton ginning report dates" together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

(Signed) MAURICE H. STANS,
Secretary of Commerce.

MARKETING QUOTA REVIEW COMMITTEE

The bill (S. 1131) to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State was announced as next in order, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, is amended as follows:

Section 363 is amended by changing the first sentence to read: "Any farmer who is dissatisfied with his farm marketing quota may, within fifteen days after mailing to him of notice as provided in section 362, have such quota reviewed by a local review committee composed of three farmers from the State appointed by the Secretary.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–98), explaining the purposes of the measure.

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

This bill would amend the Agricultural Adjustment Act of 1938, to permit farm marketing quota review committee members to be appointed from any county in the State (instead of from only the county in which the farm subject to the quota being reviewed is located or nearby counties). The provisions of this bill were included in S. 2226, as passed by the Senate on September 24, 1969. S. 2226 was not passed by the House and did not become law.

The committee estimates that no additional costs would be incurred in carrying out the bill in the current fiscal year or any of the five succeeding fiscal years. This estimate is consistent with the estimate contained in the following letter from the Department of Agriculture, which recommends enactment of the bill.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., April 1, 1971.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your request of March 10, 1971, for a report on 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."

The Department recommends that the bill be passed.

This bill would amend section 363 of the Agricultural Adjustment Act of 1938, as amended, to authorize the Secretary to select review committeemen from any county in a State. Existing law limits the Secretary to selection of review committeemen "from the same or nearby counties." Since the adoption of this act in 1938, many changes have occurred in agriculture, so that counties which were agricultural then, are now largely urban. In addition, many of the programs have been modified so that "quotas and allotments" are now established to growers based on history. Consequently, the work load of such committees have been reduced substantially. This proposal, if enacted, would give the Secretary greater flexibility in the selection of review committee members and would result in a more objective analysis of the farmer's appeal than is now possible.

Enactment of this legislation would not require additional funds and would strengthen the review provisions authorized by the act.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

AMENDMENTS OF THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

The bill (S. 1806) to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating and other type loans, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consolidated Farmers Home Administration Act of 1961 is further amended as follows:

(1) Section 306(a)(5) is amended by striking "$4,000,000" and inserting "$10,000,000".

(2) Section 306(a)(6) is amended by striking "sewer" and inserting "waste disposal".

(3) Section 308 is amended by striking "1971" and inserting in lieu thereof "1975".

(4) Section 309(f)(1) is amended by changing "$100,000,000" to "$500,000,000".

(5) Section 309 is amended by adding at the end the following new subsection:

"(g) The assets and liabilities of, and authorizations applicable to, the Farmers Home Administration direct loan account created by section 338(c) are hereby transferred to the fund, and such account is hereby abolished. Such assets and their proceeds, including loans made out of the fund pursuant to this section, shall be subject to all the provisions of this section."

(6) Subtitle A is amended by adding at the end a new section as follows:

"SEC. 310A. Loans meeting the requirements of the Watershed Protection and Flood Prevention Act or title III of the Bankhead-Jones Farm Tenant Act may be insured, or made to be sold and insured, in accordance with and subject to sections 308 and 309, the last sentence of section 306(a)(1), and the last sentence of section 307 of this title."

(7) Section 313(1) is amended by striking "$35,000" and inserting "$50,000".

(8) Subtitle B is amended by adding at the end a new section as follows:

"SEC. 317. Loans meeting the requirements of this subtitle may be insured, or made to be sold and insured, in accordance with and subject to sections 308 and 309 and the last sentence of section 307 of this title."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-99), explaining the purposes of the measure.

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

SHORT EXPLANATION

This bill would amend the Consolidated Farmers Home Administration Act of 1961 to—

(1) Increase the maximum loan and grant under section 306 (for water or waste disposal facilities and other specified purposes) to $10 million (from $4 million);

(2) Extend the planning grant authority to all waste disposal systems (now limited to "sewer" systems);

(3) Extend the authority of the Secretary to insure loans to October 1, 1975 (from October 1, 1971);

(4) Increase the maximum amount of loans which may be made by the Secretary from the Agricultural Credit Insurance Fund and held by him at any one time for sale as insured loans to $500 million (from $100 million);

(5) Transfer the assets and liabilities of, and authorization applicable to, the direct loan account to the Agricultural Credit Insurance Fund (to permit loans made from the direct loan account to be sold as insured loans), and abolish the direct loan account;

(6) Authorize insurance of loans meeting the requirements of the Watershed Protection and Flood Prevention Act or title III of the Bankhead-Jones Farm Tenant Act;

(7) Increase the ceiling on operating loans to $50,000 (from $35,000); and

(8) Authorize insurance of operating loans (of the type now authorized to be made as direct loans).

The numbered paragraphs set out above correspond to the numbered paragraphs of the bill.

COMMITTEE CONSIDERATION

The committee's subcommittee on Agricultural Credit and Rural Electrification held hearings on S. 290 and S. 578 on March 9, 1971. These bills, which were administration requests, would have amended the act to—

(1) Authorize insured operating loans (of the type now authorized to be made as direct loans);

(2) Increase the amount of loans which may be made from the insurance fund and held by the Secretary at any one time for sale as insured loans to $300 million (from $100 million); and

(3) Transfer the assets and liabilities of, and authorization applicable to, the direct loan account to the Agricultural Credit Insurance Fund (to permit loans made from the direct loan account to be sold as insured loans), and abolish the direct loan account.

The President's Message relative to his legislative program of January 26, 1971 referred to these bills as follows:

INSURED FARM OPERATING LOANS

"This proposal would permit the Farmers Home Administration to substitute insured for direct loans to farmers up to a level of $275 million for the coming fiscal year.

"This could reduce Treasury outlays by $275 million, while leaving a Federal guarantee for the loans. It is consistent with our belief in maximum use of the private sector in achieving public purposes, and its enactment is assumed in our 1972 Budget."

The figure $275 million was not contained in the bills, but represented the amount of operating loans authorized to be made from the direct loan account in fiscal 1971 and proposed to be authorized in fiscal 1972 in the absence of enactment of the bills.

The committee's purpose in providing for insured operating loans, insured loans to watershed project sponsors, and insured resource conservation and development loans is to provide for increased and adequate credit for these purposes, and the committee expects the law to be administered in that manner. In his radio statement on agriculture on May 2, the President said:

"I am recommending that the level of farm operating loans be increased in fiscal year 1972—just as soon as the Congress enacts my proposal to allow the Farmers Home Administration to insure loans for operating expenses. . . . I am also proposing that Federal grants for small watershed projects be increased by $28 million to a level of $105 million, and that 75 new projects be authorized. I am further recommending quadrupling of loan programs to help local communities finance their share of these projects * * *"

Mr. DOLE subsequently said: Mr. President, this morning I was meeting with a group of farmers from the State of Kansas and was not able to be on the floor when S. 1806, the bill to provide more accessible funds for Farmers Administration operating loans, watersheds, and resources conservation and development projects, was passed by the Senate.

Credit is as important to the farmer of America today as the seed he plants in the ground. His money outlays in preparing the seeded, fertilizing, applying weed and insect control chemicals and harvesting are far in excess of the capital reserves of most farmers. Therefore, the farmer depends on credit as he does a tool or implement for growing or harvesting a crop. With increased costs of seed, fertilizer, tractors, and combines, the farmer's need for credit has also increased.

The Farmers Home Administration has provided direct loans to those farmers unable to obtain loans from conventional sources, but the need for more loans has not been met with comparable increases in the Federal budget for these loans.

In 1961, the Farmers Home Administration made 74,740 operating loans. In 1970 the number dropped to 46,457. In Kansas, during the same period, the number of FHA operating loans decreased from 1,299 to only 659. The budget for operating loans has ranged between $275 million to $300 million during those 10 years.

The legislation which we passed today, S. 578, which I cosponsored, will eliminate the need for capital outlay by the Government by shifting Farmers Home Administration operating loans from a direct loan basis to an insured loan basis.

The bill recognizes the increased need for expanded credit caused by a combination of increased individual farm operation and inflation by raising the maximum FHA operating loan from $35,000 to $50,000.

The bill also provides for the Agricul-

tural Insurance Fund to be utilized for making and insuring watershed loans and loans for resource conservation and development projects. The purpose of including these loans is to relieve some of the demand for direct loans and facilitate the increase in total funds available for these important rural development activities.

The farmers of Kansas and the Nation urgently need the additional financing this legislation provides, and I was pleased with the prompt, favorable action taken on this measure.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania wish to be recognized under the standing order?

Mr. SCOTT. I do.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

PUBLIC OPINION POLLS

Mr. SCOTT. Mr. President, I recently inquired of the Under Secretary of State when he was testifying before the Foreign Relations Committee as to why certain questions were not asked by poll takers. Because of the failure to ask the right questions, an impression prevails that a vast majority of the American people want a pullout from Vietnam at the end of this year regardless of the consequences.

When people were asked the simple question, "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal," indeed, they said yes by 68 to 20.

However, when they are asked, "Would you favor withdrawal of all U.S. troops by the end of 1971, even if it meant a Communist takeover of South Vietnam," the yeas are 29 and the nays are 55.

When they are asked, "Would you favor withdrawal of all U.S. troops by the end of 1971, even if it threatened the lives or safety of the U.S. POW's held by North Vietnam," there were only 11 yeas. Fifty-nine percent of the people said no.

Finally, when asked the key question, "Do you support President Nixon in his plan to end the war in Southeast Asia," the yeas were 72 and the nays 18. Ten percent of the people had no opinion.

These questions were asked at my insistence by Opinion Research after the continued repetition of what I felt were figures which, standing alone, do not give a full, fair, and complete expression of the American people.

I hope that wide publicity will be given to this poll.

Mr. President, when that eminent American literary figure and patron of the impressionist artists, Gertrude Stein, lay dying in her Paris apartment, she asked:

What is the answer?

And then she uttered her last words:

No, not what is the answer, but, what is the question?

In putting it that way, Miss Stein, even in the shadow of death, showed the kind of perception that enabled her to detect the genius of Ernest Hemingway when he was still unknown, and to recognize the contribution of the impressionists when the world of art remained purblind.

Gertrude was right in giving priority to questions instead of answers, for the answers are determined by the questions.

I ventured to predict that an entirely different view of the electorate's response of the President's handling of the war would result if the questions were cast in a different framework.

I would challenge Mr. Harris to ask the following questions in his next poll and supply the answers.

Have you seen any poll which at any time inquired whether the people of this country would have believed that the Cambodian forces, following Sihanouk's departure, would be capable of the fivefold increase through the volunteer system in their military strikes? Have you seen any poll which inquired in advance as to whether or not the Cambodians would be capable of making a strong defense of their country in their own right? Have you ever seen a poll which asked whether a 60-day or any other incursion into Cambodia would or would not be useful? Have you ever seen a poll which asks whether the American people approve or disapprove of the President's withdrawal of two-thirds of the American forces? Whether Nixon is doing better in the handling of the war than his two predecessors? Whether you would or would not favor the abandonment of the prisoners of war by the withdrawal of all troops prior to release?

It is all in the asking of the questions. Opinion Research Corp. this weekend presented a completely different viewpoint on the public's reaction to the war when more substantive questions were asked.

Here are some of the results of that survey:

First. By an overwhelming margin of 72 percent to 18 percent, the American people "support President Nixon in his plan to end the war in Southeast Asia."

Second. Support for the proposed congressional plan for pulling out all U.S. troops by December 31 almost evaporates—when the American people are confronted with the possible consequences such as jeopardy to our POW's or a Communist takeover.

Third. Well over half the American people oppose a December 31, 1971 deadline for withdrawal, if that withdrawal means a Communist takeover of South Vietnam.

Fourth. By almost 7 to 1, Americans oppose any yearend withdrawal that threatens the lives or safety of American prisoners of war.

Fifth. The earlier poll is misleading and has been grossly misinterpreted because, while the American people will support almost any plan that promises an end to the war—they clearly will support no plan that either endangers our prisoners, or threatens a Communist takeover.

I ask unanimous consent to have printed in the RECORD the results of a poll conducted by Opinion Research Corp.

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

DO THE PEOPLE REALLY FAVOR IMMEDIATE WITHDRAWAL FROM VIETNAM?

OPINION RESEARCH CORPORATION,
Washington, D.C., May 8, 1971.

PRINCETON, NEW JERSEY.—The Public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but *not* if it endangers our POW's or threatens a Communist take over, according to the latest survey conducted by Opinion Research Corporation of Princeton, N.J.

72% of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18% who do not support his plan and 10% who have no opinion. At the same time, 68% of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20% opposed this move and 12% have no opinion.

However, when various possible consequences of quick withdrawal are tested, the public is against withdrawal of all U.S. troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year *if it meant a Communist takeover of South Vietnam,* 55% said no, 29% said yes, and 16% had no opinion. Also an overwhelming majority, 75%, would not favor withdrawal by the end of 1971 *if it threatened the lives or safety of the United States POW's held by North Vietnam.*

11% of those polled would favor such a withdrawal and 14% had no opinion.

The results of this survey were obtained by nation wide telephone interviews conducted among 1,026 persons age 18 and over during the period May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Yes, 72; no, 18; and no opinion 10.

2. "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?"

Yes, 68; no, 20; and no opinion, 12.

3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist take over of South Vietnam?"

Yes, 29; no, 55; and no opinion, 16.

4. "Would you favor withdrawal of all United States troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"

Yes, 11; no, 75; and no opinion, 14.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the Senator from Alaska (Mr. GRAVEL) for not to exceed 15 minutes.

POVERTY FIGURES FROM CENSUS BUREAU

Mr. GRAVEL. Mr. President, I thank the Senator from Pennsylvania, whom I

hold in high regard, for his remarks. I noted an article in a recent edition of the Washington Post that deals with some figures that would be very interesting. It speaks of the withdrawal of troops from Vietnam and certain statistics. We had a withdrawal of another 6,300 troops last week. That leaves the level of U.S. troops at about 284,000 men.

I want to praise the President of the United States for this, because I think that is a very good act. I would hope, of course, that this would be accelerated.

I might suggest with respect to the polls that it would be very interesting and not very costly to have a poll taken in South Vietnam and ask a very simple question, that is, whether the people of South Vietnam would like our presence to continue. I think the answer to that question might be very revealing. It would also have a significent impact on the American people.

Mr. President, I have an article here that was published in the Washington Post of May 8. It was written by William Chapman. The headline is, "Poverty Up 5 Percent in 1969–70, Census Finds."I would like to discuss this article because I think it is very important.

These are not the figures of some inexpert persons. These are the actual census figures.

The article reads:

For the first time in a decade, the number of persons officially recorded as living in poverty has increased significantly.

The number considered to be "poor" increased by about 1.2 million from the beginning of 1969 to the end of 1970, the U.S. Census Bureau reported yesterday.

That would have been on May 7. I continue to read:

That increase contrasted sharply with the trend of the past decade. In every year of the 1960's U.S. statisticians have found the number of people living in poverty to be decreasing.

I think this is a fundamental statement. For that particular decade of the 1960's, poverty was on the downgrade. That suggests that our Nation was going in the right direction from an economic point of view.

I continue to read:

There had been an average annual decline of 4.9 percent during the 1960's. But between 1969 and 1970 the number living in poverty actually increased by 5.1 percent.

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

Mr. GRAVEL. I yield.

Mr. BELLMON. If I understood the Senator correctly, he read that the rate of poverty went down 4.9 percent each year for 10 years. Is that correct?

Mr. GRAVEL. No, not as I interpret the statement. I will read it again. The article states:

There had been an average annual decline of 4.9 percent during the 1960s.

The article simply states that during the 1960's there was an average annual decline of 4.9 percent.

Mr. BELLMON. In other words, during the 1960's the number of families living in poverty was reduced by 4.9 percent.

Mr. GRAVEL. It seems that way.

Mr. BELLMON. It seems to be a remarkable decline for a brief period of time. I wonder if those figures have been checked.

Mr. GRAVEL. I will place the article in the RECORD. The writer of the article is quoting the U.S. Census Bureau. I will accept the Senator's consternation with respect to a statement that there had been an average annual decline of 4.9 percent during the 1960's. I did not come into office until 1969 so I cannot take any credit legislatively. I am astounded by the progress made in that decade and by the increase that took place in 1 year in this new era of the American revolution.

Mr. BELLMON. I would like to suggest that perhaps those figures should be confirmed by the Census Bureau. The writer of the article to which the Senator has referred may have misinterpreted the figures.

Mr. GRAVEL. My colleague from Oklahoma knows the high esteem I have for him. I will be glad to give the Senator a copy of the article and he can have his staff check the matter, and if he cares to he can comment on the floor of the Senate today or tomorrow. If I am in error I will be happy to confess error.

Mr. BELLMON. I would like to have those figures checked.

Mr. GRAVEL. I will be happy to give the Senator a copy of the article so he can have the figures checked.

Mr. BELLMON. I thank the Senator.

Mr. GRAVEL. Mr. President, the article to which I have referred continues:

This meant that about 13 per cent of the American population (25.5 million people) were living on incomes less than the officially-designated level of poverty. At the beginning of the 1960s, about 22 per cent were considered to be living in poverty.

The Government has established official poverty levels for every year since 1959. For example, in 1970 any family of four persons whose income totalled less than $3,944 was considered to be living in poverty. The comparable figure for 1969 was $3,721. The scale is changed each year according to changes in the consumer price index.

Rising unemployment apparently explains most of the sudden reversal in the poverty picture.

At the start of 1969, the unemployment rate was at a low point of about 3.3 per cent, but by the end of 1970 it had risen to 6.2 per cent.

Mr. President, I think it should be noted that at the beginning of the decade of the new American revolution the unemployment rate was about 3.3 percent, but by the end of 1970 it had risen to 6.2 percent. I think in any objective analysis, without being partisan, these figures tell a tremendous story. It would not be so bad if it were not for the fact that it is a story told in broken hearts and the pain suffered by families as a result of what has happened.

The article continues:

A Nixon administration economist seeking to put the best possible face on the report, observed that the number now considered to live in poverty is far smaller than that reached during comparable periods of unemployment in the past.

Mr. President, I have a copy of the article which I am glad to hand to the Senator from Oklahoma.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article to which I have referred.

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

[From the Washington Post, May 8, 1971]

POVERTY UP 5 PERCENT IN 1969–70, CENSUS FINDS

(By William Chapman)

For the first time in a decade, the number of persons officially recorded as living in poverty has increased significantly.

The number considered to be "poor" increased by about 1.2 million from the beginning of 1969 to the end of 1970, the U.S. Census Bureau reported yesterday.

That increase contrasted sharply with the trend of the past decade. In every year of the 1960s, U.S. statisticians have found the number of people living in poverty to be decreasing.

There had been an average annual decline of 4.9 per cent during the 1960s. But between 1969 and 1970 the number living in poverty actually increased by 5.1 per cent.

This meant that about 13 per cent of the American population (25.5 million people) were living on incomes less than the officially-designated level of poverty. At the beginning of the 1960s, about 22 per cent were considered to be living in poverty.

The Government has established official poverty levels for every year since 1959. For example, in 1970 any family of four persons whose income totalled less than $3,944 was considered to be living in poverty. The comparable figure for 1969 was $3,721. The scale is changed each year according to changes in the consumer price index.

Rising unemployment apparently explains most of the sudden reversal in the poverty picture.

At the start of 1969, the unemployment rate was at a low point of about 3.3 per cent, but by the end of 1970 it had risen to 6.2 per cent.

A Nixon administration economist, seeking to put the best possible face on the report, observed that the number now considered to live in poverty is far smaller than that reached during comparable periods of unemployment in the past.

He said that with the unemployment rate at about 4.9 per cent in the mid-1960s, the number living in poverty was about 35 million. Last year, with the unemployment rate averaging about 4.9 per cent, the number living in poverty was only about 25 million, he said.

"I think that this report may show that the poverty figure is now leveling out at about 25 million people," the economist said.

He said the report also illustrated the fact that the upward trend of unemployment is not falling exclusively on the poor, but also affects middle-class technicians and engineers. Had unemployment affected only the poor, he said, the increase in the poverty population would have been much greater.

Negroes and whites were afflicted about equally by the increase in poverty from 1969 to 1970. But the poverty rate among Negroes in 1970 was about three times the white rate, reflecting the past history of gaps in income between the races.

There were also significant differences in the ages of the Negro and white poor. The white poor were more apt than the Negroes to be old. For example, about one-fifth of

the white poor are older persons, compared with only seven per cent of the black poor.

There was also an indication that poverty falls disproportionately on the rural and small-town family. The Census Bureau has discovered that about 64 per cent of all American families live in metropolitan areas. But only half the families below the poverty level live in metropolitan areas.

The Census Bureau said it would have required about $11.4 billion to raise the income of all poor families above the poverty line in 1970.

The report is based on a Census Bureau survey of consumer income last March. It compares income received during calendar years 1969 and 1970.

THE JOBLESS RATE

Mr. GRAVEL. Mr. President, although the time is too brief to deal with the matter fully, I have before me an article entitled "Jobless Rate Inched Up to 6.1 Percent in April," written by Frank C. Porter, and published in the Washington Post on May 8, 1971. I wish to read just the beginning of the article:

The government reported yesterday that unemployment edged up from 6.0 to 6.1 per cent in April, a statistically insignificant change that disapppointed Nixon administration hopes for an improved job picture.

The major conclusion to be drawn from the monthly Bureau of Labor Statistics report is that unemployment peaked out at about 6 per cent in December and has shown little change since, Prof. R. A. Gordon of the University of California at Berkeley told the Joint Economic Committee of Congress.

I find this somewhat strong and I know my colleagues will find it somewhat strong, but I am merely reading the article and I am sure that anyone who wishes to verify the figures can do so. The article continues:

Gordon accused the Nixon administration of subverting the report of a committee on unemployment statistics he headed in 1962 to justify the Labor Department's discontinuance of press briefings on the job figures two months ago.

I was not aware of this, but apparently the administration discontinued these briefings designed to provide greater information to the American public; and I think that any act that denies information to the American public denigrates our democracy since our democracy is founded on the recognition of the importance of access to information.

I continue to read from the article:

He suggested the major reason the briefings were halted was White House displeasure that the assessment of BLS technicians conflicted with optimistic statements by administration officials.

It is interesting that we would have one arm of the Government, the White House, sort of throttling the outflow of information from another agency, particularly the Bureau of Labor Statistics which only reports statistics; and it is difficult to lie about statistics.

I continue to read from the article:

"There is nothing in the report of the Gordon Committee to suggest the desirability of doing away with the technical press briefings," Gordon said. "The reverse is the case."

In lieu of the suspended briefings, Chairman William Proxmire (D–Wis.) set a hearing yesterday morning for BLS officials to amplify the report, released at 10 a.m.

Here we have a situation where they do away with official press briefings on unemployment, and when a Senate committee wants to address itself to that problem the people who could give adequate and proper testimony cannot come forward and give public information. Obviously this is thwarting the will and the purpose of Congress.

But Proxmire said he was informed that the BLS technicians would be too busy answering telephoned press queries to appear before 1 p.m.

Proxmire said the reluctance of Secretary of Labor James H. Hodgson to cooperate with the committee and Congress is "an insult which cannot and must not be tolerated."

Mr. President, I will end the reading of the article at that point. I ask unanimous consent that the entire article may be printed in the RECORD inasmuch as I feel it deals with the subject quite adequately.

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

[From the Washington Post, May 8, 1971]

JOBLESS RATE INCHED UP TO 6.1 PERCENT IN APRIL

(By Frank C. Porter)

The government reported yesterday that unemployment edged up from 6.0 to 6.1 per cent in April, a statistically insignificant change that disappointed Nixon administration hopes for an improved job picture.

The major conclusion to be drawn from the monthly Bureau of Labor Statistics report is that unemployment peaked out at about 6 per cent in December and has shown little change since Prof. R. A. Gordon of the University of California at Berkeley told the Joint Economic Committee of Congress.

Gordon accused the Nixon administration of subverting the report of a committee on unemployment statistics he headed in 1962 to justify the Labor Department's discontinuance of press briefings on the job figures two months ago.

He suggested the major reason the briefings were halted was White House displeasure that the assessment of BLS technicians conflicted with optimistic statements by administration officials.

"There is nothing in the report of the ability of doing away with the technical press briefings," Gordon said. "The reverse is the case."

In lieu of the suspended briefings, Chairman William Proxmire (D.-Wis.) set a hearing yesterday morning for BLS officials to amplify the report, released at 10 a.m.

But Proxmire said he was informed that the BLS technicians would be too busy answering telephoned press queries to appear before 1 p.m.

Proxmire said the the reluctance of Secretary of Labor James H. Hodgson to cooperate with the committee and Congress is "an insult which cannot and must not be tolerated."

"I deplore the fact that you are treating Congresss as second-class citizens in this important matter," Proxmire wrote Hodgson.

Ironically, all regular telephones at the Labor Department and the Bureau of Labor Statistics were dead yesterday because a cable was severed by subway diggers.

The department was able, however, to press two emergency phones into service.

A government source said there were about 20 calls from newsmen (Proxmire said he had been informed that seven top technicians would be needed to handle the calls).

It was understood that the bureau's top man on employment statistics and Proxmire's top choice as a witness, Harold Goldstein, handled none of the calls. After the hearing Proxmire jokingly suggested that maybe the committee could get Goldstein, assistant commissioner of labor statistics, up to testify during his lunch hour.

A partial offset to the gloomy unemployment figures came from the Commerce Department, which reported that retail sales in March rose 1.8 per cent from February and 8 per cent from the year-ago level; much of the rise, however, is attributable to inflated prices. It was the fourth straight monthly rise.

This provides "strong and mounting evidence that a major resurgence of consumer spending is under way," said Harold C. Passer, assistant secretary of commerce for economic affairs.

Also, an unofficial index compiled by Prof. Alfred J. Tella of Georgetown University that attempts to include so-called cyclically discouraged workers—receded from 6.8 to 6.7 per cent last month. Tella defines such workers as those who would be looking for jobs or in jobs during good times but who give up the hunt in bad times.

Although the overall job figures were relatively unchanged from March, there were some important shifts in components—a point Gordon made to the Joint Economic Committee in support of resuming the press briefings.

Black unemployment, for example, rose to 10 per cent for the first time since early 1964. It was 9.4 per cent in March and 8.3 per cent a year ago.

Technicians says, however, that the black unemployment rate is particularly susceptible to aberrations as the result of sampling error. Also, the black rate still remains below the historic 2-to-1 ratio to the white rate that prevailed for more than a decade ending in 1969.

One bright ray was the second straight monthly increase of six minutes in the average work week for all private payroll workers. The work week in manufacturing, however, moved down by the same amount.

Although total jobs increased more than 200,000 seasonally (largely the result of a rise in farm jobs and most of these for teenagers), there was virtually no change in payroll employment, and manufacturing jobs feel for the fourth consecutive month, to the lowest level in five years.

Actual unemployment dropped 480,000 to 4.7 million. But the decrease was nearly 100,000 less than usual for March, producing the slight rise in the seasonally adjusted unemployment rate.

Jobless rates among major groups of workers were virtually unchanged except those for blacks, women (up from 5.8 to 6.0 per cent), part-time workers (up from 8.7 to 9.4 per cent), service workers (up from 6.0 to 6.3 per cent), farm workers (down from 2.2 to 1.8 per cent) and construction workers (down from 10.9 to 9.6 percent).

Average hourly earnings for nonfarm private payroll workers rose 2 cents to $3.39 in March—an increase of 21 cents, or 6.6 per cent, from a year ago. Average weekly earnings rose 73 cents in the month to $124.75—a gain of $7.41, or 6.3 per cent, from a year earlier.

Gordon, the lone witness before Proximire's committee, said every economist with whom he has spoken about the matter has been critical of the Nixon administration for dropping the traditional briefings on employment

statistics (similar briefings on consumer prices were also abandoned).

He was sharply critical of Secretary Hodgson for claiming the 1962 Gordon Report recommended that "sharp lines should be drawn between the release of statistics and their accompanying explanations and analysis" and using this to bolster the decision to drop the briefings.

What the report actually said, Gordon explained, was that "a sharper line should be drawn between the release of the data and their accompanying explanation and analysis on the one hand and the more general type of policy-oriented comment, which is the function of official responsible for policy making, on the other."

In effect, Gordon suggested that political commentary—such as that emanating from the White House, the Council of Economic Advisers or the Treasury—should not cloud the technical analysis coming out of BLS.

Mr. GRAVEL. Mr. President, how much time do I have left?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. GRAVEL. I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Senate will proceed to the transaction of routine morning business for not to exceed 30 minutes, with speeches by Senators limited to 3 minutes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PUBLICATIONS OF THE FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting recently issued publications entitled "Typical Electric Bills, 1970," and "Sales by Producers of Natural Gas to Interstate Pipeline Companies, 1969" (with accompanying publications); 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 statement of GAO reports issued or released in April 1971 (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 more reliable data needed as a basis for providing Federal assistance to economically distressed areas, Department of Commerce and Department of Labor (with an accompanying report); to the Committee on Government Operations.

PROJECTS SELECTED FOR FUNDING

A letter from the Secretary of the Interior transmitting, pursuant to law, a list of 54 projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations, or other institutions (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED GATEWAY NATIONAL RECREATIONAL AREA

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to provide for the establishment of the Gateway National Recreational Area in the States of New York and New Jersey, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

APPOINTMENT OF U.S. MARSHALS BY THE ATTORNEY GENERAL

A letter from the Attorney General transmitting proposed legislation providing for the appointment of U.S. marshals by the Attorney General; to the Committee on the Judiciary.

REPORT OF OPINION AND FINDINGS OF FACT IN SOUTHWEST METROPOLITAN WATER AND SANITATION DISTRICT, COLORADO V. THE UNITED STATES

A letter from the Chief Commissioner, United States Court of Claims, transmitting, pursuant to law, a report of opinion and findings of fact in Southwest Metropolitan Water and Sanitation District, Colorado v. The United States, Congressional Reference Case No. 5–69, rendered May 6, 1971 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED ACT TO CONQUER CANCER

A letter from the Secretary of Health, Education, and Welfare, submitting a draft of proposed legislation to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITION

A petition was laid before the Senate and referred as indicated:

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

A letter from the Anti-Communist League of the Chinese Consolidated Benevolent Association, Los Angeles, Calif., requesting that the American Government should continue to support the Government of the Republic of China as the sole government of China; to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 1700. A bill to amend section 14(b) of the Federal Reserve Act, as amended to extend for 2 years the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury (Rept. No. 92–102).

EXECUTIVE REPORT OF A COMMITTEE

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

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs.

Norman Vickers Watson, of Florida, to be an Assistant Secretary of Housing and Urban Development.

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. LONG:

S. 1815. A bill to require that publications of statistics relating to the value of articles imported into the United States include the charges, costs, and expenses incurred in bringing such articles to the United States, and for other purposes. Referred to the Committee on Finance.

By Mr. PROUTY (for himself, Mr. AIKEN, Mr. BROOKE, Mr. COTTON, Mr. KENNEDY, Mr. MCINTYRE, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. RIBICOFF, and Mr. WEICKER):

S. 1816. A bill to authorize the importation without regard to existing quotas of fuel oil to be used for residential heating purposes in the New England States; to authorize creation of the Northeastern Regional Oil Area. Referred to the Committee on Commerce and the Committee on Finance, jointly, by unanimous consent.

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

S. 1817. A bill for the relief of Mato Cibilic. Referred to the Committee on the Judiciary.

By Mr. BAKER:

S. 1818. A bill for the relief of Henry B. Rodrigues. Referred to the Committee on the Judiciary.

By Mr. BAKER (for himself and Mr. BROCK):

S. 1819. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs. Referred to the Committee on Government Operations.

By Mr. PACKWOOD:

S. 1820. A bill authorizing the Chief of Engineers to construct certain bank protection works along the Willamette River and its tributaries. Referred to the Committee on Public Works.

By Mr. MAGNUSON:

S. 1821. A bill to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 1822. A bill to amend the Northwest Atlantic Fisheries Act of 1950, as amended, the North Pacific Fisheries Act of 1954, as amended, and for other purposes. Referred to the Committee on Commerce.

By Mr. HART:

S. 1823. A bill to amend Section 5 of the Federal Trade Commission Act. Referred to the Committee on Commerce.

By Mr. NELSON:

S. 1824. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices. Referred to the Committee on Labor and Public Welfare.

By Mr. BAYH:

S. 1825. A bill for the relief of Roberto Mejia-Zuniga and Maria-Estela Lopez de Mejia. Referred to the Committee on the Judiciary.

By Mr. JAVITS:

S. 1826. A bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain additional losses. Referred to the Committee on the Judiciary.

By Mr. CHURCH:

S. 1827. A bill to amend the Social Security Act. Payment for Extended Care and Home Health Services. Referred to the Committee on Finance.

By Mr. DOMINICK:

S. 1828. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer. Referred to the Committee on Labor and Public Welfare.

By Mr. SAXBE:

S. 1829. A bill to amend title II of the Social Security Act to increase from $70.40 to $100 the minimum monthly insurance benefit payable thereunder, to provide for the making of supplementary payments to low-income recipients of old-age or disability insurance benefits thereunder, and to increase the annual amount individuals are

permitted to earn without suffering deductions from their benefits on account of excess earnings. Referred to the Committee on Finance.

By Mr. JAVITS (for himself and Mr. PERCY):

S. 1830. A bill to amend the Budget and Accounting Act, 1921, to require that the Budget contain information with respect to revenue losses incurred and indirect expenditures made through the Federal tax system. Referred to the Committee on Government Operations.

By Mr. HRUSKA (by request):

S. 1831. A bill to provide for the appointment of United States marshals by the Attorney General. Referred to the Committee on the Judiciary.

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

S. 1832. A bill to authorize the President of the United States to declare areas of the Nation which meet certain economic and employment criteria to be Economic Disaster Areas; to extend a program of Federal aid to these areas for the relief of human suffering; and to supplement the purposes of the Public Works and Economic Development Act of 1965, as amended. Referred to the Committee on Public Works.

By Mr. HARRIS:

S. 1833. A bill to amend the wheat, feed grain, and upland cotton programs, as provided for in the Agricultural Act of 1970, in order to require the Secretary of Agriculture to make advance payments under such programs at an earlier time than required under current law. Referred to the Committee on Agriculture and Forestry.

By Mr. HUMPHREY:

S.J. Res. 94. A joint resolution providing for a White House Conference on Environment and International Law. Referred to the Committee on Foreign Relations.

By Mr. STENNIS:

S.J. Res. 95. A joint resolution relating to the authority of the President to use the Armed Forces of the United States in armed conflict. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LONG:

S. 1815. A bill to require that publications of statistics relating to the value of articles imported into the United States include the charges, costs, and expenses incurred in bringing such articles to the United States, and for other purposes. Referred to the Committee on Finance.

OFFICIALLY MISLEADING FOREIGN TRADE STATISTICS

Mr. LONG. Mr. President, several years ago, my late beloved colleague Everett McKinley Dirksen and I brought out the fact that our foreign trade statistics are fraudulent and misleading. In 1966, the Committee on Finance held a hearing on the subject, and the facts developed at this hearing substantiated our contention. Ever since the death of Senator Dirksen, I have been trying to get the Commerce Department to publish more accurate trade statistics to show our true international competitive position. At numerous hearings, I have brought this subject up to the Secretaries of Commerce and Treasury and to other officials.

These top officials understood the problem and agreed that the present statistics are misleading. However, the entrenched, faceless bureaucrats in the Federal Government who maintain their status throughout every administration, Republican or Democrat, have fought the presentation of accurate trade statistics in every way they could.

Finally, after much agonizing and dillydallying the Commerce Department agreed to publish, on a quarterly basis, statistics which would break out those exports financed under our giveaway foreign aid programs from private commercial exports, and to add a factor to our imports showing the cost of insurance and freight. However, as time passed, it was clear that this quarterly publication was completely inadequate. In the meantime, the Government's monthly trade statistics were published proclaiming our foreign trade position to be in rosy surplus. The truth is that we have had actual deficits in our foreign trade position ever since 1968 as table I shown below indicates, which I ask unanimous consent to have printed in the RECORD.

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

TABLE 1.—U.S. TRADE BALANCE, 1960–70

[In billions of dollars]

	Total exports, f.o.b. (A)	Total imports, f.o.b. (B)	Trade balance (C=A−B)	AID and Public Law 480, Government-financed exports (D)	Total exports less AID and Public Law 480, financed exports (E=A−D)	Total imports, c.i.f.[1] (F)	Merchandise trade balance (G=E−F)
1970	42.7	40.0	+2.7	1.9	40.8	44.0	−3.2
1969	37.3	36.1	+1.2	2.0	35.3	39.7	−4.4
1968	34.1	33.2	+.9	2.2	31.8	36.5	−4.7
1967	31.0	26.9	+4.1	2.5	28.5	29.6	−1.1
1966	29.5	25.6	+3.9	2.5	27.0	28.2	−1.2
1965	26.8	21.4	+5.4	2.5	24.3	23.5	+.8
1964	25.8	18.7	+7.1	2.7	23.1	20.6	+2.5
1963	22.5	17.2	+5.3	2.6	19.9	18.9	+1.0
1962	21.0	16.5	+4.5	2.3	18.7	18.2	+.5
1961	20.2	14.8	+5.4	1.9	18.3	16.3	+2.0
1960	19.6	15.1	+4.5	1.7	17.9	16.6	+1.3

[1] CIF imports are assumed to be 10 percent higher in value than f.o.b. imports in accordance with Tariff Commission study.

Source: U.S. Department of Commerce.

Mr. LONG. After many members of the Finance Committee and the Ways and Means Committee made it abundantly clear to the Secretary of Commerce that the two responsible committees of Congress were unsatisfied with the misleading trade statistics propagated on the American public by the Commerce Department, the Secretary of Commerce took the matter up with the President of the United States. This is stated in the Secretary's memorandum of December 17 which I shall later ask to be included in my remarks.

According to the Secretary's memorandum, the President directed the Secretary to implement the proposal. I repeat, the President of the United States directed the Secretary of Commerce to publish accurate import statistics. The memorandum states:

I discussed this proposal with the President, and he directed me to implement it.

Mr. President, a most extraordinary thing has occurred. Those nameless and faceless bureaucrats in the Federal Government have told the President to go fly a kite; he is wrong.

I shall ask to place in the RECORD a most extraordinary report from Mr. Shultz to Secretary Stans which states that—

A great majority of participants in the Interagency Committee on Foreign Trade Statistics expressed the view that it would be inadvisable for both statistical and conceptual reasons to calculate and publish prominently such a series on a regular basis.

In other words, Mr. President, these bureaucrats are afraid of showing the American people the true facts with respect to our foreign trade position. It is incredible to me that the President of the United States cannot get foreign trade statistics published the way he and the Congress wants them published.

The Shultz letter is full of incorrect, irrelevant, and misleading statements. For example, he states that—

With regard to the calculation of imports c.i.f., a significant part of these charges is paid to U.S. firms and therefore does not represent an international payment.

He apparently is not aware of the fact that U.S.-flag vessels carry only about 6 percent of U.S. foreign trade. Is that a significant part? The fact is we simply do not know what the costs of domestic versus foreign insurance and freight charges are because we do not have the data to make the analysis.

Then he says:

C.i.f. charges cannot be legitimately considered part of the import side of the trade balance.

This is wrong. The effect of imports on domestic economy, on American jobs, is not their value at the foreign factory or

foreign port, but their landed value in the United States.

He is obviously confusing balance of payments with balance of trade. I do not particularly care if they want to break out services in balance-of-payments accounting. I think they will find their service statistics are woefully inadequate anyway. But for balance-of-trade analysis and the impact of imports on the American economy, production, and jobs we should have c.i.f. statistics.

The letter then says that the British and French calculate their balance of payments to show freight and insurance separately. But their import figures are c.i.f. I checked the April International Monetary Fund statistics and found they continue to calculate their imports c.i.f. In fact the IMF tabulates all its import statistics c.i.f. I ask unanimous consent to have table 2 printed in the RECORD.

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

TABLE 2.—WORLD TRADE: VALUE IN MILLIONS OF DOLLARS

	Exports (fob)[1]								Imports (cif)[1]						
	1963	1964	1965	1966	1967	1968	1969	1970	1964	1965	1966	1967	1968	1969	1970
World Total	136,100	152,700	165,400	181,300	190,600	212,900	243,500	278,000	160,900	175,200	192,400	201,700	224,700	255,500	288,000
Industrial countries	95,330	107,940	118,430	130,770	137,740	155,800	179,600	208,000	110,590	120,540	134,020	141,200	159,970	184,000	211,000
United States	23,387	26,650	27,530	30,430	31,622	34,636	38,006	43,227	20,286	23,186	27,745	28,745	35,319	38,315	42,482
United Kingdom	12,220	12,785	13,722	14,676	14,379	15,346	17,515	19,363	15,949	16,103	16,651	17,694	18,959	19,956	21,643
Industrial Europe	47,490	53,760	60,230	65,900	70,260	79,690	93,740	109,240	58,860	64,370	69,930	72,130	80,220	96,500	114,500
Austria	1,326	1,446	1,600	1,684	1,809	1,989	2,412	2,857	1,683	2,100	2,328	2,309	2,496	2,825	3,549
Belgium-Luxembourg	4,840	5,601	6,394	6,832	7,032	8,164	10,032	11,600	5,930	6,502	7,182	7,176	8,333	9,964	11,900
Denmark	1,908	2,121	2,320	2,454	2,539	2,639	3,018	3,400	2,618	2,823	3,003	3,154	3,236	3,812	4,490
France	8,085	8,995	10,053	10,890	11,381	12,682	14,992	17,888	10,070	10,343	11,843	12,381	13,939	17,373	19,139
Germany	14,621	16,221	17,901	20,145	21,748	24,853	29,070	34,194	14,618	17,482	18,036	17,365	20,235	24,953	29,817
Italy	5,054	5,958	7,200	8,038	8,705	10,187	11,728	13,186	7,252	7,378	8,589	9,827	10,286	12,450	14,939
Netherlands	4,961	5,807	6,392	6,751	7,286	8,341	9,963	11,765	7,055	7,460	8,016	8,336	9,291	10,989	13,391
Norway	1,073	1,291	1,443	1,564	1,738	1,938	2,203	2,455	1,984	2,210	2,404	2,748	2,706	2,943	3,696
Sweden	3,203	3,675	3,971	4,266	4,528	4,937	5,688	6,762	3,856	4,377	4,582	4,701	5,182	5,905	7,011
Switzerland	2,417	2,647	2,960	3,275	3,498	3,968	4,627	5,135	3,610	3,697	3,944	4,129	4,513	5,285	6,551
Canada	6,779	8,067	8,494	9,988	11,033	13,158	14,390	16,861	7,554	8,713	10,170	10,966	12,482	14,250	14,526
Japan	5,453	6,674	8,452	9,777	10,442	12,973	16,002	19,379	7,994	8,175	9,530	11,672	12,997	15,035	18,889
Other developed areas	9,540	10,730	11,120	12,310	13,230	13,800	15,940	18,000	15,110	17,360	18,420	18,980	19,700	22,500	26,000
Other Europe	4,410	5,130	5,620	6,350	6,800	7,100	8,300	9,800	8,480	9,850	11,160	11,160	11,530	13,650	16,000
Finland	1,149	1,291	1,427	1,505	1,534	1,637	1,985	2,307	1,505	1,645	1,726	1,698	1,598	2,023	2,637
Greece	290	309	328	406	495	468	554	----	885	1,134	1,223	1,186	1,393	1,594	----
Iceland	94	111	129	140	97	82	108	146	131	137	159	162	138	123	157
Ireland	550	623	615	684	790	798	891	1,035	974	1,041	1,043	1,087	1,175	1,411	1,570
Malta	15	19	24	30	27	34	38	40	96	98	109	112	123	148	180
Portugal	418	516	576	620	701	732	823	946	778	924	1,023	1,059	1,039	1,232	1,556
Spain	736	955	967	1,254	1,384	1,590	1,900	2,344	2,245	3,004	3,574	3,456	3,498	4,233	4,717
Turkey	368	411	464	490	523	496	537	----	537	572	718	685	764	747	----
Yugoslavia	790	893	1,092	1,223	1,252	1,264	1,471	1,679	1,323	1,288	1,576	1,707	1,797	2,135	2,872
Australia, New Zealand, South Africa	5,130	5,600	5,500	5,960	6,420	6,690	7,630	----	6,630	7,510	7,260	7,820	8,170	8,850	----
Australia	2,788	3,038	2,978	3,158	3,478	3,526	4,221	4,771	3,313	3,765	3,636	3,913	4,382	4,558	4,800
New Zealand	910	1,074	1,007	1,076	993	1,010	1,211	1,400	961	1,043	1,095	955	895	1,003	1,120
South Africa	1,432	1,490	1,518	1,726	1,954	2,158	2,200	----	2,356	2,699	2,526	2,948	2,891	3,291	----
Less-developed areas	31,200	34,000	35,900	38,300	39,600	43,300	48,000	----	35,200	37,400	39,900	41,500	45,000	49,000	----
Latin America	9,180	9,860	10,380	11,040	11,030	11,570	12,400	----	8,580	8,840	9,720	10,130	11,180	12,100	----
Argentina	1,365	1,410	1,493	1,593	1,464	1,368	1,612	----	1,077	1,119	1,124	1,096	1,169	1,576	----
Bolivia	66	93	110	126	145	153	182	----	97	126	138	151	152	167	----
Brazil	1,406	1,430	1,595	1,741	1,654	1,881	2,311	----	1,263	1,096	1,496	1,667	2,132	2,242	----
Chile	540	624	685	877	910	941	----	----	607	604	757	727	743	----	----
Colombia	446	546	537	510	510	558	608	----	586	454	674	497	643	686	----
Costa Rica	95	114	112	136	144	171	194	----	139	178	178	191	214	245	----
Dominican Republic	174	179	126	137	156	164	184	214	221	100	185	201	226	243	306
Ecuador	148	159	180	186	200	208	183	----	152	168	164	191	229	262	----
El Salvador	154	178	189	189	207	213	202	----	191	201	220	224	214	214	----
Guatemala	154	167	187	232	204	227	262	----	202	229	207	247	247	----	----
Haiti	41	40	37	35	34	36	37	----	41	34	38	36	38	40	----
Honduras	83	95	127	143	154	179	169	----	102	122	149	165	186	184	----
Mexico	969	1,031	1,120	1,199	1,136	1,254	1,430	----	1,493	1,560	1,605	1,746	1,960	2,078	----
Nicaragua	100	118	144	138	146	157	155	----	136	160	182	204	185	177	----
Panama	60	70	79	89	93	100	120	----	181	208	235	251	266	294	----
Paraguay	40	50	57	49	48	48	51	64	40	55	59	71	73	82	76
Peru	540	666	666	763	801	865	864	----	584	745	817	833	630	604	----
Uruguay	165	179	191	186	159	179	200	----	198	150	164	170	159	197	----
Venezuela	2,629	2,703	2,744	2,713	2,886	2,857	2,892	----	1,269	1,454	1,331	1,464	1,697	1,752	----
Other Western Hemisphere	1,650	1,650	1,680	1,790	1,880	1,930	2,000	----	2,300	2,420	2,540	2,720	2,800	3,000	----
Barbados	41	35	37	40	42	43	40	----	64	68	76	77	84	97	----
Guadeloupe	38	35	38	35	32	38	34	----	79	85	93	100	102	106	----
Guyana	102	95	97	112	113	108	121	----	87	104	118	129	110	118	----
Jamaica	202	216	214	228	224	219	257	----	289	289	327	348	383	442	----
Martinique	36	29	38	45	43	40	36	----	79	91	93	106	109	128	----
Netherlands Antilles	658	630	603	592	608	599	625	----	758	721	721	776	781	808	----
Surinam	46	48	59	92	107	113	----	----	81	95	90	103	99	----	----
Trinidad and Tobago	374	408	403	429	440	472	473	----	426	477	454	417	420	483	----
Other	150	150	190	220	270	300	350	----	440	490	570	660	710	800	----

[1] The world total excludes the Soviet area countries and Cuba. Available current trade totals for these countries are shown on page following Austria country pages.

The data are identical to those given on the country pages, converted to U.S. dollars and assembled into January–December years. However, data are also given here for countries for which there are no country pages. Descriptions of the data and discussions of the problems of conversion to U.S. dollars are in the country notes. Totals include estimates for listed countries for which data are not available. The comparability of trade data over a period of years is necessarily affected by changes in political or customs area boundaries. Except as noted the data refer to the areas as they were at the period reported.

For countries reporting imports f.o.b. or exports at place of dispatch, the data in this table are adjusted to include freight and insurance. For details see the 1966/67 supplement to IFS.

Source: International Monetary Fund, International Financial Statutes, April 1971, p. 36.

Mr. LONG. On the export side, Mr. Shultz says that we should not show our foreign aid financed giveaway exports separately from private transactions because "the proposal ignores the favorable impact on the balance of payments which occurs when the dollar balances are repaid." He is obviously not familiar with our aid programs. When we sell wheat to India in exchange for Indian rupees, how does that earn us dollars? From a balance of payments point of view, we might just as well dump the wheat in the ocean. In fact, it might be cheaper since it would save us shipping expenses.

Most of our aid is long term—40-year loans at low interest. A large part of the Public Law 480 agriculture sales are for nonconvertible foreign currencies, which no one expects to ever see paid in to the U.S. Treasury. To put these transactions in the same basket as straight cash or short-term credit transactions is to completely mislead the American people as to the true state of American competitiveness.

Mr. President, this episode raises another question: Why does the Secretary of Commerce have to go on his knees to Mr. Shultz to get some statistics published, which, by statute, under section 484(e) of the Tariff Act, are under the legal jurisdiction of the Secretary of the Treasury, the Secretary of Commerce, and the Chairman of the Tariff Commis-

sion. After having received the approval of the President, why does an interagency committee have the authority to thwart the President's will on a matter he has already approved. I applaud Secretary Stans for his efforts to correct his Department's misleading statistics and for getting the President's support. It is unfortunate that an interagency committee can thwart the President's will.

To assist the Secretary and the President I intend to do what is in my power to make sure that the foreign trade statistics presented to the American people paint an accurate picture of where we stand in foreign trade. To this end, Mr. President, I am introducing a bill which had been approved last year by the Finance Committee as part of the Trade Act of 1970, which would by statute direct the publication of the statistics which the President's bureaucracy refuses to publish, even after the President has instructed and directed that they be published.

I ask unanimous consent to have printed in the RECORD the correspondence between Mr. Shultz and Mr. Stans on this subject, which tells an incredible tale of how the nameless and faceless bureaucrats are able to thwart the will of the President of the United States, and also a news report from the Journal of Commerce describing the affair.

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

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., December 30, 1970.

MEMBERS OF INTERAGENCY COMMITTEE ON FOREIGN TRADE STATISTICS—NOTICE OF MEETING

Time: *Monday, January 11, 1971, 2:30 p.m.*
Place: *Room 10104,* New Executive Office Building.
Subjects to be considered:

1. Proposal by Department of Commerce on the reporting of Merchandise Export and Import Data presented in attached memorandum, December 17, 1970, from the Secretary of Commerce to the Director, Office of Management and Budget.

Reference to related data currently published:

FT 990 (Census September, 1970), Special Announcements section, p. III, data on c.i.f. values of imports, and federally assisted exports.

Survey of Current Business, Table 4 of quarterly balance of payments articles published in issue dated last month of each quarter.

2. Plans of Census Bureau to update factors used to estimate low-value shipments for which Shippers' Export Declarations are not required.

PAUL F. KRUEGER,
Chairman, Interagency Committee on Foreign Trade Statistics.

THE SECRETARY OF COMMERCE,
Washington, D.C., December 17, 1970.

Memorandum for: The Honorable George P. Shultz, Director, Office of Management and Budget.

Subject: Reporting Merchandise Export and Import Data.

In response to a request from the Senate Finance Committee, I am hereby proposing that the Department of Commerce report monthly and annual merchandise export and import totals on a new basis, as well as continuing the present basis of reporting. The new series to be reported are total "commercial" exports and total "CIF" imports.

I discussed this proposal with the President, and he directed me to implement it.

We plan to derive the monthly "commercial" export total by deducting from the present total export value: (1) actual military-grant-aid shipments, (2) the estimated value of exports financed under Public Law 480 and (3) the estimated value of exports financed by the Agency for International Development under the Foreign Assistance Act. These two estimated values would be provided by the Department of Agriculture and the Agency for International Development, respectively.

At present, AID compiles data semi-annually on exports financed under the Foreign Assistance Act and makes them available only after a considerable time lag. Agriculture prepares quarterly figures on exports financed under the P.L. 480 program, with a lag of about three months. As the compiling agencies, AID and Agriculture should be requested to make the up-to-date monthly estimates that will be necessary to adjust exports to the new basis. These estimates will be needed by the Foreign Trade Division of the Bureau of the Census no later than three weeks after the end of each month. In addition to these estimates, both agencies should be requested to develop more current actual data on these shipments.

In making this adjustment, we have not deducted exports financed by Export-Import Bank loans, because these exports are almost always sold in regular commercial transactions and because the loans are usually short-term. In brief, despite financing aid, these exports are in every sense of the word "commercial."

The current monthly c.i.f. import totals would be calculated by applying to the regular total import value the estimated c.i.f. factor for the most recent calendar year covered by the annual sample survey of c.i.f. import values. (The latest sample survey of c.i.f. import values covered transactions for 1968. C.i.f. values for the sample items were found to be 6.3% higher than the values for the same items as reflected in the regular Census import statistics. A sample study of the 1969 import transactions is now underway and should be completed within the next few months.)

Corresponding data for both imports and exports are being prepared on an annual basis for prior years back to 1947. For exports this will involve deducting actual shipments recorded under Lend-Lease, UNRRA, the Department of Army Civilian Supply, Incentive Materials, and International Refugee Organization Programs and military-grant-aid, as well as the estimated value of exports financed under P.L. 480 and by the Agency for International Development and its predecessor agencies.

For imports, the estimated annual c.i.f. totals will be calculated by adjusting the regular import total as follows:

(1) The 1968 and 1969 total import values will be multiplied by 1.063, the c.i.f. factor estimated from the 1968 import transactions.

(2) The 1967 import total will be multiplied by 1.069, the c.i.f. factor estimated from 1967 transactions.

(3) The import totals for 1947 through 1966 will be multiplied by 1.083, the c.i.f. factor estimated from 1966 transactions. (1966 was the first year for which a sample survey was made of c.i.f. import values.)

Obviously, there are shortcomings in this way of developing "commercial" export and c.i.f. import data. Aside from the acute timing problem, however, it would seem that the costs and difficulties involved in attempting to obtain precise data would far outweigh any improvement in their usefulness.

Our proposed procedure and timing for the new trade data are as follows:

1. The Assistant Secretary of Commerce for Economic Affairs will issue a monthly release containing total merchandise exports on the present basis and on the new basis, showing the trade balance on each basis and giving equal prominence to the trade balance on each basis.

2. The data on the new basis will be prepared by the Foreign Trade Division of the Bureau of the Census, as are the data on the present basis.

3. The issuance of the data on the new basis will begin at the end of January 1971, when data for December 1970 and for the entire year 1970 are first available.

4. The Bureau of the Census will continue to issue detailed monthly data on exports and imports but will not calculate a trade balance.

MAURICE H. STANS,
Secretary of Commerce.

Hon. MAURICE H. STANS,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: We have given careful consideration to your memorandum proposing the publication of a new trade balance. The proposal, presented to our Interagency Committee on Foreign Trade Statistics, was that a monthly balance be calculated by subtracting imports c.i.f. from non-Government assisted exports. A great majority of participants expressed the view that it would be inadvisable for both statistical and conceptual reasons to calculate and publish prominently such a series on a regular basis. My staff supports this view, and I concur in their judgment.

With regard to the calculation of imports c.i.f., a significant part of these charges is paid to U.S. firms and therefore does not represent an international payment. Furthermore, insurance and freight are properly classified under services, not trade. Hence, c.i.f. charges cannot be legitimately considered part of the import side of the trade balance. In this connection, it should be noted that last November the British, and only weeks ago the French announced the discontinuance of the balance figures they have been publishing based on c.i.f. valued imports. Their published commodity balances will now be based on f.o.b. values, with freight and insurance being reflected in the services portion of the balance of payments accounts.

Insofar as exports are concerned, the proposal to subtract those which are federally assisted implies that if this assistance had not been available our total exports would be correspondingly less. While there would be some reduction in exports, this implication is incorrect. The proposal also ignores the favorable impact on the balance of payments which occurs when the dollar balances are repaid. In our view, the trade balance should pressure the net transfer of real goods irrespective of the sources of financing.

Annual estimates of imports c.i.f. are published by the Census Bureau for major commodity groups and for major exporting countries. Those data are useful in analysing landed prices of foreign goods and after taking account of tariffs, the import component of the supply of goods to domestic markets. The techniques involving these annual compilations cannot, however, legitimately be used to prepare similar figures monthly.

While we cannot agree with the proposal to publish monthly this additional set of exports and import figures, and the balance derived from this comparison, we do see ways in which you could improve the presentation of trade statistics that fit into your approach, and we would encourage you to proceed along these lines.

Like you, we recognize limitations in the monthly trade balance data now published by the Department of Commerce. We understand that work is now being done in the Department on the preparation of a new monthly balance, following balance of payments concepts, with a view to publication later this year. The definition underlying this balance is generally recognized as the best for balance of payments analyses and trade policy considerations, and is accepted for these purposes in international forums.

When this new balance becomes available, it would be desirable to consider substituting it for the monthly balance now published based on Census data.

Your efforts in this direction would be strengthened by improvement and expansion in data collection in order to provide better information both for the work referred to above and for other analytical uses. For example, consideration should be given to improving the quality of valuation data now being collected. More frequent information on transportation and insurance costs associated also be useful.

Finally, it would probably contribute to better public understanding of the international trade situation if you would undertake a more comprehensive compilation of foreign trade data which would include some information of the type contained in your proposal. I would think that a presentation could be developed which, with analysis and interpretation, would be more effective and useful than either the routine monthly publication envisaged in your proposal, or the present publication of quarterly data on Federally assisted exports and annual data on c.i.f. valued imports. In addition to periodic publication in articles, you and your staff could use such data in speeches and other public statements.

Members of my staff will be glad to assist in the development of these alternative approaches.

Sincerely,

GEORGE P. SHULTZ,
Director.

NIXON VOTES NEW WAY TO REPORT TRADE BALANCE

(By Richard Lawrence)

WASHINGTON, April 25.—President Nixon reportedly has approved a new way of reporting the U.S. trade balance—it would show the country as scoring deficits rather than surpluses—but top aides are balking.

They are said to fear that the new procedure would only serve protectionist causes.

The issue is basically whether the U.S. should report its monthly foreign trade position the way most other nations report theirs by counting imports on a c.i.f. (cost insurance freight) basis.

The U.S. tabulates its imports in a way much closer to an f.o.b. basis, where only the value of the product in the country of export is counted. Freight and insurance charges are excluded.

The difference is that U.S. imports probably total 6 per cent more using c.i.f. statistics. Last year, for example, the U.S. would have just missed a trade deficit, had the c.i.f. standard been used.

Instead, the Commerce Department reported that last year the U.S. reaped a $2.7 billion surplus.

For more than four years, the Senate Finance Committee and particularly its chairman, Sen. Russell Long, D-La., has been urging the executive branch to report the c.i.f. import totals, for a better comparison with the trade balances of other major nations.

The committee is not asking that the present import tabulating system be scrapped. It only wants the c.i.f. data to be also reported monthly by the Commerce Department.

It further suggests that the department separate foreign shipments from the U.S. export total. That way, it says, a more "realistic picture of our true competitive position" may be had.

By deducting foreign aid exports, while reporting imports on a c.i.f. basis, the U.S. trade balance these days would be deep in deficit.

The Commerce Department, for a long time reluctant to carry out the committee's urgings, now is willing to do so. Meanwhile, it has been printing c.i.f. estimates and foreign aid exports in an obscure quarterly statistical publication, as a gesture to the senators.

The department's change of attitude appears to stem from the committee's continuing demand for the monthly data and the department's own growing concern about rising imports.

In a recent letter to Committee Chairman Long, Commerce Secretary Maurice Stans said he had raised the issue with President Nixon and that the President had agreed to the committee's request.

NO ACTION TAKEN

But no action has since been taken, and none seems imminent. The reason, insiders say, is that Budget Director George Shultz is resisting a procedure that would put the already shaky U.S. trade position in a worse light.

The Budget Office is involved since collecting the additional c.i.f. data probably would mean additional customs expenses.

The Senate Finance Committee, however, is likely to take matters into its own hands, if the administration keeps refusing to act. Last year, it appended to the trade bill a requirement that the Commerce Department report c.i.f. imports and separate foreign aid exports.

The trade bill died, but the committee may tie the requirement onto another measure this year. The full Senate can be expected to approve, and there seems to be a good chance that the House would then go along to force the administration to report what many say is the "real" American trade balance.

Mr. LONG. I also ask unanimous consent to include in the RECORD a statement I made on this subject on September 17, 1970, together with materials submitted at that time. This should put into perspective in one place in the RECORD a full explanation of the fraudulent and misleading trade statistics which have been sold to the U.S. public.

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

OFFICIAL MISSTATEMENTS ABOUT OUR REAL FOREIGN TRADE POSITION

Mr. LONG. Mr. President, the International Monetary Fund has recently issued a report warning against the consequences of prolonged U.S. balance-of-payments deficits. We have been running deficits in our balance of payments in every year since 1950 with the exceptions of 1957 and 1967.

For the first half of 1970 the balance-of-payments deficit, under the traditional basis of measurement, was running at an annual rate of $6 billion. On another basis of measurement—the so-called official settlement method—the balance-of-payments deficit for the first half of this year was running at an annual rate of $9 billion.

One of the major problems we face in searching for solutions to our balance-of-payments problem is misleading information on our balance of trade.

The Department of Commerce has recently issued monthly trade statistics which have been widely reported by the press as showing "a booming surplus" of exports over imports, "running at an annual rate of more than $5 billion" for June and July. It has been suggested that this so-called surplus indicates that the country would be better off without the major trade legislation awaiting House action that would impose mandatory import quotas on textiles and shoes, and facilitate import limitations on other products. To cite 2 months' statistics as evidence of a basic reversal in our trade position is grasping at straws. It is a classic example of how misleading facts create erroneous conclusions.

The Department of Commerce statistics give a false impression that this country enjoys a highly favorable balance of trade when, in fact, if our trade balance were accurately tabulated, it would show an unfavorable balance of trade.

For too long the public has been misled into believing that we have a "favorable balance of trade." The proponents of our "one way free trade philosophy" have argued that our trade negotiations have been an unmitigated success since they have resulted in a "favorable balance of trade." Even our negotiators have put themselves at a disadvantage by using our misleading statistics and providing their negotiating counterparts with the ammunition to destroy our negotiating position. All the foreign negotiator has to do is read back the statements of our negotiators about how favorable our trade picture is, and how if we do anything here to protect our industries, they—the foreigners—will retaliate, and our negotiating position is destroyed. If you read back to a man his own words it is hard for him to repudiate the thought behind them.

So here are our own negotiators using misleading trade statistics, misleading Congress, misleading the American public, misleading the world, and defeating their own objectives in representing American interests.

All foreign countries have to do is read back to them their own false statements which they make. Those false statements are picked up and published in the New York Times, which is probably the only American newspaper that diplomats in foreign governments usually read, and they cannot understand why the United States is trying to save some domestic interests, when our national policy requires it.

In past years—during the first half of the sixties—our misleading statistics indicated that our balance of trade was in surplus by $5 to $7 billion. In more recent years, since 1967, this so-called surplus has dwindled to a rate of about $1 billion. So, even under the most rosy method of calculation, the balance of trade has deteriorated sharply over the last 4 or 5 years.

But, Mr. President, this is not the whole story. Those official figures belie the fact that our balance of trade was never as favorable as the official figures would suggest, and that we have a large net deficit on commercial exports and imports.

Under the traditional methods of calculating our trade balance, our exports include foreign aid giveaways which do not earn a penny of foreign exchange for the United States. When we give wheat or corn away to India, for example, the farmer receives his money from the U.S. Government, not from the Indian Government. The American taxpayer pays for the wheat, not the Indian Government. As far as our balance of trade is concerned, we just as well might be dumping it into the ocean. In fact, we would save money, because we would save the ocean freight.

On the import side of the equation we do not include the cost of insurance and freight in computing imports, even though most other countries in the world, the United Nations, and the International Monetary Fund calculate imports on a c.i.f. basis. The Tariff Commission has done some calculations showing that if you computed our imports, on the same basis that most other countries compute their imports, it would increase our import value by 10 percent.

So, Mr. President, if we deduct the foreign giveaways from our exports and calculate our imports the same way that most foreign countries do, instead of having a $1.4 billion balance-of-trade surplus—last year—in 1969, we would have about $4.4 billion balance-of-trade deficit. In other words, the statistics overstate our position by more than $5 billion.

Let us look at what has happened in 1970. Our exports are reported to total $24.9 billion for the period January through July. If we subtract the foreign aid giveaways, the net figure would be about $23.4 billion. Our imports, f.o.b., were running at $22.9 billion

and, if we add the c.i.f. factor of 10 percent, this would increase to $25.2 billion, leaving us with a net unfavorable balance of trade of $2.3 billion. So, what is widely reported in the press as "a booming surplus" actually turns out to be a blooming deficit.

Let us look at the July data which is being widely circulated as evidence that we do not need the major trade legislation just about to pass the House. The Department of Commerce statistics show exports of $3,683 million and imports of $3,242 million for a net "surplus" of $441 million. Some analysts multiply this by 12 and say we are running a surplus of over $5 billion.

Now let us see what happens if we revise these misleading figures. Take out the foreign aid giveaways and our exports drop some $200 million to $3,483 million; add the c.i.f. factor and our import bill for July increase by some $324 million to some $3,566 million, leaving us with a net deficit of $83 million for July. If we then multiplied that by 12 we could say our balance of trade is running in deficit by $996 million. Not a $5 billion annualized surplus, Mr. President, a $996 million annualized deficit for that month on that basis of calculation; and that is the best month so far this year.

I am not going to elaborate on the fact that what has been hailed as a big export surplus in June or July, occurred at a time of domestic recession, growing unemployment, and huge balance-of-payments deficits. If we need a domestic recession to create a phony trade surplus is that any cause for rejoicing about our competitive position? It is suffice to say that the trade statistics currently published are a misleading indicator of the competitive position of this country in world markets and they should be changed to more accurately reflect our true competitive position.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart which shows how completely misleading are the figures offered by the American negotiators to their own Government.

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

BALANCE OF TRADE, 1960-69

[In billions of dollars]

	Total exports (1)	Less Government financed exports (2)	Commercial exports (3)=(1)−(2)	Total imports f.o.b. (4)	Estimated imports c.i.f. [1] (5)	Overall balance (6)=(1)−(4)	Commercial balance (7)=(3)−(5)
1969	37.4	2.2	35.2	36.0	39.6	+1.4	−4.4
1968	33.0	2.9	30.1	32.0	35.2	+1.0	−5.1
1967	39.9	2.8	28.1	26.8	29.5	+4.1	−1.4
1966	29.4	2.7	26.7	25.6	28.2	+3.8	−1.5
1965	26.7	2.6	24.1	21.4	23.5	+5.3	+0.6
1964	25.7	2.8	22.9	18.7	20.6	+7.0	+2.3
1963	22.4	2.6	19.8	17.1	18.6	+5.3	+1.2
1962	21.0	2.1	18.9	16.4	18.0	+4.6	+0.9
1961	20.2	1.7	18.5	14.5	16.0	+5.7	+2.5
1960	19.6	1.6	18.0	14.7	16.2	+4.9	+1.8

[1] Imports including the cost of insurance and freight.

Source: Survey of Current Business.

Mr. LONG. I ask unanimous consent that another chart, showing the July trade figures before and after adjustment and also a statement of the American Federation of Labor, which has changed its position on foreign trade because it has been forced to conclude that what I am saying here is right, as well as for other reasons that are equally cogent, be printed in the RECORD at this point.

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

July trade data

[Dollars in millions]

Traditional method of measurement:	
Exports	$3,683
Imports	3,242
Balance	+441
Revised methods of calculation:	
Exports [1]	3,483
Imports [2]	3,566
Balance	−83

[1] Government-financed exports estimated at $200 million ($95 million P.L. 480; $105 million AID).

[2] Imports calculated on c.i.f. by Tariff Commission +IMF (10 percent difference).

THE EXPORT OF AMERICAN JOBS

(By Andrew J. Biemiller)

The United States position in world trade deteriorated in the 1960s, with adverse impacts on American workers, communities and industries. The deterioration continues in the 1970s, with further displacement of U.S. production and loss of American jobs.

The basic causes are major changes in world economic relationships during the past 25 years, which accelerated in the 1960s. Among these changes are the spread of government-managed national economies, the internationalization of technology, the skyrocketing rise of investments of U.S. companies in foreign subsidiaries and the mushrooming growth of the U.S.-based multi-national corporations.

U.S. government policies and doctrines, which were developed to meet world economic conditions of the 1930s and 1940s, are utterly unrealistic today. Moreover they contribute to undermining the U.S. economic position in the world. Their continuation in the 1970s spells further losses for U.S. production and employment.

Solution cannot await additional long-range studies. Action must start now. Workers, whose jobs are at stake—from a rising tide of imports, frequently produced with modern technology at wages 50%–90% below U.S. levels—must not be told to wait another year or two or three for the findings of yet another study, while the displacement of U.S. production and export of American job accelerates.

Changes in world economic relationships have made two old concepts—"free trade" and "protectionism"—outdated and increasingly irrelevant. U.S. government policy must face up squarely to the increasing export of American technology and jobs by U.S. companies for their own private advantage. U.S. government policy must also face up to the reality that foreign governments directly and indirectly bar imports from the U.S., while they spur exports to the huge American market.

A thorough revision of U.S. government posture and policies, in the related areas of international trade and investment, is required. The AFL–CIO urges this committee to initiate the legislation needed to enable America to meet the economic realities of the world of the 1970s—for the orderly expansion of world trade, on a reciprocal basis, and the improvement of the U.S. trade position in the interest of the American people.

The U.S. ranks first among nations in world trade. But this rating is essentially based on the huge size of the American economy. In terms of the share of world trade, the U.S. position has been declining throughout the post-World War II period. This decline continued even after the war-ravaged economies of other industrial nations returned to world markets, and it continues at a more rapid rate today.

While U.S. exports continued to increase—although at a much slower pace than that of most other industrial countries—imports also rose throughout the past 25 years. In most of the latter 1960, imports rose much faster than exports. Imports also increased faster than their share of the total national output of goods (excluding services and structures)—from 5.8% in 1960 to approximately 8% in 1969. For many specific industries and products, the impact is much greater than 8%.

Since imports rose much faster than exports during most of the latter 1960s, the reported merchandise trade surplus dropped from about $5 billion in the early 1960s and $7.1 billion in 1964 to $800 million in 1968 and $1.3 billion in 1969. If government-financed AID and PL 480 shipments are excluded from the reported volume of merchandise exports, the U.S. had trade deficits in both 1968 and 1969.

The U.S. trade position has been worsening in composition, as well as volume, with imports of manufactured goods—parts and components, as well as finished products—rising most rapidly.

By 1968 and 1969, the U.S. had become a net importer of steel, autos, trucks and parts, as well as such products as clothing, footwear and glass. A flood of shoe imports absorbed the entire expansion of U.S. domestic shoe sales in the 1960s. Even in electrical and non-electrical machinery, exports increased less rapidly than imports, with clear signs of danger for the period ahead. In consumer electrical products, imports took over major parts of the U.S. market in recent years.

From 1960 to 1969, exports of manufactured goods doubled. But imports of such goods tripled. Imports of finished manufactured goods rose from about 35% of all imports in 1961 to over half of all imports in 1969. In the latter year, when imports generally rose about 8.7%, imports of finished manufactured goods soared 18%.

During the 1960s, the expansion of manufactured exports was strongest in products which are based on advanced technology, such as computers, jet aircraft, control instruments and some organic chemicals. Such industries are generally capital-intensive, with relatively few production and maintenance workers for each dollar of production

The expansion of exports of most products was hampered by barriers of foreign governments by the sharply increasing operations of foreign subsidiaries and other foreign affiliates of U.S. companies.

Detailed information on the job impact of imports is not available. There are some jobs involved in the transportation and distribution of imports. However, there are job losses due to imports that compete with U.S.-made products. Moreover, the labor-intensive nature of much of the great import-expansion of the 1960s has caused significant losses of job opportunities, particularly for semi-skilled and unskilled production workers—at a time when such job opportunities were sorely needed. And the shift of imports to relatively sophisticated products has also caused the loss of skilled industrial jobs.

An indication of the deterioration of the U.S. trade position and related job-losses can be found in the substantial change in the competitive nature of imports. In the 1950s, according to foreign trade experts, only about 30%–40% of imports were considered competitive with U.S.-made products. By 1966, according to a report by Secretary Shultz to the Joint Economic Committee of Congress, about 74% of the much greater volume of imports were "nearly competitive with domestic products." About 13% of imports in 1966, were products not produced in the U.S. and another 13% were goods "produced in the U.S. but in short supply," according to Secretary Shultz. Between the 1950s and the latter 1960s, the total volume of imports increased sharply and competitive imports, as a share of the rapidly rising total volume, approximately doubled.

Temporary factors in the 1960s can explain only part of the deterioration of the U.S. trade position. The rising price level in the U.S. since 1965 and the boom of business investment in new plants and machines undoubtedly contributed to the sharp rise of imports and the deterioration of the U.S. position.

But there are basic, underlying causes of the deterioration of the U.S. trade position. Temporary factors—the rising U.S. price level, the business investment boom and the Vietnam war—merely aggravated them.

The Chase-Manhattan Bank Newsletter for June 1969 predicted a further slippage of the U.S. share of world trade by 1973. Moreover, it predicts a slower rise of exports of "technologically advanced products," while imports of such products are expected to continue to increase rather rapidly. "Thus," states the bank newsletter, "prospects for an improved U.S. trade balance remain dim."

NEW DEVELOPMENTS IN THE 1950'S

Among the major changes in world economic relationships during the past 25 years, which accelerated in the 1960s, have been the following:

1. By the latter 1950s, the war-shattered economies of Germany, Japan, etc., were revived, with newly installed plant and equipment and increasing strength in world trade. Some effects of such American-aided revival of the war-ravaged economies on the U.S. trade position were to be expected. But these effects have not stabilized. The U.S. share of world exports of manufactured goods continued to decline in both the 1950s and 1960s.

However, the desired revival of these war-ravaged economies, in itself, can hardly be the reason for the deterioration of the U.S. position.

2. In the 1960s, another development was the emergence of trading blocs, such as the European Common Market, with its inward-looking, protectionist tendencies.

The Common Market countries have greatly expanded their world trade. As a bloc, the Common Market is now the world's greatest exporter. Yet these Common Market countries maintain barriers to U.S. exports and many of these barriers have been imposed in the past 10 years—despite U.S.-aided economic revival and increasing prowess in world trade.

These major trading nations have not significantly readjusted their trade arrangements—after achieving great export strength—to provide equitable, two-way arrangements with the U.S.

3. In the past 25 years, there has been the spread of managed national economies—with varying degrees of government management, regulation and control over economic activities, including foreign trade and investment. The U.S. is now confronted by complex governmental economic arrangements in other countries to spur exports (direct and indirect subsidies, etc.) and to bar or hold down imports (direct and indirect barriers). Examples include numerous Japanese quotas on imports, the German border tax and the Mexican border problem.

The Federal Reserve Bulletin of April 1968 reported that "some goods in which the U.S. competitive advantage is large are not freely admitted to some foreign markets. They are subject to quotas, usually stringent health and technical standards, equalization levels and other special import taxes, marketing ageements, and mixing requirements whereby stipulated amounts of local products must be used. Such restrictions have limited U.S. exports of wheat and other grains, tobacco, poultry and some agricultural products; and also coal and a wide range of manufactured products, including computers, autos, heavy electrical equipment, drugs and fabrics."

4. The internationalization of technology has been reducing or eliminating the former U.S. productivity lead in many industries and product lines.

In many products, the lead in technology and productivity, which enabled high-wage U.S. industries to compete successfully in world markets, even against low-wage competition, has been reduced or eliminated.

Deputy Undersecretary of Labor George Hildebrand explained to the National Foreign Trade Council's Labor Affairs Committee in September 1969: "It has often been assumed that high U.S. wages and better working conditions were largely offset by high U.S. productivity and a strong internal market. Increasingly, however, the spread of skills and technology, licensing arrangements and heavy investment in new and efficient facilities in foreign lands have all served to increase foreign productivity without comparable increases in wages."

Much of the U.S. technology, which has rapidly skipped over national boundary lines, has been developed with U.S. government expenditures, at the expense of American taxpayers.

5. The sharp rise of foreign investments of U.S. firms in foreign subsidiaries—accompanied by licensing arrangements, patent agreements, joint ventures, etc., of U.S. companies with foreign firms—has contributed substantially to the internationalization of technology and its deteriorating effects on the U.S. trade position.

It is estimated that in the past 25 years, U.S. firms established about 8,000 foreign subsidiaries, mostly in manufacturing.

Direct investments of U.S. firms in foreign subsidiaries, plants and other facilities soared from $3.8 billion in 1960 to $10.6 billion in 1969 and an estimated $12.7 billion in 1970—partly financed by outflows of U.S. capital, partly by plowed-back profits and depreciation of foreign subsidiaries and partly by foreign-raised capital. The outflows of private U.S. capital that have financed part of these soaring investments have been a major factor in U.S. balance of payments problems.

Foreign subsidiaries of U.S. firms and foreign companies using U.S. license, patents, etc. with U.S. technology—and, thereby, with productivity levels that are close to those in similar U.S. plants—can take maximum advantage of lower wage- and fringe-benefit costs and produce goods at lower unit costs. Many such foreign subsidiary plants operating with American technology and know-how, pay workers as little as 15 cents an hour.

This development has displaced U.S. production. It has meant the export of American jobs to subsidiary plants of American companies in foreign countries. It has resulted in the loss of exports to third-country markets. It has meant a growing tide of imports from foreign subsidiaries into the U.S. American workers have been the losers.

6. The rapid spread of U.S.-based multinational corporations—firms with plants, offices, sales agencies, licensing arrangements, etc., in as many as 40 or more countries—is a new factor of growing importance in the deteriorating U.S. position in world trade. They can manipulate the location of operations, depending on labor costs, taxes and foreign exchange rates. They can juggle exports, imports, prices, dividends, from one country to another within the same corporate structure.

Multi-national companies attempt to use a systems approach to global production, distribution and sales. With plants and other facilities spread through numerous countries, multinational firms can and do juggle the production of components and assembly operations, license and patent agreements, distribution and shipping and sales arrangements to maximize the gains of the firm. What finally shows up as U.S. exports and imports is, to an increasing degree, the result of intra-corporate decisions, made by the private managers of U.S.-based international companies for the private advantage of the firm.

A multi-national corporation can produce components in widely separated plants in Korea, Taiwan and the U.S. assemble the product in a plant in Mexico and sell the goods in the U.S.—with a U.S.-brand name.

Moreover, when such goods are sold in the American market, they are sold at American prices. So the American worker loses his job and the American consumer pays the same price or close to it. The beneficiaries are the U.S.-based multi-national companies.

The fact that other nations have high, and often prohibitive, barriers to U.S. exports, while the U.S. is a relatively open market for industrial goods, means that U.S.-based multi-national companies can have relatively free rein both abroad and at home, while U.S. workers' jobs, incomes and communities pay the price. No wonder that spokesmen for multi-national corporations usually advocate a free trade policy for the U.S.—freedom to manipulate operations, prices, sales profits, etc., and to ship back whatever they wish, for sale in the U.S. market—for the benefit of the managers and stockholders of the corporation, regardless of adverse impacts on American workers, communities and the nation.

The claims of multi-national corporations that foreign investments always help to boost U.S. exports is not true. A study by the Department of Commerce, reported in the Survey of Current Business, May 1969, stated: "The great majority of U.S. parent companies (and) of foreign affiliates contributed very little of U.S. export trade. This suggests that foreign direct investments by U.S. corporations do not necessarily contribute to the export trade of these corporations."

In fact the operations of foreign subsidiaries often substitute for U.S. exports—to the countries of the subsidiary operations and to third-country markets, with impacts on job opportunities. For example, the Commerce Department reports that in chemicals,

non-electrical and electrical machinery—which account for about one-half of U.S. manufactured exports—foreign subsidiaries of U.S. firms exported $1.9 billion in 1965 to third countries, amounting to about one-fifth of all such exports from the U.S.

Moreover, foreign subsidiary operations result in increased imports into the U.S.—frequently displacing U.S. production and employment. In April 1969 Commerce Department report on foreign trade states: "The increase in imports of manufacturing has resulted in part from the establishment of plants by U.S. firms in low-wage countries to produce for the U.S. market, as in the case of TV picture tubes and clothing. Precise data are not available to develop this observation fully." The report also declares: "Technology is rapidly diffused among advanced countries. European and Japanese manufacturers are penetrating the American market even in the most advanced product areas where we have been exporting technology. The more rapid rate of increase of imports than exports implies a larger problem in future years. Some of these imports will come from foreign subsidiaries of affiliates of U.S. firms."

The growth of multi-national companies, in the 1960s, has been accompanied by the rapid expansion of international banking—much of it by U.S.-based banks. The London Economist of November 15, 1969, stated: "It is without precedent that banks should have joined forces across national frontiers to establish multi-national institutions with their own separate identities."

These international banks have been servicing and helping to finance the multi-national companies. They move money back and forth across national boundary lines "beyond the effective reach of the national monetary policies of any country," as the London Economist points out.

U.S.-based multi-national banks have succeeded, increasingly, in moving beyond the effects of U.S. monetary policy, just as U.S.-based multi-national companies have succeeded in juggling production, distribution and sales across national frontiers, with different laws, customs, taxes, living standards and currencies.

The spreading operations of U.S.-based multi-national companies are an important factor in both the surge of manufactured imports into the U.S. and the absolute slowdown or the slowing rise of U.S. exports in many product-lines.

Foreign trade experts are particularly concerned about the near-future impacts of foreign subsidiaries of U.S.-based multi-national corporations on exports and imports of such major commodities as chemicals, non-electrical machinery (including engines, office and metal-working machinery, construction and factory equipment) and electrical products (including generators, power machinery, motors, TV, radios, household equipment and control instruments).

These multi-nationals now account for about one-half of U.S. exports. About 25% are direct transactions between the parent and subsidiaries. Probably another 25% involve the multi-nationals and their other business relations—licensees, foreign patent holders, foreign joint ventures, etc.

A similar or larger percentage of imports is also intra-corporate—involving the transactions of U.S.-based multi-national firms with their subsidiaries and other business arrangements.

These closed-system, intra-corporate transactions are hardly competitive. They are not trade. And "foreign" is hardly the word for them.

The U.S.-based multi-nationals have substantially affected the volume and composition of U.S. exports—through competition with U.S.-produced goods in third-country markets, as well as in the country of the subsidiary. They have greatly affected the volume and composition of imports into the U.S.

At the same time, a large percentage of U.S. exports is affected by the management of foreign trade by foreign governments—direct and indirect subsidies for exports and barriers to imports.

Therefore, most U.S. foreign trade has little to do with what most people consider competition. Text book theories of foreign trade—and government policies based on such theories—are increasingly irrelevant in the real world of trade and investment in 1970.

THE IMPACT OF U.S. TRADE DETERIORATION ON WORKERS

The deterioration of the U.S. foreign trade position has obvious impacts on jobs, on collective bargaining strength of unions, on wages and labor standards in adversely affected industries.

Precise statistics on the job loss of imports are not available and estimates of the job impact of exports are only rough guesses that are clouded by the increasing complexity of trade patterns.

Unfortunately, foreign trade experts usually show little interest and even less knowledge about the employment impacts of developments in foreign trade.

One rough indication of job losses was Secretary Shultz's estimate, presented to the Joint Economic Committee of Congress, that "about 1.8 million jobs in 1966 would have been required in the U.S. to produce the equivalent value" of the 74% of imports into the U.S. that were competitive with U.S.-made products.

Secretary Shultz brought these figures up to date in his statement to this committee last week, when he said: "In 1969, if we had attempted to produce domestically goods equivalent in value to such imports, the Bureau of Labor Statistics has estimated that we would have needed 2.5 million additional workers. . . ."

These rough estimates indicate the loss of approximately 700,000 American jobs in the three years 1966–69, as a result of the rising tide of imports that compete with U.S.-made products.

Secretary Shultz's estimates omitted the additional job losses due to the sales of foreign subsidiaries in foreign countries, in competition with the U.S.-made products. Anything like a full picture of the job-impact of foreign trade developments is lacking.

The fact of increasing job losses is clear. And recent changes in the composition of exports and imports have been a special burden on semi-skilled and unskilled production workers in an increasing number of industries and product lines.

The loss of job opportunities has occurred at a time of urgently-needed unskilled and semi-skilled production jobs, as well as skilled industrial jobs, in the U.S. labor force, which is growing about 1.5 million persons each year. These are the blue-collar jobs that are being affected by spreading layoffs and production cutbacks.

Production and maintenance workers are being forced to bear most of the burden of the deterioration of the U.S. position in foreign trade. There are the same non-supervisory workers—including skilled employes—who bear most of the heavy burden of the Administration policy of severe economic restraint, as well as the impact of radical and rapid technological change.

Two months ago, for example, The Wall Street Journal provided an illustration. It reported that Zenith Radio Corporation had said it would "reduce its work force by about 3,000 jobs this year, and more than one-third of those laid off will be blacks." The chairman, Joseph S. Wright, said that, in addition to the 3,000 layoffs this year, probably another 4,000 layoffs will occur in 1971.

Why? Because Zenith is building a giant new plant in Taiwan.

The increasing export of American jobs threatens to undermine domestic living standards and the growth of consumer markets at home. When an American corporation exports American jobs, it weakens a part of its potential market. Zenith won't be selling many of its products in Taiwan. It will be paying wages as little as 15 cents an hour so none of Zenith's workers in Taiwan will be able to afford them. And, of course, the workers Zenith lays off here—black and white alike—won't be able to buy them either.

Another story, in the New York Times of May 12, 1970, reported from South Korea, about a Motorola plant, outside of Seoul: "Because labor is less expensive in Korea, production costs are one-tenth those of a similar plant in Phoenix."

The report stated: "George A. Needham, representative director of the Motorola Company's electronic component assembly plant on the outskirts of Seoul, told visitors to the bright, modern factory that total production costs in Korea were one-tenth of costs for similar production at Motorola's plant in Phoenix, Arizona.

"He also noted that it took two weeks less time to train Korean girls to assemble semiconductors and transistors than to teach American girls the same job.

" 'The girls here are more motivated,' explained Mr. Needham. 'Life is tough in this country. These people really need this work.' "

Although this account did not report the wage levels in the Motorola plant, it noted that wages in a nearby plywood plant ranged from $32 to $48 a month, for six-day weeks of 10 to 11 hours of work per day.

There have been other adverse impacts on workers, as well as job losses. Imports are sometimes encouraged as a supposed "discipline" on prices. Often, the American consumer benefits not at all—the imports are sold at the American price. Or, frequently, the price differential to the customer is small and the profit margin to the business widens. The "discipline" is usually most effectively directed to the labor cost—to the workers' collective bargaining strength and their ability to negotiate improved wages and fringe benefits. For example, in 1967 and 1968, the copper imports of major corporations contributed to delaying achievement of a settlement of the strike of U.S. copper workers.

The adverse impacts of the deterioration of the U.S. position in foreign trade are much tougher and more direct on workers than on capital or top-management officials Capital is mobile—investments can be moved out of an unprofitable business to other industries, companies and countries. Owners and top-management are more mobile than workers. In contrast, workers have great stakes in their jobs and their communities—skills that are related to the job or industry, seniority and seniority-related benefits, investment in a home, a stake in the neighborhood, schools and church.

NEW POLICIES FOR THE 1970'S

In the setting of world economic realities, in 1970, there is an urgent need for immediate action to thoroughly revise government policies affecting international trade and investment.

The choice is not between free trade and protectionist theories. Free, competitive trade

relations hardly exist any longer in this world of managed national economics and the large-scale operations of foreign subsidiaries of U.S. companies. It is neither possible for the American economy to hide behind high tariff walls nor to pretend that free, competitive trade relations are possible.

There is a need to: (1) move ahead rapidly for an orderly expansion of world trade, with U.S. considerations as the starting point for U.S. policy and posture, based on the premise that trade is a complex network of interrelationships and (2) establish trade and investment policies to deal with the foreign investments and operations of U.S. companies and banks.

U.S. government measures are required:

1. To stop helping and subsidizing U.S. companies in setting up and operating foreign subsidies—to repeal Section 807 and similar provisions of the Tariff Code, for example, and to repeal the tax provision which permits the deferral of U.S. taxes on the income of U.S. companies from their foreign subsidiaries.

2. To supervise and curb the substantial outflows of American companies for investment in foreign operations.

3. To develop regulations covering U.S.-based multi-national companies.

4. To press, in appropriate international agencies, for the establishment of international fair labor standards in world trade.

5. As a stop-gap in the face of growing unresolved problems, to regulate the flow of imports into the U.S. of a variety of goods and product-lines, in which sharply rising imports are displacing significant percentages of U.S. production and employment in such markets.

Orderly marketing

The need for guarding against a sharp inrush of imports of any product or component—to prevent adverse impacts on American workers, communities, firms or industries—has become crucial.

The existing escape clause mechanism is woefully inadequate, as experience has unfortunately proven. Even a much-needed, improved escape clause, in itself, is not sufficient to guard against the harmful effects of a rising tide of imports on American workers and the disruption of domestic markets.

The AFL–CIO, therefore, supports the general approach of the Orderly Marketing bill, H.R. 9912, introduced by Congressman James A. Burke of Massachusetts, to stem the tide of imports through the imposition of quotas on imports of a product or component, whenever a significant share of the U.S. market in such a product or component is threatened. International agreements to accomplish this purpose would supersede the imposition of import limitations, but quotas would be established for imports from countries that are not party to the agreements.

This approach provides for the orderly marketing of articles imported into the U.S., as well as a flexible basis for allowing foreign-produced products to enjoy a fair share of the growth of the U.S. market in the product or component.

In the Trade Expansion Act of 1962, Congress recognized the concept of orderly marketing in Section 352, Which provides for international agreements on such import limitations. But this provision has not worked.

The AFL–CIO urges the Committee to adopt legislation along the lines of the Orderly Marketing bill.

The escape clause

The Escape Clause, under Title III of the Trade Expansion Act of 1962, has not worked satisfactorily.

Both the Administration bill (H.R. 14870) and the bill introduced by the Chairman of this Committee (H.R. 16920) recognize the need to remove the requirement to find a causal relationship between a tariff concession and the injury that results from imports. Thus, both bills would remove the burdensome, technical impediments to finding injury from imports.

However, these two bills differ on whether the imports are a "primary cause" of injury, as in the Administration bill, or a "substantial cause," as in Chairman Mills' bill. We believe that the Chairman's bill provides a more realistic test and we support it. Our concern is that imports be recognized as a cause of injury.

Both bills propose changes that affect the government's authority to reduce duties, in compensation for an Escape-Clause action. We believe that the 20% request of the Administration is too great and support the proposal of H.R. 16920, as more in line with the AFL–CIO request that this authority should be "minimal."

However, the most important cause of injury is the displacement of U.S. production and export of American jobs, while the Escape Clause deals with injury from imports. We suggest, therefore, that the relationship of injury to a decline in U.S. production be fitted into the Escape Clause and other adjustment assistance provisions.

Unfair foreign restrictions

The Administration has requested that the Congress strengthen the government's ability to act, when unfair trade barriers in foreign countries are applied to manufactured goods from the U.S.

The AFL–CIO believes that such authority is contained in the 1962 Act. But it has not been operative for manufactured goods. Therefore, we urge the Congress to clarify its intent on this.

Adjustment assistance

The AFL–CIO has consistently advocated the concept of adjustment assistance. The AFL–CIO hailed the adjustment assistance provision in the Trade Expansion Act of 1962. But due to a rigid interpretation of the Tariff Commission, this provision has been of little value. Between 1962 and 1969, there were only three findings of injury to workers; in 1970, there have been three more.

While the AFL–CIO continues to support the necessity of workable and effective adjustment assistance, we believe that it is merely a supplement to the needed, meaningful legislation on international trade and investment. Adjustment assistance is most decidedly not a substitute for such legislation. Those workers, adversely affected by trade-problems, who can be retrained and helped to relocate, most certainly should have adjustment assistance. Those whose jobs have been lost through injury from imports should most certainly receive benefits. But the basic core of U.S. trade and investment policies should be aimed primarily at preventing such job losses, with adjustment assistance is a cushion for those few workers who are, nevertheless, adversely affected.

Therefore, the AFL–CIO supports the Administration's proposals for a workable adjustment assistance policy, which would provide for findings of injury by the President, with the Tariff Commission supplying factual information.

Item 807 and similar provisions of the tariff schedules

The AFL–CIO urges immediate adoption of H.R. 14188, introduced by Chairman Wilbur Mills, to repeal Item 807 of the Tariff Schedules. We also urge repeal of Item 806.30, which is a similar provision of the Tariff Schedules.

In introducing H.R. 14188 to delete Item 807 from the Tariff Schedules, Chairman Mills declared on October 3, 1969, that "item 807.00 is being exploited in a manner not originally anticipated by the Congress. If operations under it continue to expand and its use is adopted by other industries, the result will be loss of many jobs. While there may be meaningful economic operations being conducted under this provision, I am convinced that in many instances, it is being misused in some industries. Therefore, I feel the provision should be repealed until such time as the government can develop new language and assure that the operations under such a provision are economically viable and contribute to rather than damage the wellbeing of the U.S. labor force."

The AFL–CIO agrees with the Chairman of this Committee. Item 807 should be repealed. And the similar item in the Tariff Schedules, 806.30, should also be repealed.

Both Items 806.30 and 807 provide reduced U.S. tariff duties on imports which contain U.S.-produced components and which have been assembled or processed abroad. The U.S. tariff duty is applied effectively to merely the value added in foreign assembly or processing—often, to merely the very low wages of workers in the foreign operations. Under 807, the advantage to the firm is two-fold. There is a substantial advantage from the utilization of American equipment and know-how in foreign assembly operations, usually combined with wages and fringe benefits that are 50% to 90% less than in the U.S., and frequently accompanied by lower taxes in the foreign country. Item 807 adds to this a reduced-tariff subsidy.

Item 807 is one small loophole in the trade and investment structure for the advantage of U.S.-based multi-national companies. It operates as a lubricant for the growing export of U.S. capital, which is a major factor in America's balance of payments difficulties. It provides financial encouragement of foreign production, by U.S. firms of goods that are sold in the U.S. market. It is a factor in the deterioration of both the volume and composition of the U.S. trade balance.

Like many tax loopholes, 807 and similar provisions tend to grow. Reported imports under 807 shot up from $577 million in 1965 to $1.6 billion in 1969. Moreover, these figures may well be understated, since multi-national firms can juggle their prices in intra-corporate transactions, for the benefit of the firm.

In addition, even the so-called U.S.-produced component, under 807, may not be what it appears. Such component may be an imported item, processed in the U.S. and assembled abroad, for shipment back to the U.S. under 807.

From 1967 to 1969, when reported 807 imports rose 77%, overall U.S. imports of all commodities increased 33.8%. Thus 807 imports are growing at double the rate of overall U.S. imports.

The expansion of 807 operations has been phenomenally rapid since 1967, in countries like Mexico, Taiwan, other countries in the Far East as well as the lowest-wage areas of this hemisphere. Reported imports, under 807, from Mexico alone soared from $3.1 million in 1965 and $19.2 million in 1967 to $145.2 million in 1969.

The operations of U.S. firms in foreign countries, with the utilization of this provision, have led to the export of one hundred thousand or more American jobs between 1967 and 1969.

At home, the U.S. government is engaging in numerous efforts to train unemployed workers for low-skilled jobs—jobs that are now disappearing, due to recent and current economic developments. But 807 provides firms with a federal subsidy to export such assembly and production jobs for the advantage of some companies and to the detriment

of the American labor force, including the most disadvantaged. Thus, while the Executive Branch has been examining the issue in these past few years, and while the National Alliance of Businessmen has been training, with federal subsidies, a small portion of the disadvantaged unemployed for jobs in U.S. plants, many companies, including NAB members, have used the encouragement of 807 to export jobs to low-wage foreign subsidiaries.

The issue of 807 involved tariff savings to the companies of approximately $24 million in 1968, which may have increased to about $30 million in 1969. Of the $1.6 billion in imports under 807 in 1969, all but $339 million were charged the duties appropriate for the imported items. Payment of the appropriate duties on the excluded $339 million would surely not break the companies involved, but it would eliminate this specific type of federal inducement for the displacement of U.S. production and employment by runaway operations to countries whose wage levels are as low as 15 cents an hour. Moreover, it would end this federal government inducement for the export of American jobs.

International fair labor standards

Labor organizations in various parts of the world, as well as the AFL–CIO in the U.S., have advocated the establishment of international fair labor standards. The development of such standards, through appropriate international channels, is essential to protect and advance living standards in the U.S. and in other nations, as well.

For years, there have been occasional discussions of this issue within the U.S. government and in international agencies. But there has been no follow-through and no action.

This issue has grown in importance, as multinational business has been expanding its search to produce goods in subsidiaries in low-wage countries for sale at high prices in the industrial nations, particularly, the U.S.—without regard for labor standards or consumers.

The report to the President, "Future United States Foreign Trade Policy," issued on January 14, 1969, states:

"The United States should bring for review and resolution under appropriate provisions of the GATT cases of exports to this country produced under what it believes to be clearly unfair labor standards. The United States should also seek, through the GATT and the ILO and possibly other international organizations, to develop international agreement upon a workable definition of fair labor standards and upon realistic means for their enforcement."

The AFL–CIO urges the Congress to direct the Executive Branch to press for the establishment of international fair labor standards, as one essential step toward the development of a rational and social responsible international trade and investment policy for the U.S. and all trading nations.

American selling price

The AFL–CIO is opposed to the Administration's proposed repeal of the American Selling Price.

The resolution on international trade, adopted by the AFL–CIO convention in October 1969, declared: "No tariff-cutting authority, beyond the authorization of the Trade Expansion Act of 1962 should be approved if there is any change of the methods of valuation of imports, such as the American Selling Price."

The Trade Expansion Act placed a 50% limit on tariff reductions. The Administration's proposed repeal of A.S.P., as negotiated, could result in considerably greater tariff cuts for affected products. Such action, therefore, would be unfair.

In conclusion, Mr. Chairman, we of the AFL–CIO are not isolationists and have no intention of becoming isolationists.

We support an orderly expansion of world trade. We oppose the promotion of private greed at public expense or the undercutting of United States wage and labor standards. We want expanded trade that expands employment at home and abroad and that improves living standards and working conditions, here and abroad.

No single action or one-shot panacea can meet the complex issues of world trade, foreign investments of United States companies and the operations of U.S.-based multi-national corporations.

A battery of realistic policies and measures must be adopted to meet the needs of the American people in world economic relations in the 1970s.

Practical, common-sense foreign trade and investment policies are needed that promote employment and achieve decent wages and working conditions—in the United States and in every nation with which we trade.

Mr. LONG. I pointed out, Mr. President, that this country is faced with an unfortunate situation where bad figures lead to bad conclusions. The books are deliberately kept in an erroneous fashion, in my judgment, to justify an erroneous policy that is benefiting somebody, but it is not benefiting this Government.

Mr. LONG. Mr. President, let me sum up my remarks. This Nation has been pursuing trade policies which are indefensible. We maintain an open-door policy for foreign imports, while other countries work hand and glove with their industries, protecting them, and insuring their competitiveness.

The bureaucrats who created this indefensible policy, and have a vested interest in its perpetuation, do not identify themselves. They hide behind faceless and nameless editorial writers who heap scorn on Members of Congress who try to save American jobs for American workers. These editorial writers pour out insults and use fraudulent statistics published by the Commerce Department to support their nonsensical positions. Their case cannot stand the light of day. Yet one is unable to tell who they are or what their purpose might be.

Mr. President, in the past 10 years our balance of payments has been in deficit, measured on a liquidity basis, by $27 billion, as table 3 demonstrates, which I ask unanimous consent to have printed in the RECORD.

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

TABLE 3.—U.S. BALANCE OF PAYMENTS, 1961–70

[In billions of dollars]

	1961–65 average	1966	1967	1968	1969	1970
Merchandise trade balance	5.4	3.9	3.9	.6	.6	2.2
Exports	23.0	29.4	30.7	33.6	36.5	42.0
Imports	−17.6	−25.5	−26.8	−33.0	−35.8	−39.9
Investment income balance	3.5	4.1	4.5	4.8	4.4	[1] 4.3
Receipts from U.S. investments abroad	4.9	6.3	6.9	7.7	8.8	[1] 9.6
Payments on foreign investments in United States	−1.3	−2.1	−2.4	−2.9	−4.5	[1] −5.3
Balance on other services	−2.5	−2.7	−3.2	−2.9	−3.1	[1] −3.1
Balance on goods and services	6.5	5.3	5.3	2.5	1.9	[1] 3.9
Unilateral transfers, excluding Government grants	−.8	−.9	−1.2	−1.1	−1.2	[1] −1.3
Balance on current account, excluding Government grants	5.7	4.4	4.0	1.4	.8	[1] 2.6
U.S. Government economic grants and credits [2]	−3.7	−3.9	−4.2	−4.2	−3.7	[1] −3.4
Balance on private direct investment	−2.2	−3.6	−2.9	−2.9	−2.2	[1] −3.8
Balance on securities transactions	−.8	.4	−.3	3.1	1.6	1.3
Balance on various other long-term capital transactions [3]	−.5	.6	.2	.9	.7	[1] .3
Balance on current and long-term capital accounts [4]	−1.4	−2.0	−3.1	−1.7	−2.8	[1] −3.3
Balance on various other capital transactions: Short-term, other than liquid liabilities; long-term bank liabilities to foreign official agencies; nonmarketable U.S. Government liabilities; unscheduled debt payments on U.S. Government credits; and Government sales of foreign obligations to foreigners		1.2	.6	2.3	−1.3	[1] 1.1
Errors and omissions	−.9	−.5	−1.1	−.5	−2.8	[1] −2.0
Allocation of special drawing rights						.9
Balance on liquidity basis	−2.3	−1.4	−3.5	.2	−7.0	−3.8
Less certain nonliquid liabilities to foreign official agencies	.1	.8	1.3	2.3	−1.0	.3
Plus liquid liabilities to private foreigners and international organizations	.7	2.4	1.5	3.8	8.7	−6.2
Balance on official settlements basis	−1.8	.3	−3.4	1.6	2.7	−9.8

[1] 1st 3 quarters of 1970 at a seasonally adjusted annual rate.
[2] Net of scheduled repayments.
[3] Excluding changes in long-term bank liabilities to foreign official agencies and in nonmarketable U.S. Government liabilities.
[4] One version of the so-called basic balance.

Note: Details will not necessarily add to totals due to rounding.

Source: Treasury Department.

Mr. LONG. Mr. President, no nation, however strong, can continue policies which place it in such heavy debt to foreign nations. The American people have been told that central banks and commercial banks in Europe are refusing to accept any more dollars or will accept them only at a discount. This could force a dollar devaluation with dire consequences for the international monetary system. If we do not correct the balance-of-payments deficits on our terms, they will correct it for us on their terms.

How can we correct our balance of payments and remove the albatross which hangs over the head of the international monetary system? We cannot do this by merely increasing exports. We must also take action to stem the tide of rising imports.

There are many ways of correcting a bad situation, but we simply cannot negotiate away our balance-of-payments deficits, or let "benign neglect" solve the

problem. Our deficits are other countries' surpluses. They do not want us to solve our deficits in a way which will hurt them.

The Germans do not want us to solve our deficits by removing any American troops from Germany. The French and Italians do not want us to solve it by reducing our imports of wine and shoes. Nor do any countries wish to help us by reducing their protectionist policies which discourage U.S. exports to their markets. The Japanese and the Europeans have many more restrictions on imports from us than we do on imports from their countries.

Central bankers from these countries want us to raise interest rates so they can pick up more of the banking business. Well, that is a very unsatisfactory way to solve our international deficit situation, because it puts our domestic economy through the wringer and causes many economic and social problems for the American people.

We in the Congress are also somewhat schizophrenic on this issue. Members from New England want to solve the balance-of-payments problem by reducing footwear imports without concern for imports of other sensitive products. Members in textile States want to cut down textile imports. Oil States' representatives wish to cut down oil imports. There is no unified, consistent policy to deal with this problem.

But we must deal with it because the United States has adopted many policies around the world which cost us money; without a healthy trade surplus, we will not be able to pay for those policies. Otherwise some of those policies must be discontinued.

Multinational firms who argue against trade restrictions to protect their investments abroad and to insure a ready market for their exports to this country may soon find those investments nationalized and paid for by foreign governments with American dollars earned as a result of our deficits.

It is time for American people to know the truth about our international balance-of-trade and balance-of-payments positions and the consequences that will occur if we do not solve them on our terms.

The President wants to level with the American people on our sorry balance-of-trade situation, but his bureaucracy has prevented it.

The bureaucrats to whom I have made reference have cast their President in the image of a helpless giant, unable to even convey the truth to the public as much as he would like to do it.

An honest presentation of the facts to reflect the truth in an understandable manner is fundamental to a reshaping of outdated and misguided policies of trade and aid. If I have enough influence, the truth will be honestly presented.

By Mr. PROUTY (for himself, Mr. AIKEN, Mr. BROOKE, Mr. COTTON, Mr. KENNEDY, Mr. MCINTYRE, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. RIBICOFF, and Mr. WEICKER):

S. 1816. A bill to authorize the importation without regard to existing quotas of fuel oil to be used for residential heating purposes in the New England States; to authorize creation of the Northeastern Regional Oil Area. Referred to the Committee on Commerce and the Committee on Finance, jointly, by unanimous consent.

NEW ENGLAND STATES FUEL OIL ACT OF 1971

Mr. PROUTY. Mr. President, on behalf of myself and Senators AIKEN, BROOKE, COTTON, MCINTYRE, MUSKIE, PASTORE, PELL, RIBICOFF, and WEICKER, I introduce, for appropriate reference, the New England States Fuel Oil Act of 1971. This act has three major purposes: First, to provide for free importation of No. 2 home heating oil into the New England States; second, to eliminate the tariff on all oil product imports into the United States; and third, to direct the Secretary of State to begin negotiations for creation of a Northeast Regional Oil Area, encompassing the six New England States and eastern Canada.

Mr. President, I ask unanimous consent that this bill be referred jointly to the Committee on Commerce and the Committee on Finance. Also, Mr. President, I ask unanimous consent that the text and explanation of this bill be printed at the conclusion of my statement.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. PROUTY. Mr. President, the New England State Fuel Oil Act is designed to deal with a problem critical and unique to the New England area—the low supply and high price of home heating oil. I say unique because New England is the only area of the country that consumes more No. 2 heating oil than gasoline; it is the only area where more than 70 percent of the total homes are heated by oil. It is also the only major oil consuming area without refining capacity and imports to equal the demand.

Th problem is critical to our area because we have experienced a chronic shortage and threat of a shortage every winter—except the last one—for the past 5 years. Fortunately, in 1970–71 the combination of favorable weather early in the heating season and the modest import expansion program announced by President Nixon last June, assured that there were sufficient stocks on hand to meet the home heating oil demand.

However, Mr. President, the current No. 2 fuel oil import program for the Northeastern States, involving 40,000 barrels a day, is not sufficient. It is a good beginning, but more must be done. Unfortunately, the current oil import program for district I has one very bad feature, in that it forces independent marketers to purchase their oil from Western Hemisphere refineries running on Western Hemisphere crude oil. This compels the independents to buy from ESSO and Shell, their competitors in the New England market, who control over two-thirds of the Caribbean refining capacity.

The major oil companies in the United States holding import licenses enjoy the privilege of importing oil for their east coast refineries from any place in the world, but New England independent businessmen do not enjoy the same privilege and thus our homeowners cannot enjoy the benefits of lower cost oil available from Eastern Hemisphere refineries.

The critical nature of the No. 2 fuel oil problem was underscored last week by the announcement by Humble Oil Co. the domestic marketing affiliate Standard Oil of New Jersey that it would raise in stages the wholesale price of the product from their Caribbean refinery, by 1.3 cents per gallon by January 1, 1972, all along the east coast. As I pointed out in my speech on last Wednesday, this will mean at least $60 million in added fuel bills for the homeowners of New England alone. And these added costs mean added profits for the Humble Oil Co. at a time when its parent, Standard Oil Co. of New Jersey, is enjoying record profits.

Mr. President, we are in a very difficult situation in New England and the bill I am introducing is designed to solve it.

The basic principle of this bill is that the New England area can and must be treated as a separate oil district. There is, of course, precedent for treating sections of our country in different ways under the current oil import program. As many Members of the Senate know, the import program in effect on the west coast, district V, is different from the import program in effect east of the Rocky Mountains. Since the west coast is a crude oil deficit area the refiners there are allowed to import substantial quantities of foreign crude oil to make up the deficit.

My bill recognizes that the New England States are also an oil deficit area without refineries or crude oil sources. It allows free importation of the most critical product—No. 2 home heating oil—into this area. Title I of the New England States Fuel Oil Act of 1971 completely decontrols all imports of this product into our six States. As I have indicated, in the case of the west coast being a deficit area, this is consistent with the current oil import program.

I am sure that critics will immediately raise the issue of foreign dependence and the experience of the Northeastern States with residual oil, that is No. 6 fuel oil, in recent years. We in New England have been told by some in recent months that we made a mistake in seeking decontrol of No. 6 oil and that we are paying for this mistake through higher prices and shortages of the product.

Mr. President, this is nonsense, and I am surprised that high officials of the Government and the major oil companies have even seen fit to raise it. The facts clearly refute their argument. In the first place, residual fuel oil prices in

the Middle West, districts II, III, and IV, have risen as high or even higher than east coast, district I, prices over the past year; and the import controls are fully in effect on residual oil in the Middle West. This proves that there is no relationship between decontrol and high prices, the prices have doubled on No. 6 oil in areas where there are controls and in areas where there are no controls.

As for the argument relating to undependable and lack of supplies from overseas, it should be pointed out that foreign refineries supplied 300,000 barrels a day of additional No. 6 fuel oil this past winter to meet the high demands of the east coast. This was a commendable performance, and the American companies who own most of the refineries overseas are to be congratulated for providing these additional supplies; but imagine if import controls had prevented us from tapping these supplies. Thus, it seems ridiculous to claim that our dependence on foreign sources of oil was a handicap because it was foreign sources that enabled us to get through the winter without a shortage of residual fuel oil. Yet a shortage would have certainly occurred had we depended on American refineries alone for supplies of No. 6 oil.

In sum, I see no danger or problems arising in decontrolling No. 2 fuel oil in New England, in fact, I see substantial advantages in terms of supply and prices. That is our unique problem. It might be noted that, despite recent price increases, the cost of No. 2 fuel oil in Eastern Canada is still 1½ to 2 cents less per gallon than in New England. If we could lower the price of home heating oil in New England by 2 cents per gallon it would mean savings of $90 million to $100 million per year to the consumer of No. 2 fuel oil in New England.

Title II of the bill I am introducing today removes the tariff on all imports of oil throughout the United States. The tariff amounts to only one-fourth of 1 cent per gallon and this cannot, of course, mean major savings to the American consumer; but it is a step in the right direction.

Mr. President, I think it is clear to anyone who looks at the problem of petroleum prices that the oil import quota program is exacting an exhorbitantly high price from the captive consumer. Title II would eliminate the tariff on the oil products which are already controlled by the import quota program. The oil tariff extracts approximately $85 million a year from the consumer. Although some might say that this is not a significant sum of money, I believe it is too much when added to the already artificially high price for petroleum products.

Two reasons are normally given for imposing an import restriction system on a particular commodity. An import restriction system is imposed to, first, limit the importation of a commodity or, second, to raise revenue.

Within the petroleum industry, the quota system places absolute limits on the number of barrels of foreign oil which can be imported into the country during any 1 year.

It is the second reason expressed for imposing an import restriction system—that is to raise revenue—which I am seeking to amend with title II.

Mr. President, approximately 71 percent of the $85 million raised by the tariff is paid directly or indirectly by residents of district I in the oil import program. That is, 71 percent of this tariff is paid by an area which contains only 38 percent of the population in our country. Some Senators might say that those who use the imported oil products should bear the burden of this tariff. The tariff represents an unjust tax endured by the consumer on a product which faces no competition and an industry which takes advantage of its position with artificially inflated prices.

Thus, the rationale expressed for this double taxation is highly questionable. The problem of foreign oil flooding the market is controlled by the quota system. The revenue raised by this tariff is borne in unfair proportions by a small segment of the population. The amount raised by this tariff is insignificant to the Federal Treasury.

I might add that this title would not eliminate the tariff placed on petroleum products from Communist countries. I seek only to remove the tariffs from countries covered under column 1 of the U.S. Tariff Schedule.

Thus, I can see no rational reason for the existence of a tariff schedule on top of the already functioning quota system.

The third title of the New England States Fuel Oil Act of 1971 authorizes and directs the Secretary of State to enter into negotiations with Canada for establishment of a "Northeast Regional Oil Area." This area would consist of Eastern Canada and the New England States and there would be free trade in petroleum products between the two. I hope that these negotiations would eventually lead to complete removal of all import barriers between our two countries, since it makes no sense to have any barriers to oil imports. If Canada can play a significant role in the defense planning of our Nation now, then there is no security justification for not developing her crude oil sources and refining capacity to the fullest and for not making that oil and that refining capacity available for the American market.

If we can depend on Alaska as a source of petroleum for the west coast, we can certainly depend on Eastern Canada as a source of petroleum product for the east coast.

I would hope that the introduction of this bill will result in immediate initiation of talks regarding creation of the Northeast Regional Oil Area and to eventual full integration of the energy systems of the United States and Canada.

I realize that it will take time for Congress to consider this legislation. In the meantime, there are several steps which the President and the administrators of the oil import program can take to assure now that we will have an adequate supply of fuel oil at reasonable prices in the New England area next winter. I outlined these steps in my statement to the Senate last week and I hope that they will be put into effect immediately.

Mr. President, I intend to press for passage of this bill at the earliest possible time. It would be tragic if the 92d Congress does not make this measure a priority order of business.

EXHIBIT 1

S. 1816

A bill to authorize the importation without regard to existing quotas of fuel oil to be used for residential heating purposes in the New England States; to authorize creation of the Northeastern Regional Oil Area

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "New England States Fuel Oil Act of 1971".

TITLE I

SEC. 2. The Congress finds that—

(1) the availability of fuel oil for residential heating at reasonable prices should be assured throughout the United States;

(2) adequate supplies of home heating oil at reasonable prices are essential to the health, safety and economic development of the New England States;

(3) a major cause of the comparatively higher prices for home heating oil in the New England States is the limitation on imports of petroleum and petroleum products established by Presidential Proclamation 3279, as amended (the Oil Import Program);

(4) while reasonable limitation of imports of petroleum and some petroleum products is necessary to the national security, measures must be taken to assure an adequate supply at reasonable prices of home heating oil within the New England States;

(5) the special supply and demand relationships for petroleum and petroleum products existing in states along the West Coast have required creation of a separation import control system for that area (Petroleum Administration for Defense District V);

(6) the special supply and demand problems relating to home heating oil in the New England States requires creation of a separate import control system for that area.

SEC. 2. For the purpose of this Act—

(1) the term "home heating oil" means No. 2 fuel oil;

(2) the term "New England States" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

SEC. 3. After the effective date of this Act, no quantitative limitations under the authority of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. § 1862) or other import restrictions shall be imposed on the importation of home heating oil into the New England States.

TITLE II

Effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1972 items 475.05, 475.10, 475.25, 475.30, 475.35, 475.40, 457.45, 475.55, 475.60, and 475.65 of the Tariff Schedules of the United States are each amended by striking out the matter in rate column numbered 1 and inserting in lieu thereof "Free".

TITLE III

SECTION 1. The Secretary of State is authorized and directed to enter into negotiations with the Government of Canada for establishment of a "Northeast Regional Oil Area" consisting of Eastern Canada and the New England States. The purpose of such negotiations is the elimination (within such area) of all restrictions on trade in petroleum and petroleum products between the United States and Canada to effectively provide finished petroleum products at a reasonable cost, consistent with the National security.

SEC. 2. Within twelve months of the effective date of this Act, the Secretary of State shall report to the Congress on the results of such negotiations and each year thereafter until such negotiations shall have been successfully completed.

EXHIBIT 2

EXPLANATION OF NEW ENGLAND STATES FUEL OIL ACT OF 1971

The purpose of the bill is to authorize the importation of No. 2 home heating oil, without regard to the existing quota system on petroleum products, for the purpose of residential heating in the New England States and to authorize the creation of a Northeast Regional Oil Area.

TITLE I

Title I would remove the restrictions on the import of No. 2 home heating oil (Presidential Proclamation 3279, as amended) which is the major cause of the higher prices of home heating fuel in New England. The title recognizes that reasonable limitation of imports of petroleum and products is necessary to national security. The present situation dictates that measures must be taken to insure that adequate supplies of No. 2 fuel oil are available at reasonable prices for the New England residential consumer.

The special circumstance of the supply and demand relationship that created a separate import control system for the West Coast of the United States also demand that the critical supply and demand relationship for No. 2 home heating oil in New England be recognized and relief granted.

TITLE II

Title II strikes the existing tariffs on petroleum products which are already limited by the Oil Import Program. The striking of the tariffs would save the consuming public an estimated $87 million based on 1969 figures for oil products imported into the United States.

TITLE III

Title III would direct the Secretary of State to undertake negotiations with the Government of Canada for the establishing of a "Northeastern Regional Oil Area" consisting of Eastern Canada and the New England States. If the negotiations proved fruitful this could lead to the decontrol of all petroleum products for New England and gain access to Eastern Canada's refinery capacity for the New England consuming market. The Secretary would report back to Congress within one year, and one year thereafter until the negotiations are successful.

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

S. 1817. A bill for the relief of Mato Cibilic. Referred to the Committee on the Judiciary.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be permitted to introduce, in behalf of the distinguished senior Senator from Louisiana (Mr. ELLENDER), a bill for the relief of Mato Cibilic.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

By Mr. BAKER (for himself and Mr. BROCK):

S. 1819. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs. Referred to the Committee on Government Operations.

Mr. BAKER. Mr. President, on January 2 of this year President Nixon signed into law the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646. The act represents a major step toward the fair and equitable treatment of individuals, families, and businesses displaced by federally assisted projects.

The act provides, in part, that the Federal Government will bear 100 percent of the first $25,000 of any single relocation payment paid under the act where the property acquisition or displacement occurs prior to July 1, 1972. It is estimated that there will be few single payments in excess of that amount. However, after July 1, 1972, State and local project agencies will be required to participate in the cost of relocation payments mandated under the new act to the same degree that they share in other project costs.

This is tantamount to revenue sharing in reverse. The fact that the Congress provided for full Federal assistance through fiscal year 1972 was an acknowledgment of the fact that State and local participation in these increased costs will impose a significant new financial burden on those agencies. I feel quite strongly that it is not a burden that should be imposed, whether in fiscal 1973 or at any time thereafter.

I have long advocated and now applaud the assistance required by the 1970 act. But I feel that having mandated this new assistance, the Federal Government should be prepared to bear its cost, not only through fiscal 1972 but indefinitely.

Therefore, I send to the desk, on behalf of Senator BROCK and myself, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and ask that it be appropriately referred. I also ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1819

A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under Federally assisted programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 207 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1898) is amended by striking out: "in the case of any real property acquisition or displacement occurring prior to July 1, 1972,".

(b) Section 211 (a) of such Act is amended by striking out: "on account of any acquisition or displacement occurring prior to July 1, 1972,".

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished junior Senator from Tennessee (Mr. BROCK), I ask unanimous consent that a statement prepared by him in connection with the introduction of the bill (S. 1819) be printed in the RECORD.

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

STATEMENT BY SENATOR BROCK

I am pleased to join Tennessee's Senior Senator, Howard Baker, Jr., in introducing legislation which we believe will protect our now hard-pressed local governments from further undue financial stress as a result of a provision in the new Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, enacted January 2, of this year.

The Act applies to all activities involving the purchase of property and relocation of site occupants where Federal funds are involved. Among other things, the Act includes a section which provides that the Federal government, prior to July 1, 1972, bear up to $25,000 of the cost of any acquisition or displacement, and after that date the burden of a fully shared cost requirement will be shifted to local agencies.

While I support the overall intention of the law and feel that it is necessary to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms because of Federal interests, I believe this particular provision would create some very serious problems for the localities—urban renewal activities, for example, would be a tremendous strain—because the municipalities simply cannot afford the expense, even with the Federal Government sharing the cost. In my own State of Tennessee I know of several urban renewal projects where appraisals and cost estimates have already been completed, and the project cost was within the budget. However, this part of the act will increase the relocation payments to the point where continuation of these projects is doubtful.

Further, I believe this provision is contrary to the principle of revenue sharing, and instead of providing additional federal revenues to assist our local governments in meeting their needs, it will in fact increase their load.

Mr. President, I urge prompt attention to this legislation to delete altogether the compliance date of July 1, 1972.

By Mr. PACKWOOD:

S. 1820. A bill authorizing the Chief of Engineers to construct certain bank protection works along the Willamette River and its tributaries. Referred to the Committee on Public Works.

RIVERBANK PROTECTION ON THE WILLAMETTE RIVER

Mr. PACKWOOD. Mr. President, today I am introducing a bill to authorize $3 million to be appropriated for the Corps of Engineers to perform certain riverbank protection works in Oregon along the Willamette River and its tributaries.

For a good number of years the Corps of Engineers has been involved in work to protect agricultural lands and urban and suburban areas in Oregon from damage caused by riverbank erosion. This work has consisted of the construction of riverbank revetments, pile and timber bulkheads, drift barriers, and channel improvements. It was originally authorized by the Flood Control Acts of 1936, 1938, and 1950 which provided for specific local cooperation. However, the present authorization for the Corps of Engineers will expire with the work now planned for this summer.

Naturally this has caused great concern for many property owners throughout the Willamette Basin who are now threatened with serious damage to their land. Even at the present time, in several locations the riverbanks are caving in and the land is washing out at a very high rate. Further, many acres of good river bottom soil are being lost. In some areas, the situation is completely out of control.

As evidence of the critical need for congressional action in this area, I ask unanimous consent to have printed in the RECORD a letter and attached tabu-

lations of erosion areas, I recently received from Col. Paul D. Triem, the Portland district engineer for the Corps of Engineers.

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

DEPARTMENT OF THE ARMY,
PORTLAND DISTRICT
CORPS OF ENGINEERS,
Portland, Oreg., April 22, 1971.

Hon. BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: The following information concerning bank erosion along streams in the Willamette River Basin is furnished in response to a recent telephone inquiry by Mr. Paul Vandermyde of your office.

Although much bank protection work has been done, some 84 miles in place at 202 locations, severe erosion continues at many other locations. That condition arises from the fact that Willamette River and its tributaries still constitute a meandering stream system. Upstream from New Era, and in the downstream reaches of its major tributaries, streams flow at relatively high velocity through alluvial flood plains of easily erosible material. The riverbanks are composed of clays, silts, sands, and gravels which erode at different rates. Generally, less easily eroded materials lie at or near low-water elevations and maximum erosion conditions prevail only when the river is at or near bankfull stage.

A reconnaissance of the total river system made in 1967, in conjunction with the multiagency Willamette Basin study and report, disclosed that varying degrees of erosion still were occurring at 335 locations along approximately 110 miles of riverbank. Of that total, erosion at 27 locations extending along nearly 10 miles of riverbank was considered as severe, and at 125 locations with a length of approximately 39 miles, erosion was considered as medium in severity. Works to correct those and related problems are included in the comprehensive Willamette Basin plan, as developed by the multiagency study.

The total number of erosion areas existing in 1971 is not known, but probably approximates the 1967 total. While some work has been done since 1967, new erosion areas, or areas at which erosion has accelerated, have been reported by local interests this winter. A list of active and critical locations, to the extent now known, is enclosed for your information. Further, and more detailed, study by this office will be required as a basis for recommendations to the Congress for implementation of that portion of the multiagency plan. On that basis, from 6 to 10 years could elapse before any additional bank revetment could be provided.

Our procedures have been such as to insure that work has been done only at the most critical problem areas which qualify under the project authorization. Bank protection work must be accomplished during low water in the summer months. Thus, it has been necessary to select the locations to be protected, in each fiscal year and within the limit of annual appropriations, well in advance of the construction season. Locations to be protected have been selected from the list of known erosion areas, which has been reviewed annually and supplemented by aerial and ground inspections, including inspection of damage areas reported by local interests. Priority has been given to those locations at which damage or potential damage was greatest, where the work would be economically justified, and where local cooperation would be available. In that manner, advance engineering, design and plans and specifications, including furnishing of assurances and rights-of-way by local interests, have been consummated prior to invitation for bids in the early spring of each year.

Preconstruction planning for each critical location includes consideration of all bank protection required, on a "reach basis." That procedure permits review and evaluation of all active and potential bank erosion problems in the reach involved, and allows for coordinated planning for individual but interrelated elements of the overall project. Natural or manmade "hardpoints," such as rock ledges or existing revetments, delineate the reach limits and are determined by field reconnaissance and study of aerial photographs. Those portions of the riverbank along the outer periphery of curves in the channel in each reach have been considered as potential bank protection sites for determination of costs, benefits, economic status, and priority for construction of possible revetments for the reach.

In summary, we have constructed a substantial amount of bank revetment at critical erosion areas in Willamette River Basin. Nonetheless, there still is a severe need for additional bank protection work to prevent loss of or damage to lands and improvements and to stabilize the river channels. At present, however, the only authorization under which such work might be done will expire with the work now planned for the coming low-water season. Under those conditions and recognizing that, under normal procedures, possible new authorization to permit implementation of the multiagency plan cannot be expected pending completion of further studies, there will be a growing, increasingly severe, and unresolved bank erosion problem over the next several years.

We understand that the Willamette Basin Project Committee, acting in behalf of residents of the basin, is seeking Congressional action to bridge the time lapse until new Corps of Engineers recommendations might be available for Congressional action. Information available to us, as summarized in this letter, confirms the need for some such action. In view of the continuing changes in location and scope of individual erosion sites as discussed above, however, it is recommended that any action considered to extend the existing authorization, or to secure new authorization, be based on permitting flexibility of action to best serve the overall basin needs, rather than on providing revetment for specific erosion locations as now known to exist. In that manner, available funds could be utilized to continue to protect those critical areas which meet all of the conditions outlined above for selection of locations for annual accomplishment.

I will be pleased to furnish you any additional information you may require on this matter.

Sincerely yours,

PAUL D. TRIEM,
Colonel, Corps of Engineers District Engineer.

WILLAMETTE RIVER BASIN, OREG., BANK PROTECTION

[Active and critical erosion areas]

Location	River, mile	Bank	Length, feet	Estimated cost
Willamette River:				
Lucier D.L.C.	50.8	R	3,000	$190,000
Stoutenberg U/S Ext.	66.3	L	750	45,000
Pyburn D.L.C.	109.7	L	4,500	180,000
Cannon	137.3	R	1,800	110,000
Maple	150.9	R	2,500	200,000
Davidson	154.7	R	6,200	460,000
Foster U/S Ext.	158.1	L	1,730	95,000
Sawer Drift Barrier	166.4	R	1,000	40,000
Subtotal			21,480	1,320,000
Middle Fork Willamette River:				
Storman	13.1	L	3,000	110,000
Woodward	14.3	L	2,000	70,000
Kincaid	42.2	L	2,000	85,000
Subtotal			7,000	265,000
Coast Fork Willamette River: Lower Benter D/S Ext.	11.2	R	800	30,000
McKenzie River:				
Spencer	11.5	R	3,000	110,000
Burnum D/S Ext.	23.2	L	1,000	40,000
Milton	25.4	R	500	18,000
Merton	26.8	L	1,300	50,000
Subtotal			5,800	218,000
Santiam River: Tomasek U/S Ext.	5.1	R	1,600	75,000
South Santiam River:				
Milton	0.5	R	900	$33,000
Settle	11.7	L	2,600	110,000
Swink U/S Ext.	13.3	R	840	70,000
Landstrom D/S Ext.	19.0	L	1,000	44,000
Subtotal			5,340	257,000
North Santiam River:				
Holt	0.8	R	2,100	85,000
Knox	1.2	L	2,300	97,000
Greens Bridge	2.9	L	1,200	45,000
Stewart	6.6	L	1,200	42,000
Chamness	7.0	R	1,600	66,000
Subtotal			8,400	335,000
Molalla River:				
Location 2 D/S Ext.	5.0	L	800	30,000
Gribble	4.5	L	1,200	40,000
Woodcock	17.1	L	1,900	62,000
Russell	17.7	L	1,100	36,000
Subtotal			5,000	168,000
Clackamas River:				
Upper Semple Rd.	10.2	R	3,600	100,000
Lower Paradise Pk. D/S Ext.	18.8	R	1,000	33,000
Lower Paradise Pk. U/S Ext.	19.4	R	1,400	48,000
Subtotal			6,000	181,000
Grand total (33 locations)			61,420	2,849,000

Notes: 1. Locations tabulated based on 1967 reconnaissance, updated for locations constructed and other areas subsequently inspected. 2. Protection of any location would be based on relative need compared with all other critical locations; showing of economic justification; and assurances of local cooperation as required by section 3 of the 1936 Flood Control Act, as amended. 3. Recognition should be given to the fact that erosion may increase or decrease at the above locations and that new areas may develop and become more critical; thus, some of the works which could be done within the above total cost might be at locations other than those shown.

Mr. PACKWOOD. Mr. President, I think it is obvious from Colonel Triem's observations that we are faced with a very serious situation requiring immediate attention. In addition to hearing from Colonel Triem, I have also received letters from Mr. A. Warren Jones, the executive secretary for the Willamette Basin Project Committee in Salem, Oreg., Mr. O. E. Mikesell, secretary for the Linn County Willamette Basin Project Committee in Albany, Oreg., and Mr. Gerald T. McCarthy in Canby, Oreg. I ask that these letters be printed in the RECORD.

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

WILLAMETTE BASIN PROJECT COMMITTEE,
Salem, Oreg., March 11, 1971.

Hon. BOB PACKWOOD,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: We have been informed by the Portland District office of the Corps of Engineers that the monetary authorization for bank protection works in the Willamette River Basin, under the basic authorization of the Flood Control Acts of 1938 and 1950 has expired. This has created great concern on the part of our Committee as well as landowners through the basin who are threatened with damages to their property, some of which could be quite substantial.

The Willamette Basin Task Force Report will show a need for the continuation of channel stabilization and bank protection works to prevent damages from natural runoff as well as releases from reservoirs.

The Task Force Report was to be completed July 1, 1969. There has been considerable slippage and it now appears that the report will be completed a short time before July 1, 1971. It will then have to go through the review process before it reaches the Congress for consideration. We were aware that this work would have to be reauthorized and were also aware of about the time that the monetary authorization would expire. If the Task Force Report had been completed in 1969 as planned, the Congress would now have the Report to act on which, if they agreed to the Report by the Task Force, would mean only about a year's delay in the continuation of this most needed work. It would appear now that we are talking about three to four years' delay which in some places could create a very critical situation.

We feel that the Corps will tell you that there are critical areas that need immediate attention and I am sure, based on past experience that if a delay of three or four years takes place, the damages in these areas will be substantial.

On behalf of the many people in the basin who are going to be confronted with this situation, we would request that you investigate the possibility of interim funding for those areas that are deemed to be critical by the Corps of Engineers. I am enclosing for your information our letter to the Portland District, Corps of Engineers; the reply of Colonel Paul D. Triem, District Engineer and the maps that will be contained in the Report of the Willamette Basin Task Force showing the areas needing attention.

This request is being presented to all members of the Oregon Congressional Delegation for the reason that the need for this work is found in all of the Congressional Districts.

We will be very happy to help in any way we can to assist you in your efforts to obtain this relief for the people of the basin who are facing these losses.

Sincerely,

A. WARREN JONES,
Executive Secretary.

ALBANY, OREG., *April 9, 1971.*

ROBERT PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: Linn County property owners along the Willamette, Santiam, South Santiam, North Santiam, and Calapooia Rivers are seriously concerned over the fact that no funds are now available to the Corps of Engineers to do revetment work to control serious bank erosion.

Our Willamette Basin Project Committee understands that it will be some time before Congress has an opportunity to act upon the recommendations in the Willamette Basin Task Force report which contains recommendations concerning appropriations for revetments.

As this may be several years, our property owners are fearful that present erosion problems are going to become more and more serious and destroy acres of good river bottom soil.

These landowners do have Water Control Districts and District Improvement Companies, but do not have enough resources to construct and keep revetments in repair.

The Linn County Willamette Basin Project Committee is recommending that Congress work out a program whereby the Corps will receive funds to do revetment work between now and the time the Willamette Basin Task Force report is approved. This could perhaps be done by extending the present authorization of funds to let the Corps select the critical areas to be reveted.

Also, the committee wishes to voice their approval of Cascadia Dam on the South Santiam River. This dam is badly needed to complete the flood control complex on the South Santiam and Santiam Rivers.

Your support of these two projects will be greatly appreciated.

Very truly yours,

O. E. MIKESELL,
Secretary, Linn County Willamette Basin Project Committee.

CANBY, ORE.,
April 12, 1971.

Hon. Senator ROBERT PACKWOOD,
Bonneville Power Administration Building,
Portland, Oreg.

DEAR SENATOR PACKWOOD: We have a situation that has developed on our place that is beyond our control!

We have a thirty-three acre ranch on the Molalla River. During the W.P.A. days the U.S. Government built a revetment to contain the river at flood stage on our place and it worked beautifully all these years keeping the flood damage to a negligible point. (Picture No. 1.)

About four years ago the Army Engineers built a revetment on the river about one or two miles above my place at Island Park, and every winter since that time the river has been straightening out—wiping out our property! (Picture No. 2.)

The river has deviated from the old channel but followed the old revetment in a gentle turn to the point where it now plows into the tail end of the revetment at a 90° angle. (Picture No. 3—Spring of 1971). It is washing out land at a high rate.

I have been taking pictures of it as it changes for a matter of record. The Army Engineers tell me they cannot do anything about it as they don't have the money or the authority to extend the revetment.

What can we do? We love our place very much and share it with the community during fishing and swimming season. We are not financially situated to fight the river. As you can see there will be nothing to stop it next winter and where it will go I can't guess, as the property below the revetment is relatively low country.

The Army Engineers saved property above us by the Island Park Revetment but at our expense. You can see from the pictures what is happening.

If you can help correct this situation many people will be appreciative.

Thank you for your kind consideration of this matter and would appreciate it if you could advise me of your findings.

Sincerely,

GERALD T. MCCARTHY.

Mr. PACKWOOD. Mr. President, I am hopeful that this measure will receive prompt and favorable action by the Senate Public Works Committee.

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

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

S. 1820

A bill authorizing the Chief of Engineers to construct certain bank protection works along the Willamette River and its tributaries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the comprehensive plan for the Willamette River Basin, approved by the Flood Control Act of June 28, 1938, as amended, and supplemented by subsequent acts of Congress, is hereby further amended to provide for the continuing construction of bank protection improvements at critical areas along the Willamette River and its tributaries. Locations to be selected and approved by the Chief of Engineers.

SEC. 2. In addition to previous authorizations for prosecution of projects in the Columbia River Basin, including the Willamette River Basin, there is hereby authorized to be appropriated the sum of $3,000,000 to carry out the provisions of this Act.

By Mr. MAGNUSON:

S. 1821. A bill to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce today a bill to amend the Federal Aviation Act, with respect to the transportation of Government traffic by civil air carriers of the United States.

Mr. President, the immediate need for this legislation arises from the announced intention of the Air Force to virtually abandon the use of civil air carriers for the transportation of international military cargo. The Air Force plan is contrary to the policy adopted by the Congress after careful consideration. It is adverse to the national interest. It is wasteful and uneconomic. It is unfair to the air carriers who have acquired aircraft and placed them in the Civil Air Reserve Fleet—CRAF—in reliance upon the congressional policy.

More than a decade ago, the Congress through various committee reports and legislative actions established a policy that the Department of Defense should make substantial use of civil carriers in

peacetime for both passengers and cargo in order to stimulate the development of capacity to be available in emergencies. The Congress was more definitive with respect to passengers than with respect to cargo, establishing firm legal requirements as to passengers. While the policy with respect to cargo was also made clear, the Congress stopped short of firm legal requirements.

We have the benefit of actual experience during the 1960's to show the effectiveness of this policy of using civil air carriers for international military traffic in peacetime. After the policy was adopted in 1960, the carriers did acquire modern passenger and cargo equipment for the Civil Reserve Air Fleet program. Then an emergency arose in Southeast Asia for which this capability was used to meet requirements that the Air Force could not have met at all without the civil carriers. Thus, the policy was proved out.

The greatest benefit of the policy was that our country has needed defense capability that could not have been provided in any other way at any cost. But, beyond that, it obtained this capability, and the transportation performed by the civil carriers, at a cost many millions of dollars below what it would have cost the Air Force to provide the same capability and service with "organic" airlift had that been possible at all.

Notwithstanding the proven benefits of the policy with respect to the use of civil air carriers, the Air Force has been trying for several years to reverse the policy as to international military cargo. The Air Force apparently plans to move virtually all international cargo in peacetime on Military Airlift Command—MAC—aircraft, principally C–5's and C–141's. It appears that no funds are included in the Air Force budget for fiscal 1972 for movement of international cargo in civil carriers. This reversal of policy is being undertaken without congressional approval.

The Air Force plan is a mistake because—

First. It is a breach of an obligation to the civil air carriers. They have relied, and were entitled to rely, on the apparently established policy of using them for international cargo airlift. They have invested heavily in modern jet aircraft. The withdrawal of this business is a heavy financial blow to them. It comes at a particularly bad time because of softness in the civil air cargo market at present.

Second. It will discourage the civil carriers from procuring and maintaining the airlift capability which may be vitally necessary in wartime. Indeed, the confidence of the carriers has already been so badly shaken that nothing less than a statutory mandate to the Department of Defense can be expected to induce the necessary expenditures for the maintenance and further modernization of the air carriers' fleet which the national defense requires.

Third. It will result in wasteful and uneconomic expenditures. Through expenditures for substantial movements of international military cargo by the civil carriers in peacetime, the Department of Defense can furnish incentives for the civil carriers to provide cargo airlift capability to be available for emergencies at a cost to the Government many millions of dollars less than it would cost to provide an equivalent added cargo capability in MAC "organic" airlift and to accomplish the same international cargo movements with such added MAC airlift.

For these reasons, legislation is urgently needed at this time to establish a firm requirement that the Air Force adhere to the congressional policy that civil air carriers be given the primary role in peacetime movements of international military cargo of the kinds suitable for movement by such carriers.

At the same time, it would be desirable to reaffirm the congressional policy with respect to other types of Department of Defense air traffic and to set a policy with respect to certain other Government or Government-aided air traffic.

Mr. President, at this point I ask unanimous consent to have the bill and an explanation of it printed in the RECORD.

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

S. 1821

A bill to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Aviation Act, as amended, is amended by adding at the end of Title XI thereof the following new section:

"TRANSPORTATION OF GOVERNMENT TRAFFIC

"SEC. 1112(a) Whenever the United States shall procure, contract for, or otherwise obtain for its own account, or shall furnish to or for the account of any foreign nation without provisions for reimbursement, any property, within or without the United States, or shall advance funds or credits or guarantee the convertibility of foreign currencies in connection with the furnishing of such property, the appropriate agency or agencies shall take such steps as may be necessary to assure that such property, whenever transported by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States, shall to the fullest extent practicable be transported by air carriers holding certificates under Section 401 of this Act to the extent allowed by such certificates or by regulation or exemption of the Civil Aeronautics Board and to the extent such carriers are available at rates established under this Act.

"(b) Whenever the Department of Defense moves persons or property by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States—

"(1) To the fullest extent practicable, such persons and property (except persons and property that must move in military aircraft because of special military considerations which by their nature preclude the use of civil aircraft, or because of security, or in the case of property because of limiting physical characteristics such as size or dangerous properties) shall be transported by air carriers participating in the civil reserve air fleet program and holding certificates under Section 401 of this Act to the extent allowed by such certificates or by regulation or exemption of the Civil Aeronautics Board and to the extent such carriers are available at rates established under this Act.

"(2) As a minimum, at least 50 percent of the annual gross tonnage (measured in ton-miles) of all property moved by the Department of Defense by air between such places shall be transported by air carriers participating in such program and holding such certificates to the extent such carriers are available at such rates.

"(c) The provisions of this section may be waived whenever the Congress by concurrent resolution or otherwise, or the President of the United States or the Secretary of Defense, declares that an emergency exists justifying a temporary waiver of the provisions of this section and so notifies the appropriate agencies and certificated air carriers.

"(d) Every department or agency having responsibility under this section shall administer its program with respect to this section under regulations issued by the Comptroller General of the United States. The Comptroller General of the United States shall review such administration and shall annually report to the Congress with respect thereto."

PROVISIONS OF THE BILL

The bill would add a new Section 1112 to Title XI of the Federal Aviation Act.

Subsection (a) of the new Section 1112 establishes a policy with respect to the use of United States air carriers for international movement by air of property procured, furnished or financed by the United States. It is substantially similar to Section 901(b) of the Merchant Marine Act, 1936, as amended, which establishes a preference for United States-flag vessel with respect to at least 50 percent of the tonnage of cargoes procured, furnished or financed by the Government when transported on ocean vessels. Specifically, Subsection (a) in the present bill provides that whenever the United States shall procure, contract for, or otherwise obtain for its own account, or shall furnish to or for the account of any foreign nation without provisions for reimbursement, any property, within or without the United States, or shall advance funds or credits or guarantee the convertibility of foreign currencies in connection with the furnishing of such property, the appropriate agency or agencies shall take such steps as may be necessary to assure that such property, whenever transported by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States, shall to the fullest extent practicable be transported by air carriers holding proper authorization from the Civil Aeronautics Board to the extent such carriers are available at rates established under the Federal Aviation Act.

Subsection (b) of the new Section 1112 establishes a policy with respect to the use of civil air carriers for international air movements of passengers and property by the Department of Defense. The general policy as set out in subparagraph (1) is that the civil air carriers holding proper authorization from the Civil Aeronautics Board shall be used to the fullest extent practicable for all DOD movements of persons or property by air between a place inside the United States and a place outside thereof or between two places both of which are outside the United States, to the extent such carriers are available at rates established under the Federal Aviation Act. An exception is made for persons and property that must move in military aircraft because of special military considerations which by their nature preclude the use of civil aircraft, or because of security, or in

the case of property because of limiting physical characteristics such as size or dangerous properties. This is the so-called "hard-core" traffic.

Subparagraph (b)(2) establishes a specific rule for *international* movements of military *cargo*. While the general policy established in subparagraph (b)(2) should, if fairly and properly applied, result in substantially more than 75 percent of DOD international cargo moving by civil carriers, and while it is expected that it will have the result, nevertheless in view of the attitude of the Air Force on this subject, it seems necessary to establish a specific minimum which must be met in any case. Accordingly, Subparagraph (2) provides that as a minimum at least 75 percent of the annual gross tonnage (measured in ton-miles) of all property moved by the Department of Defense by air between a place in the United States and a place outside thereof, or between two places both of which are outside the United States, shall be transported by United States civil air carriers participating in the Civil Reserve Air Fleet program and holding certificates of public convenience and necessity under Section 401 of the Federal Aviation Act to the extent such carriers are available at rates established under such Act. No exception is provided with respect to "hard-core" cargo because the proportion of "hard-core" cargo is small enough to permit compliance with the 75 percent rule without any such exception. The term "property" as used in this subparagraph does not include mail.

Subsection (c) of the new Section 1112 provides that the provisions of this section may be waived whenever the Congress by concurrent resolution or otherwise, or the President of the United States or the Secretary of Defense, declares that an emergency exists justifying a temporary waiver of the provisions of this section and so notifies the appropriate agencies and certificated air carriers. There is a similar provision in Section 901(b) of the Merchant Marine Act, 1936, as amended, applying to ocean shipping.

Subsection (d) of the new Section 1112 provides that every department or agency having responsibility under this section shall administer its program with respect to this section under regulations issued by the Comptroller General of the United States. The Comptroller General of the United States shall review such administration and shall annually report to the Congress with respect thereto. A similar provision applying with respect to ocean shipping was added last year to Section 901(b) of the Merchant Marine Act, 1936, except that in that case the regulations are to be issued by and the reports made by the Secretary of Commerce.

By Mr. MAGNUSON (by request):

S. 1822. A bill to amend the Northwest Atlantic Fisheries Act of 1950, as amended, the North Pacific Fisheries Act of 1954, as amended, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to amend the Northwest Atlantic Fisheries Act of 1950, as amended, the North Pacific Fisheries Act of 1954, as amended, and for other purposes.

I ask unanimous consent that a letter of transmittal be printed in the RECORD.

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

DEPARTMENT OF STATE,
Washington, D.C., April 26, 1971.

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

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes".

It is requested that this bill be referred to the appropriate committee for consideration; its enactment is recommended.

Two Procotols to the International Convention for the Northwest Atlantic Fisheries entered into force on December 19, 1969. The United States has ratified these Protocols. One provides for a new method for entry into force of regulations proposed by the International Commission for the Northwest Atlantic Fisheries, established by the Convention; the other grants authority to the Commission to propose regulations for international measures of control (enforcement) to ensure uniform application of the fisheries conservation regulations through joint action. These Protocols require amendments to the Northwest Atlantic Fisheries Act, which is the implementing legislation for the Convention. The proposed changes in the North Pacific Fisheries Act are consequent to the changes in the aforementioned Act. The bill also proposes measures to facilitate United States representation to the Commission and to similar international fisheries commissions.

The Protocol on entry into force of regulations was initiated by the United States, and is designed to expedite the procedure for adoption of regulations proposed by the Commission. Under the previous procedure, each government participating in the Panel for the Convention subarea to which a proposal applied had to take affirmative action to signify its approval thereof before a proposal could enter into force. There have been long delays in the entry into force of some Commission proposals, apparently in large measures because of inertia in taking the required action, particularly on the part of countries whose fishermen are little affected one way or the other by the proposal in question. Under the new procedure a government is deemed to have approved a proposal unless it objects within a specified period. Adequate safeguards are included to protect the rights and interests of the contracting governments and their fishermen. The aims of the Convention will be achieved more fully through this more expeditious system of bringing necessary conservation proposals into force. The procedure will also apply to proposals relating to joint enforcement which may be made under the other Protocol.

The Northwest Atlantic Fisheries Act requires both the Secretary of State and the Secretary of Commerce to take positive action to accept a proposal on the part of the United States. The proposed amendment would require the Secretary of State to take appropriate action, with the concurrence of the Secretary of Commerce wtih regard to such proposals. The United States has never rejected a proposal, and, in fact, among the fifteen member governments, only three proposals have been subject to objection. The United States would have six months in which to act. The Secretary of Commerce would be required to inform the Secretary of State within five months as to what action he considers appropriate with regard to such proposals and the Secretary of the Department in which the Coast Guard is operating would be required to similarly inform the Secretary of State with regard to proposals relating to national and international measures of control. The Protocol also provides for extended periods of objection if one party rejects the proposal during the six month period. The Secretaries would have a similar obligation to inform the Secretary of State within these periods concerning appropriate action in sufficient time to allow the Secretary of State to file an objection within the time allowed by the Protocol.

With regard to the latter provision of the Protocol, it may be that the United States would find a proposal acceptable but would not wish to be bound by it if another party objected to it and relieved itself of any obligation to give effect to the proposal. Under the Protocol a proposal becomes effective for all governments, except those which have presented objections, at the end of the objection period, unless a majority of the governments concerned have objection in which case all governments are relieved of any obligation to give effect to the proposal. In the latter circumstance, any of the governments may agree among themselves to give effect to the proposal, which is also provided for in the legislation.

Since a very significant proportion of the fisheries in the Convention area are conducted in waters off the coasts of the United States, it is in our interest to secure prompt acceptance of necessary conservation proposals. In the past, numerous proposals which were necessary or desirable from the standpoint of United States interests were unduly delayed by inaction on the part of one or more of the other parties to the Convention. Thus the changes in the Convention are very much in our interests; we believe that the proposed changes in the legislation is a reasonable method of implementing them on behalf of the United States.

The Protocol on measures of control expressly permits the Commission to make proposals related to national or international measures of control to ensure the application of the Convention and the conservation regulations adopted thereunder. At present, each contracting government is required to enforce the terms of the Convention and the regulations adopted thereunder with respect to its own nationals. The Protocols permits a supplemental system of international inspection or enforcement to be adopted under the terms of regulations proposed by the Commission and approved by member governments. This will permit more efficient and uniform enforcement of Commission regulations designed to conserve the stocks of fish in the Convention area in the North Atlantic, a significant part of which lies off the coasts of the United States.

Before proposing the Protocol to governments, the Commission discussed the question of enforcement at some length, and decided that enforcement of the Commission's regulations would be more uniform and efficient if some form of international inspection or enforcement system were adopted.

Consideration was given to amending the Convention to specify the form of international inspection or enforcement, as is done for example in the International North Pacific Fisheries Convention. It was concluded, however, that some flexibility would be preferable. Thus the Protocol authorizes the Commission to adopt such proposals without specifying their nature. Proposals will not enter into force until approved by the Contracting Parties under the procedure discussed above. Accordingly, it is not possible to be specific in the amendments to the Northwest Atlantic Fisheries Act concerning the international enforcement activities which may be undertaken by the United States with respect to foreign fishing vessels in the Convention area or by other parties with respect to American fishing vessels in the Convention area, as it is for example in the case of the North Pacific Fisheries Act where international enforcement procedures are spelled out in the Convention. Rather, it will be necessary to implement enforcement proposals which enter into force for the United States by regulation.

International enforcement has been discussed extensively with the concerned segments of the fishing industry in the Northwest Atlantic, and we have found them to be strong advocates of such a program. In view of the magnitude of the foreign fishing activities in the area, they consider it to be essential that American enforcement au-

thorities have an opportunity to ensure that foreign fishermen adhere to the same strict standards that we require of the American fishermen. They realize full well that this can only be undertaken on a reciprocal basis.

The proposed amendments would empower the Secretary of the Department in which the Coast Guard is operating and the Secretary of Commerce, with the concurrence of the Secretary of State, to jointly issue the necessary regulations to implement the enforcement proposals which enter into force with respect to the United States and to cooperate with officials of other parties to the Convention in implementing such proposals. Proposed section 7(d) would give a legislative basis for foreign enforcement officers taking action with respect to American vessels pursuant to such proposals, within certain limitations which are specified in the section. Other limitations also might be specified in the Secretary's regulations and, of course, the proposals negotiated in the Commission with the participation of the United States, including industry advisors, might also contain limitations on such activities.

Proposed section 7(e) would give a legislative basis for American enforcement officers to take action with respect to foreign vessels pursuant to such proposals. The Northwest Atlantic Fisheries Act permits the Secretary of Commerce to designate officers of the States of the United States to enforce its provisions. International enforcement authority, however, would be limited to officers of the National Oceanic and Atmospheric Administration and the Coast Guard, since it is understood that other parties to the Convention believe that such activities will only be undertaken by National officers. Such officers may be directed to appear in foreign courts to assist in their proceedings if necessary when they have encountered a violation in the course of their international enforcement activities, according to proposed section 7(f).

Proposed section 9(c) would make it unlawful to prevent any duly authorized international inspector from boarding a vessel and making his inspection, or to interfere with his activities, conducted pursuant to an enforcement proposal effective for the United States. This is based on a provision of the North Pacific Fisheries Act. Proposed section 10(b) would provide penalties for violating this provision. Such a provision is essential to ensure that individual fishermen do not frustrate international enforcement procedures which are accepted by the United States, although we do not anticipate difficulties in this regard.

Section 12 of the North Pacific Fisheries Act incorporates in *haec verba* sections 7(a) and (b), 9, 10, and 11 of the Northwest Atlantic Fisheries Act. Some of these sections would be amended in accordance with the above proposals. It is deemed desirable not to amend the Northwest Atlantic Fisheries Act with exceptions for the North Pacific Fisheries Act incorporated therein, but to insert the pertinent provisions in the North Pacific Fisheries Act itself, including those provisions of the Northwest Atlantic Fisheries Act applicable to it which are not being amended in order that the North Pacific Fisheries Act may stand alone with appropriate provisions for regulating its fisheries. The changes proposed do not amend the substance of the provisions of the Northwest Atlantic Fisheries Act which are incorporated in the North Pacific Fisheries Act in any way, although a few minor modifications of language are proposed to accommodate the changes in the language of the latter Act and to clarify the provisions relating to violation of court orders. Some renumbering of sections is proposed in order that the provisions may be incorporated in the most appropriate places.

Title III of the proposed legislation also suggests procedures for facilitating United States representation on the various international fisheries commissions. United States Commissioners are appointed by the President in accordance with implementing legislation, including the two Acts cited above. At times United States Commissioners may not be present at commission meetings for various reasons, including vacancies, illness, and other obligations during the periods involved. This is especially true with respect to meetings of committees of the various commissions, which may require technical representation. Other parties to these Conventions are generally represented at all meetings by commissioners, however, because they have a greater tendency to appoint technical commissioners and because they usually do not require presidential level action on appointments. Thus they may designate a commissioner for a single meeting. The proposed legislation would allow the Secretary of State to designate Alternate Commissioners to which it is entitled.

Such designations would be for the meeting in question only, and would be solely for the purpose of ensuring that the United States has appropriate representation at such meetings without having to seek approval of the President concerning a temporary situation. The President's authority to make permanent appointments of Commissioners would be unimpaired, of course. This authority would extend to all present international fisheries commissions except one, and to any similar bodies which may be established in the future. The one exception is the International Pacific Salmon Fisheries Commission, since the convention which established it provides that Commissioners must be appointed by the President. No other such convention contains such a limitation, and it is believed that the proposed legislation will permit the United States to carry out its obligations under these conventions in a more efficient and satisfactory manner.

The 1970 Annual Meeting of the Commission proposed international measures of control in accordance with the Protocol. The measures will take effect on July 1, 1971, having been accepted by all contracting governments. Accordingly, it would be advantageous to the United States if the proposed legislation were enacted prior to that time in order that the United States might best carry out its obligations under the Convention.

The Office of Management and Budget advises that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

By Mr. HART:

S. 1823. A bill to amend section 5 of the Federal Trade Commission Act. Referred to the Committee on Commerce.

Mr. HART. Mr. President, once again I introduce legislation to erode a bit of the big brotherism of the Federal Government and to return some of the power to the people.

My bill would end the total dependence on the Federal Trade Commission of individual and groups of consumers and businessmen who seek relief from violations of section 5 of the FTC Act.

As you all know well, that section outlaws unfair or deceptive acts in competition. If we judge only from the number of cease-and-desist orders entered yearly by the FTC under this section, we might think that violations are almost novel. With more than 300,000 manufacturing organizations and 1.7 million retail outlets in this country, the FTC orders under this section ranged from 167 in 1960 to 75 in 1970.

But to conclude that unfair and deceptive competitive acts are rare would be naive. It would not recognize the limited resources of the FTC—or the requirement that they deal only with the nationwide practices. More than that, it would overstate the public awareness of the very existence of the agency—let alone of section 5.

Consumers and businessmen across the country have no trouble knowing when they are hurt by such practices.

Members of Congress receive several letters, phone calls or personal visits monthly or even weekly complaining of practices suspect under the section.

My office refers hundreds of these complaints yearly to the FTC. Unfortunately, as the number of cease-and-desist orders demonstrates, few of them get full-blown investigation.

Many of the complaints, honestly, are not really sufficient in magnitude to merit "making a Federal case" out of them. Maybe it is simply a consumer misled by a tire ad—or a victim of "bait and switch advertising" for a vacuum cleaner. Many of them are disposed of simply by the FTC calling the incident to the attention of the advertiser.

But I can recall a number of businessmen over the years who appealed to my office for help—who desperately needed it—who did not get it from the FTC and who today are out of business. The avenue of a private suit was closed to them because the anticompetitive practices were not covered by the Sherman or Clayton Acts.

Perhaps it is the frustration wrapped up in standing by helpless and watching such demises that has made me consistently suggest that we give these people the weapons to help themselves.

I mean no criticism of the past actions of the FTC in outlining these experiences. I understand the magnitude of the load they must carry. I can understand when they report that certain practices are not widespread enough to justify spending agency time.

But it is no consolation to the businessman who is drowning—or a batch of consumers stung by the same deceptive sales practices—when it is explained that the facts of life being what they are, no help can be given.

A criticism directed against my proposal to open up section 5 for individual or class action suits frequently is that it will result in an increase in the number of suits.

That is right. If I did not think it would, the legislation would have little or no merit.

But I do not feel it will result in a number of worthless suits. Obviously, anyone or any group desiring to bring

such a case must first convince a lawyer that it has enough merit to deserve his time. Further, the case must be tested in the courts just as any other civil suit is tested oday.

I grant that section 5 is extremely broad and could be used to make judicial history. In fact, I have suggested in the past that it may be a weapon to assist in implementation of the growing body of environmental protection regulations. The theory is that generally, when a company does not adopt environmental protection mechanisms, it is to avoid their cost. Therefore, it is logical that the "do nothing" company gains a cost—and therefore anticompetitive—advantage over the "do it all" company following the environmental protection rules.

Where I part company with the critics who oppose this bill because of the number of suits it might make possible is on basic philosophy.

It is beyond me how we can say that certain practices are illegal—if the FTC decides to bring a case—and not illegal—if no suit is brought.

That is a bit of the "anything is all right if you get away with it" philosophy which does not square with the basic morality of this country—let alone of its laws.

But even more important is what limiting such cases to the FTC initiative is doing to the competitive structure of the economy.

We still give lip service to the idea that in our system the supplier with the best product, at the best price, will be rewarded by sales. Protecting a class of anticompetitive practices behind the wall of the FTC's limitations distorts this theory. It says that the dishonest and less-than-honest can steal the business from the honest supplier and still be rewarded. Thus, honest businessmen with good products at good prices either disappear from the market—to the detriment of both the consumer and the system—or they are hampered from growing to serve more consumers better.

Either way, the Nation loses.

Mr. President, the idea of opening up the section 5 cases to the public is not unique with me. The American Bar Association Commission, chaired by the now-Chairman of the FTC, Miles Kirkpatrick, suggested the same thing—at least to the extent of deceptive practices—in its report to President Nixon.

This private right of recovery, particularly to the extent that it does not depend upon the utilization of FTC resources—

The report said—

would multiply the effectiveness of the enforcement mechanism and the seriousness of the sanction against violation.

The report further recommended: "Legislation to provide an adequate private remedy to reimburse injured parties and to deter section 5 violators should be sought with vigor."

Hopefully, Mr. President, vigor is exactly what this Congress will bring to movement of the bill I send to the desk for appropriate reference and ask unanimous consent to have printed in the RECORD at the conclusion of these remarks.

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

S. 1823

A bill to amend section 5 of the Federal Trade Commission Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "1971 Amendment to the Federal Trade Commission Act".

SEC. 2. Section 5 of the Federal Trade Commission Act, 38 Stat. 719, as amended, is hereby amended by adding thereto a new subsection "(m)" as follows:

"Right of Action of damaged parties—

(m) (1) Any person, partnership, or corporation who shall be injured in his business or property by any other person, partnership, or corporation by reason of any unfair method of competition in commerce, or unfair or deceptive acts or practices in commerce forbidden or declared to be unlawful by this section, may sue therefore in any district court of the United States in the district in which the defendant resides or is found, or has as an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

(2) An order to cease and desist of the Commission which has become final as provided in this section to the effect that the defendant in any damage suit has violated the provisions of this section shall be prima facie evidence against such defendant in the damage suit brought by any other party against such defendant under this subsection as to all matter respecting the violation of this section as declared by the Commission.

(3) Such suits for damages shall be brought within three years from the commission of the unfair methods of competition or unfair or deceptive acts or practices, or in case of a continuing violation from the commission of the last violation, or be forever barred: *Provided,* That the running of the three years limitations in respect of each and every private right of action arising under this subsection and based in whole or in part on any matter complained of in the proceedings under this section of the Commission shall be suspended during the pendency of such proceedings and until any order to cease and desist entered therein has become final.

(4) The several district courts of the United States of America are hereby invested with jurisdiction to receive and proceed with suits under this subsection as in other civil suits in those courts.

By Mr. NELSON:

S. 1824. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices. Referred to the Committee on Labor and Public Welfare.

MEDICAL DEVICE SAFETY ACT OF 1971

Mr. NELSON. Mr. President, I am today reintroducing legislation which I first presented in the Senate in May of 1969, the Medical Device Safety Act.

This measure, known as S. 2107 in the 91st Congress, would assure the safety, effectiveness, and reliability of equipment and devices used in the treatment and diagnosis of diseases.

This bill may not be the final answer to the entire problem of regulating the use of medical devices. However, in light of the increasing concern in many quarters about the problems to which this bill addresses itself, it is my judgment that it is a necessary first step. Hearings on the subject would air all available information and points of view, so that comprehensive legislation might result.

A Special Committee on Medical Devices in the Department of Health, Education, and Welfare recommended in September 1970, that the authority of the Food and Drug Administration be extended to regulate medical devices as it does drugs.

It is apparent, however, that much of the problem with complicated medical devices today stems not only from lack of premarket clearance, but from lack of expertise in operating the equipment. The HEW committee, chaired by Theodore Cooper, M.D., Director of the National Heart and Lung Institute of the National Institutes of Health, stated:

Some consultants pointed out that many of the reported accidents associated with medical devices arose not from design and manufacture, but from improper installation, interconnection with other devices and frank misuse. Consequently, regulation of devices themselves would not resolve all problems.

I am contemplating further legislation to meet these kinds of problems.

Many of the provisions in this bill were cited in the Cooper committee report. HEW already has begun several measures recommended by the committee, including an inventory and categorization of all medical devices. Many of the proposals in this bill I believe are consistent with the aims of HEW.

More and different approaches, however, may be necessary.

It is indeed appalling that the estimated 5,000 therapeutic and diagnostic devices being presented on the market today have not been pretested for safety or reliability.

No one should be exposed to possible electrocution, unwarranted infection, or permanent disability by faulty manufactured or poorly designed medical devices.

Presently the Federal Government can take action against faulty or dangerous medical equipment only after it has been used and proved to be unsafe. Establishing that a device is unsafe and being in a position to prove this in court can be a long, tedious, and costly procedure. Usually, it is only after several serious injuries have occurred.

In the absence of any legal requirement to report injuries and in view of a practitioner's or manufacturer's desire not to be exposed to liability, it is difficult to ascertain the number of injuries which occur from the use of medical devices. Some indication might be perceived from a statement before the National Product Safety Commission indicating that about 1,200 hospital patients are electrocuted

each year while receiving routine treatment.

These cases have been traced to a variety of problems from the malfunction of equipment, such as electrocardiograms, to ungrounded heating pads and hospital bed controls.

I ask unanimous consent that three articles concerning this testimony be printed in the RECORD following my statement. The first is a February 20, 1969, article from the Washington Post; the second is a March 1971 article from Ladies Home Journal; and the third is an April 2, 1971, article from United Press International.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Mr. President, the problem of unsafe devices exists not only with complex electronic equipment but also with simple items, such as bone pins, nails, screws, and plates. In numerous cases, these simple devices which are often not made from inert materials have reacted with body chemicals and rusted.

They had to be removed after insertion, posing an additional hazard to the patient.

Of course, there are legitimate uses for many, many devices and great advances have been made in developing equipment to utilize the newer knowledge of modern science in helping to provide better health service. An example of this equipment is the artificial kidney machine. But the miracles of bona fide scientific medical instruments must be controlled when such products are built for the commercial market and care must be taken to insure that quacks do not develop fake machines or gadgets based on the concept of a new scientific accomplishment.

There are certain instruments which might fall within the definition of "device" which are not significant from the point of view of requiring premarketing clearance. Examples of such items might be tongue depressors, surgical instruments such as scalpels, first-aid dressings, and so forth. The bill I am proposing will not require preclearance for such common items.

However, those devices for which premarketing clearances are deemed necessary will be subjected to premarketing testing, including controlled clinical testing, for safety and effectiveness.

The results of this test will have to be submitted, along with other relevant data, to the Secretary of Health, Education, and Welfare for review. If the Secretary agrees that the data submitted proved, by substantial evidence, the safety, effectiveness, and reliability of the device, the application will be approved and the device can then be marketed in interstate commerce. However, if the data submitted are inconclusive or fail to establish either safety or effectiveness, then the application will be denied. The sponsor can appeal the decision of denial and request a hearing on the matter.

Standards would be established, in consultation with the many standard-setting organizations now in existence, in lieu of preclearance for devices amenable to minimum standards.

The bill will also require quality manufacturing controls and require manufacturers to maintain and make available information received by the manufacturer or distributor concerning the safety and effectiveness of its devices. Withdrawal of the Secretary's approval of the device application will be permitted where doubt as to a device's safety or effectiveness arises.

In conclusion, Mr. President, I would emphasize the importance of this legislation and the need for action on it in the near future. Passage of the Medical Device Safety Act of 1971 would be a great step forward in the protection of the public health in America, by extending to devices the same medical and scientific safeguards that Congress applied to drugs in 1938 and 1962.

I ask unanimous consent that a brief section-by-section analysis and the text of my bill be printed in the RECORD at this point.

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

S. 1824

A bill to protect the public health by amending the Federal Food Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices

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

TITLE I—AUTHORITY TO ESTABLISH STANDARDS

SEC. 101. Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351), is amended by adding at the end thereof the following new section:

"STANDARDS FOR MEDICAL DEVICES

"Authority To Set Standards

"SEC. 513. (a) Whenever in the judgment of the Secretary such action will protect the public health and safety, he may by regulation establish for any device (including any type or class of device), a reasonable standard relating to the composition, the properties, the identification or the performance (including compatibility with power systems and connections) of the device or devices involved (or relating to two or more of such factors).

"Weight Given Other Standards—Consultation With Interested Groups

"(b) In the development and consideration of proposals for the issuance of standards under this section, and in particular prior to the commencement of formal proceedings on his own initiative pursuant to subsection (c), the Secretary shall to the optimum extent consult with, and give appropriate weight to relevant standards published by, other Federal agencies concerned with standard setting or other nationally or internationally recognized standard-setting agencies or organizations, and invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, and consumer organizations that in his judgment can make a significant contribution to such development.

"Procedure for Issuance, Amendment, or Repeal of Standards

"(c) The provisions of section 701 (e), (f), and (g) of this Act shall, subject to the provisions of subsection (d) of this section, apply to and in all respects govern proceedings for the issuance, amendment, or repeal of regulations under subsection (a) of this section (including judicial review of the Secretary's action in such proceedings). The Secretary may suspend the running of any applicable time limit under section 701(e) pending receipt of the report of an advisory committee under subsection (d) of this section and consideration of the committee's report by the Secretary.

"Referral to Independent Advisory Committee

"(d)(1) In any proceeding for the issuance, amendment, or repeal of a regulation establishing a standard under this section, whether commenced by a proposal of the Secretary on his own initiative or by a proposal contained in a petition, the petitioner, or any other person who will be adversely affected by such proposal or by the Secretary's order issued in accordance with paragraph (1) of section 701(e) if placed in effect, may request, within the time specified in this subsection, that the petition or order thereon, or the Secretary's proposal, be referred to an advisory committee of experts for a report and recommendations with respect to any matter involved in such proposal or order that requires the exercise of scientific judgment. Upon such request, or if the Secretary on his own initiative deems such a referral necessary, the Secretary shall appoint such an advisory committee and shall refer to it, together with all the data before him, the matter so involved for study thereof, and for a report and recommendations thereon in accordance with the applicable provisions of paragraph (5)(C)(ii) of subsection (b), and subject to paragraph (2) of subsection (d) of section 706. A person who has filed a petition or who has requested the referral of a matter to an advisory committee pursuant to this subsection, as well as representatives of the Department, shall have the right to consult with such advisory committee in connection with the matter referred to it. The request for referral under this subsection, or the Secretary's referral on his own initiative, may be made at any time before, or within thirty days after, publication of an order of the Secretary acting upon the petition or proposal.

"(2) The appointment, compensation, staffing, and procedure of such committees shall be in accordance with subsection (b)(5)(D) of section 706.

"(3) Where such a matter is referred to an expert advisory committee upon request of an interested person, the Secretary may, pursuant to regulations, require such person to pay fees to pay the costs, to the Department, arising by reason of such referral. Such fees, including advance deposits to cover such fees, shall be available, until expended, for paying (directly or by way of reimbursement of the applicable appropriations) the expenses of advisory committees under this subsection and other expenses arising by reason of referrals to such committees and for refunds in accordance with such regulations."

CONFORMING AMENDMENTS

SEC. 102. Section 501 of such Act is amended by adding at the end thereof the following new paragraph:

"(e) If it is, or purports to be or is represented as, a device of a type or class with respect to which, or with respect to any component, part, or accessory of which, a stand-

ard established under section 513 is in effect, unless such device, or such component, part, or accessory, is in all respects in conformity with such standard."

TITLE II—PREMARKET CLEARANCE OF CERTAIN MEDICAL DEVICES

SEC. 201. (a) Section 501 of such Act, as amended by section 102 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(f) If (1) it is a device, and (2) such device, or any component, part, or accessory thereof, is deemed unsafe, unreliable, or ineffective within the meaning of section 514 with respect to its use or intended use."

(b) Chapter V of such Act, as amended by section 101 of this Act, is further amended by adding at the end thereof a new section as follows:

"PREMARKET CLEARANCE FOR CERTAIN MEDICAL DEVICES

"When Premarket Clearance Is Required

"SEC. 514. (a) A device shall, with respect to any particular use or intended use thereof, be deemed unsafe, unreliable, or ineffective for the purpose of the application of section 501(f) if—

"(1) its composition, construction, or properties are such that such device is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety, reliability, and effectiveness of such device, to be safe, reliable, and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof; and

"(2) such device (A) is intended to be secured or otherwise placed, in whole or in part, within the human body or into a body cavity, or directly in contact with the mucous membrane, and is intended to be left in the body or such cavity, or in such direct contact, permanently, indefinitely, or for a substantial period or periods (as determined in accordance with regulations issued after notice and opportunity to present views), or (B) is intended to be used for subjecting the human body to ionizing radiation, electromagnetic, electric, or magnetic energy (including, but not limited to, diathermy, laser, defibrillator, and electroshock instrumentation), or heat, cold, or physical or ultrasonic energy, or is intended for physical or radio or electronic or electric communication in either direction with any part of the human body or with a device placed within or connected with the human body, or (C) is a device which the Secretary, by special order made on the basis of a finding (for reasons stated in the order) that there is probable cause to believe that the device is not effective for its use or intended use, or that it is not safe for use or not reliable, under the conditions prescribed, recommended, or suggested in its labeling, has declared to be subject to the requirements of this subsection with respect to such use or intended use,

unless either—

"(3) an application with respect to such device has been filed pursuant to subsection (b) and there is in effect an approval of such application by the Secretary under this section,

"(4) such device is exempted by or pursuant to subsection (j), (k), or (l) of this section, or

"(5) such device is intended solely (A) for the use in the cure, mitigation, treatment, or prevention of disease in animals other than man or (B) to affect the structure or any function of the body of such animals.

The Secretary shall, by regulation issued or amended from time to time under the authority of this sentence, insofar as practicable promulgate and keep current a list or lists of devices; and of the particular uses (or conditions of use) thereof, which he finds are generally recognized, among experts qualified by scientific training and experience to evaluate the safety, reliability, and effectiveness of such devices, to be safe, reliable, and effective for use (under the conditions, if any, referred to in such list or lists), and the inclusion, while in effect, of a device in such a list shall, in any proceeding under this Act, be conclusive evidence against the United States of the facts stated in that list with respect to such device.

"Application for Clearance

"(b) Any person may file with the Secretary an application for determination by the Secretary of the safety, reliability, and effectiveness of any device to which paragraphs (1) and (2) of subsection (a) apply. Such persons shall submit to the Secretary as a part of the application (1) full reports of all information, published, or otherwise available to the applicant, concerning investigations which have been made to show whether or not such device is safe, reliable, and effective for use; (2) a full statement of the composition, properties, and construction, and for the principle or principles of operation, of such device; (3) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of such device; (4) an identifying reference to any standard, applicable to such device, which is in effect pursuant to section 513, and adequate information to show that such device fully meets such standard; (5) such samples of such device and of the articles used as components thereof as the Secretary may require; (6) specimens of the labeling proposed to be used for such device; and (7) such other information, relevant to the subject matter of the application, as the Secretary may require.

"Time for Initial Consideration of Application

"(c) Within one hundred and eighty days after the filing of an application under subsection (b), or such additional period as may be agreed upon by the Secretary and the applicant, the Secretary shall either—

"(1) approve the application if he then finds that none of the grounds for denying approval specified in subsection (d) applies, or

"(2) give the applicant notice of an opportunity for a hearing before the Secretary to be held under subsection (d) on the question whether such application is approvable.

The Secretary may suspend the running of the applicable time limit under this subsection pending receipt of the report of an advisory committee under subsection (h) and the period allowed to the Secretary for consideration of the report thereafter.

"Bases for Approval or Disapproval; Opportunity for Hearing

"(d)(1) If, upon the basis of the information submitted to the Secretary as part of the application and any other information before him with respect to such device, the Secretary finds, after due notice to the applicant and opportunity for a hearing to the applicant, that—

"(A) such device is not shown to be safe and reliable for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof;

"(B) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing and installation of such device do not conform to the requirements of section 501(g);

"(C) there is a lack of substantial evidence that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof; or

"(D) based on a fair evaluation on all material facts, such labeling is false or misleading in any particular;

he shall issue an order denying approval of the application. If, after such notice and opportunity for hearing, the Secretary finds that clauses (A) through (D) of this subsection do not apply, he shall issue an order approving the application.

"(2) As used in this subsection and subsection (e), the term 'substantial evidence' means evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the device involved, on the basis of which it could fairly and responsibly be concluded by such experts that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof.

"(3) For the purposes of this section, when a device is intended for use by a physician, surgeon, or other persons licensed or otherwise specially qualified therefor, its safety, reliability, and effectiveness shall be determined in the light of such intended use.

"Withdrawal of Approval

"(e)(1) The Secretary may, after due notice and opportunity for hearing to the applicant, issue an order withdrawing approval of an application with respect to a device under this section if the Secretary finds—

"(A)(i) that clinical or other experience, tests, or other scientific data show that such device is unsafe or unreliable for use under the conditions of use upon the basis of which the application was approved; or (ii) on the basis of evidence of clinical experience, not contained in such application or not available to the Secretary until after the application was approved, or of tests by new methods or by methods not reasonably applicable when the application was approved, evaluated together with the evidence available to the Secretary when the application was approved, that such device is not then shown to be safe or reliable for use under the conditions of use on the basis of which the application was approved;

"(B) on the basis of new information before him with respect to such device, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof;

"(C) that the application filed pursuant to subsection (b) contains an untrue statement of a material fact;

"(D) that the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records, or to make required reports, in accordance with an applicable regulation or order under subsection (a) of section 515, or that the applicant has refused to permit access to, or copying or verification of, such records as required by paragraph (2) of such subsection;

"(E) on the basis of new information before him, evaluated together with the evidence before him when the application was approved, that the methods used in, or the facilities and controls used for, the manufacture, processing, and packing and installation of such device do not conform to the requirements of section 501(g) and were not brought into conformity with such requirements within a reasonable time after

receipt of written notice from the Secretary specifying the matter complained of; or

"(F) that on the basis of new information before him, evaluated together with the evidence before him when the application was approved, the labeling of such device, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of.

"(2) If the Secretary (or in his absence the officer acting as Secretary) finds that an imminent health or safety hazard is involved, he may suspend the approval of such application immediately, and give the applicant prompt notice of his action and afford the applicant the opportunity for an expedited hearing under this subsection; but the authority conferred by this paragraph to suspend the approval of an application shall not be delegated.

"(3) Any order under this subsection shall state the findings upon which it is based.

Authority To Revoke Adverse Orders

"(f) Whenever the Secretary finds that the facts so require, he shall revoke any previous order under subsection (d) or (e) denying, withdrawing, or suspending approval of an application and shall approve such application or reinstate such approval, as may be appropriate.

"Service of Secretary's Orders

"(g) Orders of the Secretary under this section shall be served (1) in person by any officer or employee of the Department designated by the Secretary or (2) by mailing the order by registered mail or certified mail addressed to the applicant at his last-known address in the records of the Secretary.

"Referral to Independent Advisory Committee

"(h)(1) In the application filed by the applicant under subsection (b), or at any time prior to the expiration of the time for action by the Secretary under clause (1) or (2) of subsection (c), or within such reasonable period after notice of opportunity for a hearing to be held under subsection (d) or (e) as may be specified by the Secretary in such notice, the applicant may request that such application or the Secretary's action thereon, or the matter or matters with respect to which notice of opportunity for hearing is given, be referred to an advisory committee of experts for a report and recommendations with respect to any question therein involved that requires the exercise of scientific judgment. Upon such request, or if the Secretary on his own initiative deems such a referral necessary, the Secretary shall appoint an advisory committee and shall refer to it, together with all the data before him, the question so involved for study thereof, and for a report and recommendations thereon, in accordance with the applicable provisions of paragraph (5)(C)(ii) of subsection (b), and subject to paragraph (2) of subsection (d) of section 706. The applicant, as well as representatives of the Department, shall have the right to consult with such advisory committee in connection with the question referred to it.

"(2) The appointment, compensation, staffing, and procedure of such advisory committee shall be in accordance with subsection (b)(5)(D) of section 706.

"(3) Paragraph (3) of section 513(d) shall also apply in the case of a referral to an advisory committee under this subsection.

"Judicial Review

"(i) The applicant may, by appeal, obtain judicial review of a final order of the Secretary denying, or withdrawing approval of, an application filed under subsection (b) of this section. The provisions of subsection (h) of section 505 of this Act shall govern any such appeal.

"Exemption for Investigational Use

"(j)(1) It is the purpose of this subsection to encourage, to the maximum extent consistent with the protection of the public health and safety and with professional ethics, the discovery and development of useful devices and to that end to maintain optimum freedom for individual scientific investigators in their pursuit of that objective.

"(2) Subject to the provisions of paragraph (3), there shall be exempt from the requirement of approval of an application under the foregoing provisions of this section any device which is intended solely for investigational use (in a hospital, laboratory, clinic, or other appropriate scientific environment) by an expert or experts qualified by scientific training and experience to investigate the safety, reliability, and effectiveness of such device.

"(3)(A) The Secretary shall promulgate regulations relating to the application of the exemption referred to in paragraph (2) to any device that is intended for use in the clinical testing thereof upon humans by separate groups of investigators under essentially the same protocol, in developing data required to support an application under subsection (b).

"(B) Such regulations may provide for conditioning the exemption, in the case of investigations intended for such use, upon—

"(i) the submission to the Secretary, by the manufacturer of the device of the sponsor of the investigation, of an adequate plan for the investigation, together with a report of prior investigations of the device (including, where appropriate, tests on animals) adequate to justify the proposed investigation;

"(ii) the obtaining, by manufacturer, or the sponsor of the investigation, of a device to be distributed to investigators for such testing by a signed agreement from each of such investigators that humans upon whom the device is to be used will be under his personal supervision or under the supervision of investigators responsible to him;

"(iii) the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer of the device or the sponsor of the investigation, of data (including but not limited to analytical reports by investigators) obtained as a result of such investigational use of the device, as the Secretary finds will enable him to evaluate the safety, reliability, and effectiveness of the device in the event of the filing of an application pursuant to subsection (b), but nothing in this clause or in this subsection shall be construed to require any clinical investigator to submit directly to the Secretary reports on the investigational use of devices; and

"(iv) such other conditions relating to the protection of the public health and safety as the Secretary may determine to be necessary.

"(C) Such regulations shall also condition such exemption upon the manufacturer, or the sponsor of the investigation, of the device requiring that investigators using the device for the purpose described in subparagraph (A) certify to such manufacturer or sponsor that they—

"(i) will inform individuals upon whom such device or any controls in connection therewith are used, or the representatives of such individuals, that the device is being used for investigational purposes, and

"(ii) will obtain the consent of such individuals or representatives,

except where they deem it not feasible or, in their professional judgment, contrary to the best interest of such individuals.

"(D) Such regulations shall provide—

"(i) that whenever the Secretary determines that a device is being or has been shipped or delivered for shipment in interstate commerce for investigation testing upon humans as described in subpargaraph (A) of this paragraph, and that such device is subject to the foregoing subsections of this section and fails to meet the conditions for exemption for investigational use of the device, he shall notify the sponsor of the Secretary's determination and the reasons therefor and that the exemption will not apply with respect to such investigational use until such failure is corrected, and

"(ii) that in determining whether subparagraph (A) of this paragraph (3) is applicable and, if so, in determining compliance with the conditions of exemption, including the adequacy of the plan of investigation submitted to the Secretary, or upon application for reconsideration of his determination with respect to any such matter, the Secretary shall, if so requested by the sponsor of the investigation, or may on his own initiative, obtain the advice of an appropriate expert or experts who are not otherwise, except as consultants, engaged in the carrying out of this Act.

"Exemptions for Devices Complying With or in Anticipation of Standards, Custom-Made Prescription Devices, and Devices Made to Specifications of Licensed Practitioners for Use in Their Practice

"(k) In addition to the devices exempted by subsection (j) the Secretary shall, by or pursuant to regulation, exempt the following devices, with respect to any particular use or intended use thereof, from the requirement of approval under this section:

"(1) Any device which, with respect to such use, fully conforms to an applicable standard in effect pursuant to section 513, or pursuant to section 358 of the Public Health Service Act, to the extent that the Secretary finds that the standard provides assurance that the device will be safe, reliable, and effective for such use.

"(2) Any device of a type or class with respect to which there is in effect a notice by the Secretary, published in the Federal Register, that in his judgment the establishment, within a reasonable time, of a standard (issued under authority referred to in paragraph (1)) that would adequately meet the requirements of public health and safety with respect to such use of the device (without subjecting such device to the requirement of approval under the foregoing subsections of this section) appears to be feasible; that he intends to propose the establishment of such a standard; and that the nonapplication of the foregoing subsections of this section to such type or class of device with respect to such use pending the establishment of such standards would involve no undue risk from the standpoint of the protection of the public health and safety.

"(3) Any device made to the lawful order, and in accordance with specifications, of a practitioner licensed by law to use or prescribe the use of the device if—

"(A) a device meeting such specifications (i) is not generally available in finished form for purchase or for dispensing upon prescription, and (ii) is not, whether in finished form or otherwise, stocked or offered through a catalog or advertising or other commercial channels by the maker or processor thereof; and either

"(B)(i) such device is intended for the use of a patient, named in such order, of such practitioner, or (ii) such device is intended solely for use by such practitioner, or by persons under his professional supervision, in the course of his professional practice.

"Exemptions

"(1) (1) The Secretary may by regulation, with the unanimous consent of the Advisory Council on Medical Devices, exempt from one or more of such requirements, devices for which such requirements are found not to be necessary for the protection of the public health and safety.

"(2) The Secretary may also by regulation exempt (to the extent he finds appropriate to avoid duplication of regulatory controls or procedures) medical devices licensed by the Atomic Energy Commission. The Atomic Energy Commission shall cooperate with the Secretary by providing him with such information as is necessary consistent with the purposes of this Act.

PROHIBITED ACTS

SEC. 404. (a) Paragraph (e) of section 301 of such Act, is amended by striking out "or" before "512" and by inserting "or 514(j) or 515," after ", 512 (j), (l), or (m),".

(b) Paragraph (j) of section 301 of such Act is amended by inserting "514," immediately after "512,".

(c) Paragraph (1) of such section 301 is amended (1) by inserting "or device" after the work "drug" each time it appears therein, and (2) by striking out "505," and inserting in lieu thereof "505 or 514, as the case may be,".

TITLE III—REQUIREMENT OF GOOD MANUFACTURING PRACTICE

SEC. 301. Section 501 of the Federal Food, Drug, and Cosmetic Act, as amended by sections 102 and 201 of this Act, is further amended by adding at the end thereof the following new paragraph:

"(g) If it is a device and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, holding, or installation do not conform to, or are not operated or administered in conformity with, current good manufacturing practice to assure that such device is safe and reliable and has the properties and performance characteristics which it purports or is represented to possess and otherwise meets the requirements of this Act."

TITLE IV—RECORDS AND REPORTS; REGISTRATION OF ESTABLISHMENTS

SEC. 401. (a) Chapter V of the Federal Food, Drug, and Cosmetic Act is further amended by adding at the end thereof the following new section:

"RECORDS AND REPORTS ON DEVICE EFFECTS AND EXPERIENCE

"SEC. 515. (a) (1) Every person engaged in manufacturing or processing, or in distributing, a device that is subject to a standard in effect under section 513, or with respect to which there is in effect an approval of an application filed under section 514(b), shall establish and maintain such records, and make such reports to the Secretary, of data relating to clinical experience and other data or information, received or otherwise obtained by such person with respect to such device, and bearing on the safety, reliability, or effectiveness of such device, or on whether such device may be adulterated or misbranded, as the Secretary may by general regulation, or by special regulation or order applicable to such device, require. Regulations and orders prescribed under the authority of this subsection shall have due regard for the professional ethics of the medical profession and the interests of patients and shall provide, wherever the Secretary deems it appropriate, for the examination, upon request, by the persons to whom such regulations or orders are applicable, of similar information received or otherwise obtained by the Secretary.

"(2) Every person required under this subsection to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

"(b) Subsection (a) shall not apply to—

"(1) pharmacies which maintain establishments in conformance with any applicable local laws regulating the practice of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs or devices, upon prescriptions of practitioners licensed to prescribe such drugs or devices, to patients under the care of such practitioners in the course of their professional practice, and which do not, either through a subsidiary or otherwise, manufacture or process drugs or devices for sale other than in the regular course of their business of dispensing or selling drugs or devices at retail;

"(2) practitioners licensed by law to prescribe or administer drugs and devices and who manufacture or process devices solely for use in the course of their professional practice;

"(3) persons who manufacture or process devices solely for use in research or teaching and not for sale;

"(4) any person, with respect to any device if—

"(A) neither such device nor any of its components has been in interstate commerce, and

"(B) such device is not introduced or intended for introduction into interstate commerce; or

"(5) such other classes of persons as the Secretary may by or pursuant to regulation exempt from the application of this subsection upon a finding that such application is not necessary to accomplish the purposes of this subsection."

INSPECTION RELATING TO DEVICES

SEC. 402. (a) The second sentence of subsection (a) of section 704 of such Act is amended by inserting "or prescription devices" after "prescription drugs" both times it appears.

(b) The third sentence of such subsection is amended (1) by striking out "for prescription drugs", (2) by striking out "and antibiotic drugs" and inserting in lieu thereof ", antibiotic drug, and devices," (3) by striking out "or section 507 (d) or (g)" and inserting in lieu thereof ", section 507 (d) or (g), section 513(j), or section 514", and (4) by inserting "or devices" after "other drugs", inserting "or of a device subject to section 513" after "new drug", and inserting "or section 514" after "section 505(j)".

(c) (1) Paragraph (1) of the sixth sentence of such subsection is amended by inserting "or devices" after "drugs" each time such term occurs.

(2) Paragraph (2) of that sentence is amended by inserting ", or prescribe or use devices, as the case may be," after "administer drugs"; and by inserting ", or manufacture or process devices," after "process drugs".

(3) Paragraph (3) of that sentence is amended by inserting ", or manufacture or process devices," after "process drugs".

REGISTRATION OF DEVICE MANUFACTURERS

SEC. 403. (a) Section 510 of such Act is amended as follows:

(1) The section heading is amended by inserting "OF DRUGS AND DEVICES" after "PRODUCERS".

(2) Subsection (a)(1) is amended by inserting "or device package" after "drug package"; by inserting "or device" after "the drug"; and by inserting "or user" after "consumer".

(3) The first sentence of subsection (b) is amended by inserting ", or of a device or devices," after "drug or drugs"; and the second sentence of such subsection is amended by inserting "or of any device" after "drug".

(4) The first sentence of subsection (c) is amended by inserting ", or of a device or devices," after "drug or drugs"; and the second sentence of such subsection is amended by inserting "or of any device" after "drug".

(5) (A) The first sentence of paragraph (1) of subsection (d) is amended by inserting ", or of a device or devices," after "drug or drugs"; and the second sentence of such paragraph is amended by inserting "or any device" after "drug".

(B) Paragraph (2) of such subsection (d) is amended by inserting "or any device" after "drug".

(6) Subsection (g) is amended by inserting "or devices" after "drugs" each time such term occurs in paragraphs (1), (2), and (3) of such subsection.

(7) The first sentence of subsection (l) is amended by inserting ", or of a device or devices," after "drug or drugs"; and the second sentence of such subsection is amended by inserting "or devices" after "drugs".

(b) Subsection 502(o) of such Act is amended by inserting "or device" after "drug".

(c) The second sentence of section 801(a) of such Act is amended by inserting "or devices" after "drugs" both times such words appear.

(d) Section 301 of the Drug Amendments of 1962 (76 Stat. 793) is amended by inserting "and devices" after "drugs" each time such word appears, except that "or devices" is inserted after "which drugs" and after "intrastate commerce in such drugs".

TITLE V—ADVISORY COUNCIL ON DEVICES, ETC.

SEC. 501. Chapter VII of the Federal Food, Drug, and Cosmetic Act, as amended by this Act, is amended by adding at the end thereof the following new section:

"ADVISORY COUNCIL ON DEVICES, AND OTHER ADVISORY COMMITTEES AND EXPERTS

"SEC. 708. (a) For the purpose of advising the Secretary with respect to matters of policy in carrying out the provisions of this Act relating to devices, there is established in the Department (in addition to the ad hoc advisory committees that may from time to time be appointed under sections 514 and 515) an Advisory Council on Devices not to exceed 15 members appointed by the Secretary without regard to title 5, United States Code. Such members shall consist of persons chosen with a view to their special knowledge of the problems involved in the regulation of various kinds of devices under this Act, members of the professions using such devices, scientists expert in the investigational use of devices, and members of the general public.

"(b) In order to facilitate the carrying out of this Act, the Secretary may employ experts and consultants, as authorized by title 5, United States Code, section 3109.

"(c) Members of an advisory council or committee appointed pursuant to subsection (a) who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the council or committee or otherwise engaged on its business, and experts or consultants employed pursuant to subsection (b) shall, while so employed, be compensated at per diem rates fixed by the Secretary but not in excess of the rate established for grade GS–18 of the General Schedule at the time of such service, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703, title

5, United States Code, for persons in the Government service employed intermittently."

TITLE VI—EFFECTIVE DATES AND TRANSITIONAL PROVISIONS

SEC. 601. (a) Except as provided in subsections (b), (c), and (d) of this section, the foregoing provisions of this part shall take effect on the date of the enactment of this Act.

(b) Except as provided in subsection (c) of this section, paragraph (f) of section 501 of the Federal Food, Drug, and Cosmetic Act, as added to such section by section 201 (a) of this Act, shall, with respect to any particular use of a device, take effect (1) on the first day of the thirteenth calendar month following the month in which this Act is enacted, or (2) if sooner, on the effective date of an order of the Secretary approving or denying approval of an application with respect to such use of the device under section 514 of such Act as added by section 201(b) of this Act.

(c)(1) Where, on the day immediately prior to the date of enactment of this Act, a device was in use in the cure, mitigation, treatment, or prevention of disease in man, or for the purpose of affecting the structure of any function of the body of man, such paragraph (f) of section 501 of the Federal Food, Drug, and Cosmetic Act shall become effective with respect to such preexisting use or uses of such device on the closing date (as defined in this subsection) or, if sooner, on the effective date of an order of the Secretary approving or denying approval of an application with respect to such use of the device under such section 514 of such Act.

(2) For the purposes of this subsection, the term "closing date" means the first day of the thirty-first calendar month which begins after the month in which this Act is enacted, except that, if in the opinion of the Secretary it would not involve any undue risk to the public health, he may on application or on his own initiative postpone such closing date with respect to any particular use or uses of a device until such later date (but not beyond the close of the sixtieth month after the month in which this Act is enacted) as he determines is necessary to permit completion, in good faith and as soon as reasonably practicable, of the scientific investigations necessary to establish the safety and effectiveness of such use or uses. The Secretary may terminate any such postponement at any time if he finds that such postponement should not have been granted or that, by reason of a change in circumstances, the basis for such postponement no longer exists or that there has been a failure to comply with a requirement of the Secretary for submission of progress reports or with other conditions attached by him to such postponement.

(d) Any person who, on the day immediately preceding the date of enactment of this Act, owned or operated any establishment in any State (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act) engaged in the manufacture or processing of a device or devices, shall, if he first registers with respect to devices, or supplements his registration with respect thereto, in accordance with subsection (b) of section 510 of that Act (as amended by section 403 of this Act), prior to the first day of the seventh calendar month following the month in which this Act is enacted, be deemed to have complied with that subsection for the calendar year 1971. Such registration, if made within such period and effected in 1972, shall also be deemed to be in compliance with such subsection for that calendar year.

BRIEF SECTION-BY-SECTION ANALYSIS OF MEDICAL DEVICES SAFETY ACT OF 1969

TITLE I. AUTHORITY TO ESTABLISH STANDARDS

Section 101—amends Chapter V of the Federal Food, Drug, and Cosmetic Act by adding a new section relating to the standards for medical devices.

Section 513(a)—authorizes the Secretary of Health, Education, and Welfare to establish standards for devices when such action will protect public health and safety.

Section 513(b)—requires that the Secretary, in developing standards, shall consult with and give appropriate weight to standards published by other Federal agencies and National or international standard-setting agencies, and shall invite participation of others representative of scientific, professional, industry, and consumer organizations.

Section 513(c)—establishes the procedure for issuance, amendment, or repeal of standards related to those now incorporated in the Federal food and drug law (announcement and hearings on proposed rule making), but authorizes also the use of a referral to an independent advisory committee, outlined in Section 513(d) below.

Section 513(d)—authorizes those who would be affected by a standard to request a review of a proposed standard, or any matter involved in such a proposal, to an independent advisory committee for consideration.

Section 102—makes conforming amendments in section 501 of the present food and drug law by amending the section defining "adulterated drugs and devices" to include devices which do not meet a standard set forth in accordance with Section 513 above, where such a standard exists.

TITLE II. PREMARKET CLEARANCE OF CERTAIN THERAPEUTIC DEVICES

Section 201(a)—amends section 501 of the present food and drug law by deeming a device "adulterated" if it is unsafe, unreliable, or ineffective with respect to its use or intended use.

Section 201(b)—amends the present food and drug law by adding a new Section 514, "Premarket Clearance for Certain Therapeutic Devices."

Section 514(a)—sets forth conditions for when a premarketing clearance is required. States that a device is to be deemed unsafe, unreliable, or ineffective for purposes of applying section 501(f) above when:

(1) the device is not generally recognized by experts, qualified by scientific training or experience, to be safe, reliable, or effective for use under the conditions prescribed, suggested or recommended; and,

(2) the device is intended for or is used within the human body, intended to be used for subjecting the human body to some process, or after investigation is found to be ineffective, unsafe, or unreliable.

unless—

(1) a new device application has been filed, or an approved application exists,

(3) is exempted as outlined in 513(j), (k), or (l) below,

(4) or is used solely in animals other than man.

This section also requires that the Secretary shall maintain and publish a list of devices and their uses.

Section 514(b)—describes the contents and procedure for new device applications to comply with the clearance procedure set forth in 514(a) above. These applications must contain:

(1) information and data to show the safety, reliability, and effectiveness of the device,

(2) composition, properties, and principles of operation,

(3) methods and controls used in manufacture,

(4) identification of the applicable standard and information to show that the device meets the standard,

(5) samples of the device,

(6) specimens of labeling, and

(7) other requirements the Secretary may require.

Section 514(c)—requires the Secretary to act on application within 180 days after filing by approving, denying and affording an opportunity for hearing, or suspending the time limit pending the report of an advisory committee.

Section 514(d)—establishes the basis for approval or disapproval. Disapproval would be made where:

(1) the device is not safe or reliable under conditions prescribed,

(2) manufacturing or processing controls do not meet good manufacturing practices,

(3) lack of substantial evidence that the device has the effect it purports,

(4) has false or misleading labelling.

Also defines substantial evidence to mean evidence from adequate and well-controlled investigations, including clinical investigations.

Section 514(e)—authorizes the Secretary to withdraw approval of an application where:

(1) other data, or later evidence, indicates that the device is unsafe or unreliable,

(2) new information shows the device to be ineffective,

(3) the application contains untrue statements of material fact,

(4) there is a failure to maintain records, as required elsewhere in the bill (see new section 515).

(5) good manufacturing practices are not employed as required elsewhere in the bill (see new section 501(g)).

(6) on the basis of new information, the labeling is false or misleading.

Where an imminent health or safety hazard is involved, the Secretary is authorized to suspend approval immediately and to provide for an expedited hearing into the matter.

Section 514(f)—provides the Secretary with authority to revoke adverse orders when the facts so require.

Section 514(g)—requires that the Secretary's order be served in person or by registered or certified mail.

Section 514(h)—authorizes the use of a referral committee for an opportunity for a hearing on an application or the Secretary's action to obtain the committee's report and recommendations. This procedure may be employed when filing an application or at any time prior to the expiration of the time for the Secretary to make a determination on an application. The committee would be appointed by the Secretary. This procedure also applies to Section 513(d) relating to standards as outlined above.

Section 514(i)—provides applicants with the right of appeal and to obtain judicial review.

Section 514(j)—establishes exemption for devices used solely for investigational purposes by persons qualified to conduct such investigation. The exemption would be conditioned upon:

(1) the existence of an adequate plan of investigation

(2) a written agreement that the use of the device will be under the supervision of the investigator in cases where the device is for human use

(3) that records and data obtained from the investigation are kept and available

(4) other conditions determined by the Secretary to assure public health and safety.

The exemption is conditioned also upon notification to those who use such a device that its use is for investigational purposes and that consent be obtained.

Section 514(k)—also exempts from the application procedure under section 514 any device which fully conforms to an applicable standard established under section 513, section 358 of the Public Health Service Act, or meets standards about to be announced or implemented, devices made upon order by a practitioner, where such a device is not

generally available in finished form or in existing commercial channels, or where the device is for the use of a named patient, or for the sole use of a practitioner in the course of his professional practice.

Section 514(1)—provides exemptions for devices for which requirements are found not to be necessary for the protection of the public health and safety, with the unanimous consent of the Advisory Council on Medical Devices; and for devices licensed by the Atomic Energy Commission, where the Secretary finds regulation duplicative.

Section 202—makes conforming changes in existing law to include under the section on "prohibited acts" certain aspects of the new section 514.

TITLE III. REQUIREMENT OF GOOD MANUFACTURING PRACTICE

Section 301—amends present law to provide that a device is "adulterated" if the method and controls used to manufacture the device do not conform with good manufacturing practice to assure that such a device is safe and reliable and that it has the characteristics it purports to have.

TITLE IV. RECORDS AND REPORTS; INSPECTION AND REGISTRATION OF ESTABLISHMENTS

Section 401—amends present law by adding a new section 515 requiring that manufacturers, processors, and distributors of devices subject to standards keep records and make reports to the Secretary relating clinical experience and other data which bears on the safety, reliability, and effectiveness of such devices. The Secretary is also authorized to have access to such records.

Section 515(a)—sets forth the above requirements.

Section 515(b)—exempts from these requirements the following:

(1) pharmacies operating in conformance with applicable local laws,

(2) practitioners, licensed by law, who manufacture devices solely for use in the course of their professional practice,

(3) persons who manufacture devices solely for use in research or teaching, and not for sale,

(4) persons, with respect to any device, no part of which has been interstate commerce and which is not intended for interstate commerce,

(5) other classes, as determined by the Secretary.

Section 402—amends varied parts of existing law to provide the inspection provisions now relating to drugs to devices covered under the act.

Section 403—amends various sections of existing law relating to the registration of drug manufacturers to include the manufacturers, processors, and distributors of devices covered under the act.

TITLE V. ADVISORY COUNCIL

Section 501—establishes a new section 703 which provides for the creation of an Advisory Council on Devices within the Department of Health, Education, and Welfare to advise the Secretary on policy matters in carrying out the provisions of the bill. The members would be selected with a view toward their special knowledge of the problems involved in regulating various kinds of devices.

TITLE VI

Section 601—makes the provisions of the bill effective upon the date of enactment with the exception as shown in 502(b), (c), and (d).

Section 601(a)—makes the effective date (except as provided in 502(c) below) of the definition of an "adulterated device" on the 1st day of the 13th month following enactment (1 year from enactment), or sooner if, upon application, the Secretary issues an order with respect to such application. The effective date in latter case would be the date of the order. This effective date is the date on which the "safety, reliability, and effectiveness" requirement is imposed.

Section 601(b)—relates to devices already in existence. The safety, reliability, and effectiveness requirements shall become effective on a "closing date," the 1st day of the 31st month after enactment (2½ years after enactment), unless an application is filed sooner. If an application is filed sooner, the effective date is the date of an order with respect to such application. Under certain conditions, this date may be extended by the Secretary to the end of the 60th month following enactment (5 years after enactment), or to any date between the 31st and end of the 60th month.

Section 601(c)—requires registration of manufacturers, processors, and distributors prior to the 1st day of the 7th month (6 months after enactment).

EXHIBIT 1

[From the Washington Post, Feb. 20, 1969]

HEARING TOLD 1,200 PATIENTS GET ELECTROCUTED YEARLY

(By Morton Mintz and Nate Haseltine)

About 1200 hospital patients are accidentally electrocuted annually while receiving "routine diagnostic tests" or treatment because of faulty equipment, safety investigators were told yesterday.

The source of the information was Dr. Carl W. Walter, clinical professor of surgery at Harvard Medical School and a surgeon at Peter Bent Brigham Hospital, Boston. The disclosures were made by consumer advocate Ralph Nader in testimony before the National Commission on Product Safety.

Dr. Walter said in a telephone interview that many of the electrocutions happen during diagnostic procedures in which the patient is hooked up to electronic systems. Almost invariably he said, the deaths are listed as cardiac arrests—and "who's to prove electricity did not cause the heart stoppages?"

For that reason, he said, there have been few law suits over the deaths, and the hazards have been little publicized.

The Boston doctor said that most hospital electrocutions happen when untrained hospital employes link together incompatible electronic units. But other such deaths, he said, are caused by surges of high voltage, leaking from equipment, poor circuit design and connecting patients to electronic equipment for long periods of time—as in intensive care units.

Dr. Walter said he obtained the figure on electrocutions from an actuary for a national insurance company whom he would not name. The number, he said, is close to his own estimates.

But Nader said that Dr. Seymour Ben-Zvi, director of scientific and medical instrumentation at Downstate Medical Center in New York City, has documented evidence of defects in 40 per cent of the equipment coming into the Center.

Nader criticized the insurance firm whose actuary supplied Dr. Walter with the information. "Unfortunately," he said, "this company has followed the ghoulish practice of the insurance industry in not publicly releasing this data so as to promote remedial measures."

In other testimony before the Safety Commission:

A scientific firm hired by the Commission on a non-profit, $800 contract said that it has devised protections to prevent thousands of children from being burned annually when they happen on to the scorching hot grilles on gas-fired floor furnaces.

Frank E. Hogdon, director of laboratories for the American Gas Association, praised the commission-sponsored firm for doing in three weeks what his organization of gas utilities had failed to do over a decade.

An industry committee on safety standards "simply did not know of any technology and apparently couldn't think of any; and didn't perhaps have enough incentive," Hogdon said.

A Milwaukee lawyer representing five children scalded by electric steam vaporizers said that one maker alone, the Hankscraft Co., has acknowledged that about a hundred damage suits are pending against it.

Directed to report

The new disclosures about hazards in the home came during the closing session of an inquiry into whether "voluntary" standards—which indicate to consumers what to expect from sellers—provide sufficient protection. The Commission is under a Congressional directive to make a report to Congress and President Nixon.

The gas furnaces are used—mainly by low-income families—almost entirely in the temperate climate of the South Atlantic and South Central states, and in Arizona, California and New Mexico. Possibly four million have been installed. Today, there is a burgeoning new market in mobile and summer homes.

"The only other heating device so constructed is the barbecue," which "is deliberately designed to cook flesh," Dr. Julian A. Waller of the University of Vermont testified.

Dr. Waller said that the victims were mainly children under five. Each year, he estimated, between 60,000 and 65,000 of them are burned seriously enough to require medical treatment. About 90 percent of the victims suffer second- or third-degree burns "sufficiently to blister or char skin," he said.

The physician, who said data were lacking on persons older than 5, became aware of the problem a decade ago when he was caring for 50 children under age 2 in a Contra Costa, Calif., clinic. In a single year nine of them were "cooked in the same fashion as a waffle" from 13 contacts with flare-furnace grilles.

Waller and two Department of Health, Education, and Welfare safety specialists—Floyd Oglesbay and Alphonse Schaplowsky—gave this account of the effort to get the AGA to act:

In 1958, Eugene Lehr, HEW's liaison with the industry, learned of injuries in Denver (which since has banned the furnaces). He ordered a survey and expressed concern to the AGA.

The standards set by an industry committee permitted a temperature an inch above the grille of 350 degrees over room temperature. A one-second exposure to 158 degrees can produce a second-degree burn.

In Mississippi County, Ark., among a rural population of 85,000, Oglesbay found nine children who had been burned in a single year.

On July 21, 1968, the AGA's R. E. Cramer told Lehr of a lack of "documented reports" and said the industry's Standards Committee would do nothing because if the grille temperature were to be limited to a suggested 120 to 130 degrees, "it would not be possible to heat a room with a floor furnace."

In August, 1959, Lehr told the AGA that the furnaces were unsafe, and, sending along photos of burned toddlers, asked it to withdraw its approval. He forwarded studies, including some done by Walter in Atlanta while he was in the Public Health Service.

On Aug. 28, 1959, the AGA's C. George Segler told Lehr that this continuation of

AGA approval would not be "desirable or practical."

In 1964 Waller and Dewa Manheimer published a paper showing that among 11,000 children medically treated for burns in 14 years in Alameda County, California, 28 per cent of those under five got them from floor furnaces.

The consulting engineering firm whose three-week $800 project developed grille protections is Weiner Associates of Baltimore.

[From the Ladies Home Journal, March 1971]

DANGER IN OUR HOSPITALS

(By Ralph Nader)

Not long ago, a patient connected to an external heart pacemaker—an electronic device to help the heart function normally—was found dead, part of his body touching the metal frame of his electrically operated hospital bed.

In another hospital, a resident physician was discovered slumped lifeless beside a stainless steel table. He had been electrocuted when he touched an ungrounded oscilloscope (an instrument that monitors the heart pacemaker) and the table at the same time.

In yet another hospital, a patient suddenly became rigid during a routine diagnostic procedure, warning personnel to cut the electric power of an instrument that was sending potentially lethal currents into his heart. Fortunately, the patient survived.

In a fourth hospital, an electrical switch broke and a patient was crushed to death by a descending X-ray machine.

And in a speech last November 16, Roger O. Egeberg, M.D., Assistant Secretary for Health and Scientific Affairs of the U.S. Department of Health, Education and Welfare, described another hospital tragedy: "Not long ago," Dr. Egeberg noted, "a woman in her mid-sixties entered a hospital in metropolitan Washington, C.C., for routine thyroid gland surgery. When the operation was completed and the patient was being sutured, the physician turned off the anesthesia machine. An explosion occurred, possibly caused by an electrical spark. Within four and a half hours the patient was dead as a result of the injuries she sustained in the blast."

Paradoxically, medical instruments that have brought hope of longer life to thousands of people have also increased a thousandfold the risks to hospital patients. "Life-saving" electrical devices used in hospitals across the country electrocute an average of three patients a day, at the lowest estimate. Other patients die as a result of electrical burns, explosions or loss of instrument control. Since the advent of the heart pacemaker and cardiac catheterization—the insertion of a catheter, or tube, into the heart—the hospital environment has become so dangerous that today it is the site of more electrical accidents than any industry except mining.

Spectacular advances in medical technology have unquestionably opened new horizons for people suffering from heart and lung disorders and other diseases. Those who may benefit—for example, the 20,000 patients who receive implanted heart pacemakers each year—may understandably be willing to hazard risks in hope of staying alive. But the myths of the medical machine lead us to believe that most of these risks are unavoidable. The tragedy is that most are not.

Most electrical accidents in hospitals occur because safety measures that can reduce risks are grossly neglected or even unknown among hospital staffs; because complex and highly dangerous equipment is installed in hospitals that have primitive wiring systems, and the equipment is operated by untrained personnel; and because machines that reach inside a human being and touch his heart are less well tested than plumbing devices in our bathrooms.

These accidents often occur because manufacturers design dangerous devices without making them fail-safe against even the most common mistakes of operators. The real risk for a hospital patient may be considerably less than esoteric. It may be the risk that hospital staff will decide to use a frayed electrical cord one more time, or, for the heart patient with external pacemaker, that he will be placed in an electrically operated bed—a highly dangerous but common occurrence. Or instead of employing a qualified biomedical engineer, a hospital administrator may ask the building electrician to install complex new equipment.

Most of these instances of negligence remain hidden by the fact that physicians and hospitals habitually report deaths by electrocution as "cardiac arrest."

Electrical gadgetry and the accompanying hazards of electric shock are everywhere in our environment—in our homes, schools and offices. When a young guitarist is electrocuted by his instrument, or when a priest is killed by an electrically operated weight reducer—two incidents recently reported in the press—we want to know what went wrong. Was the guitar defective? Was the wiring bad? Did the victim use the machine improperly? Unfortunately, these questions are not often asked in hospitals, where at the very least 1,200 Americans are electrocuted annually during routine diagnostic and therapeutic procedures.

We do not even have a clear idea of the number of hospital fatalities caused by electric shock. Medical engineers such as Professor Hans von der Mosel, co-chairman of the Subcommittee on Electrical Safety of the Association for the Advancement of Medical Instrumentation and safety consultant to New York City's Health Services Administration, believe that the number might be 10 times as high as the conservative estimate of 1,200. Yet most of these deaths could have been prevented by adequate safety measures.

For the patient whose heart is made accessible to electric current through electrodes and catheters, merely touching the frame of a hospital bed, especially an electrically operated bed, may prove fatal. This happened to a 52-year-old man who was connected to an external pacemaker by means of a catheter inserted into the heart itself. Someone had attached to the pacemaker an ungrounded extension cord that eliminated the instrument's grounding system. When a current leaked from the pacemaker, as it frequently does, it passed through the catheter electrode into the patient's heart, then through the part of his body in contact with the grounded electrically elevated bed.

The death could have been prevented in at least three ways: if hospital staff had not attached an ungrounded extension cord to the pacemaker (extension cords should never be used with such equipment); if the patient had not been placed in an electrically operated bed; if the pacemaker had carried a device that limited the current in the patient's circuit to a safe level.

This death was investigated because it was the third such fatality in less than two months at that hospital. It is possible, even likely, that the other deaths, which were not investigated, were also due to electrocution. But most such deaths are not reported. Almost invariably, when electrocutions happen during diagnostic procedures in which the patient is hooked up to electronic systems, the deaths are listed as cardiac arrests. Without engineering analysis, it is difficult to tell whether a patient died of his disease or of a shock caused by the equipment. To protect themselves against malpractice suits, physicians and hospitals avoid such investigations, and many hazards go undetected and uncorrected. There have been few lawsuits over these deaths, and thus the hazards have been little publicized. Insurance companies that make studies of electrical hazards have not alerted the public to the dangers or to the incidence of death. Statistics have hidden the fact that a shock-hazard epidemic of critical proportions exists in our hospitals.

The hazards of electrical devices are not limited to delicate equipment such as the heart pacemaker. Routine electrical equipment may also cause death. Take the case of the patient who was squeezed to death when the switch controlling the X-ray machine's vertical movement failed when the machine was being lowered over him. He died before the technician could open the circuit breaker located some distance away.

What caused the switch to fail? A broken contact blade that shorted a circuit. The break had probably existed for some time. If the hospital had conducted regular equipment checks, the fault would probably have been discovered and corrected. In addition, precious time was lost because the main switch, which cuts all power to the instrument, was not easily accessible. Finally, the circuit breakers were not clearly marked, and the technician opened three different electrical circuits before he found the right one.

Nor are electrical accidents limited to patients. A young Canadian physician nearly died of electric shock when he pressed the discharge button on a defibrillator. This machine, used for correcting uncoordinated heartbeat is, inherently dangerous because it is designed to deliver a high-energy shock. Examination revealed that the ground wire in the three-prong plug had been broken, presumably when someone attempted to force the plug into a two-hole socket. Thus current was released—first into the chassis of the machine, then into the physician.

INEXCUSABLE NEGLIGENCE

Some fatalities are caused by inexcusable negligence. Many devices are used with adapter plugs that don't ensure grounding. That is what happened with the hospital doctor who was found dead, the metallic switch of the oscilloscope in his right hand, his left hand touching a metal drawer of the stainless steel table on which the instrument was standing. A device in the power supply circuit of the oscilloscope had shorted, shooting 300 volts into the cabinet of the instrument. The oscilloscope should have been grounded through the grounding prong of the three-prong connector; instead of three-to-two-pronged adapter (called a "cheater adapter") was in use. In this case, the adapter was completely unnecessary to connect the instrument, but the instrument was not designed to prevent the mistake. Because it was ungrounded, and because the doctor was touching a grounded steel table, the current passed through his right arm, through his trunk, heart and left arm into the grounded table.

Physicians and hospital personnel have been aware for some time of the hazards of electrically ignited explosions and external electric shock.

Some progress has been made in reducing the danger of explosions in operating rooms by employing standard safety precautions and, in a few hospitals, by eliminating flammable anesthetics. But there is little if any protection against a newer hazard—internal shock. Catheters, electrodes and probes have opened pathways to the heart through which very small accidental currents can kill a patient. A shock of 20 microamps across the heart can cause fibrillation, which after one

minute results in irreversible brain damage and after three minutes, in death. At the surface of the body, a shock must be a thousand times greater to produce fibrillation.

If properly grounded, most devices are safe when used by themselves. But most of the time, the patient is connected not to one but to several electrical devices. In addition, he may touch any number of other electric appliances—bed, radio, television, clock, lamp. He may also come in contact with routine equipment, such as portable X-ray machines, physiotherapy apparatus and respirators. In such an environment, the risk is extremely great that a stray electrical current will complete a circuit to ground through the patient. Most electrocutions happen in just this way. Prevention of death or injury from internal shock requires expert planning, sophisticated wiring systems, and careful, constant testing.

Few hospitals, even the newer ones, have adequate electric wiring systems. Most need extensive modernization to provide a safe environment for new electrical devices that are in widespread use. Electrical overloading is common. Many hospital outlets are incorrectly wired or provide no ground contact. In most cases these outlets were installed by hospital electricians when equipment appeared with three wires. As long as the plugs went in, the electrician believed his job was done.

Only three hospitals in the country have biomedical engineers on their staffs to supervise the operation and maintenance of complex machines: Downstate Medical Center in New York City; Sinai Hospital in Baltimore; and Charles S. Wilson Hospital in Johnson City, N.Y. Most hospitals simply turn over the apparatus to a staff physician who may have worked with electronic equipment. Hospitals do not yet have electrical device safety committees comparable to drug safety committees, although the two hazards are equally great. Few physicians who deal with these devices know as much about the concepts behind them or about their use as they know about pharmacology. Yet for years physicians operated these devices without recognizing either their potential hazards or the actual fatalities they caused. Countless deaths attributed to cardiac arrest are now believed to have been caused by internal electric shock. Even now that there is greater understanding of the risks posed by the new hospital environment, precautionary measures are inadequate.

While inadequate hospital facilities and errors in using the machines are leading causes of accidents, mechanical defects also play a part in imperiling patients' lives. One medical engineer, Seymour Ben-Zvi, tested several thousand instruments at Downstate Medical Center in New York City. He reported that 40 percent were defective. Every one of the 10 defibrillators he tested contained defects. One was capable of discharging high voltage into a patient before the physician signaled for it. Such a defect could kill both patient and physician. Another instrument had what the manufacturer thought was an insulator; it was actually a good conductor of electricity—a potentially fatal flaw that should have been discovered through testing. (The testing program at Downstate began in 1956, and Ben-Zvi states that most manufacturers now agree to correct defects found.)

C. W. Walter, a clinical professor of surgery at Harvard Medical School, has reported that two prominent firms are now selling highly dangerous machines. Poor circuit design is a common criticism, and many devices have problems stemming from high leakage of current, problems often revealed only through the death of a patient. Some manufacturers offer to replace equipment; they cannot replace a dead person.

TOILETS AND PACEMAKERS

Mrs. Virginia Knauer, President Nixon's Assistant for Consumer Affairs, has pointed out that toilet valves must pass several preclearance tests before they are installed in our bathrooms, but a pacemaker that is inserted into our hearts need not be tested at all. Heart pacemakers, artificial kidneys, hip pins and respirators—none are subject to standard inspection or regulation—as are drugs, for example.

Manufacturing of medical devices is a $500-million-a-year industry engaged in by more than 1,000 firms. Without regulations or standards, there has been little impetus for these firms to standardize their products. Manufacturers' resistance to standardization has created an unnecessary hazard, since each hospital must sort out discrepancies in connectors and devise a system to prevent hazardous currents from being applied to helpless patients. Generally, the manufacturer considers his product a separate unit rather than part of a total treatment system, although a device is rarely used by itself.

In designing instruments, manufacturers almost totally ignore the ease with which mistakes can be made in the hospital environment, where personnel are often hurried, strained or tired, and untrained in the use of the equipment. Fatal errors are made that could be prevented by safer design.

Often the grounding devices furnished with electrical equipment are weak, easily broken and not designed for rough handling. They are not remotely foolproof, not failsafe and not even reliable. Cords and plugs, the most vulnerable part of the electrical safety system, are usually "totally inadequate," according to Professor Walter. On occasion, a complex and expensive piece of equipment is equipped with a cheap, inefficient plug.

Fatally for patients and staff, manufacturers often assume that users have technical competence, which they almost universally lack. Instruction booklets, labels, foolproofing and protection devices are far inferior to what is needed.

One respected independent testing agency that has begun to test and evaluate medical equipment reports an "appalling" number of defective instruments. Research at the Emergency Care Research Institute of Philadelphia revealed, for example, defective respirators that were "totally unable to support respiration." The Food and Drug Administration has recalled a number of these devices.

Dr. Joel J. Nobel, ECRI's director of research, says that "the number of life-threatening defects is truly appalling. Most are basic design deficiencies."

ECRI is a nonprofit organization supported by government agencies, hospitals and private contributions. No staff member receives consulting fees from the health devices industry. ECRI findings indicate that, in the absence of objective testing and evaluation, unsafe equipment is being used in hospitals that are unequipped to pretest it.

Hospital associations in three regions—California, Texas and New England—are in the process of setting up medical product information exchange systems. Central testing programs to serve all hospitals in a region are much more feasible than tests conducted in individual hospitals, but such programs have yet to get underway.

At present, there are no government regulations requiring premarket clearance or standards to ensure the safety and performance of certain medical devices, such as catheters, pacemakers, diathermy machines and bone pins. During the past several years, efforts to bring new devices under regulations have failed. President Kennedy, Johnson and Nixon have supported regulations and minimum standards for medical devices. In September 1970 a study group appointed by President Nixon and headed by Dr. Theodore Cooper, Director of the National Heart and Lung Institute of the National Institutes of Health, recommended legislation to regulate these devices.

A bill has been introduced by Congressman Thomas Foley (D., Wash.) to establish regulations and standards for devices not covered by present law. This bill was originally proposed in 1969, but no action has yet been taken. Legislation has been stymied in part by claims that standards for such instruments are difficult to set. But the failure of physicians to publicize the real extent of the hazards is the reason why the need for legislation has been unnoticed.

Pretesting of these devices by independent testing agencies and establishment of uniform government standards will help ensure that the instruments are safe, that they are fail-safe and that they assume much less knowledge and expertise on the part of the typical hospital employee who runs them.

But beyond government standards, what is needed is greater vigilance by hospitals and physicians. In the absence of trained personnel, adequate electrical systems and rigid inspection and testing, even the best designed machine may become a killer. Unfortunately, there is little indication, on a broad scale, that hospitals and physicians are prepared to make a major commitment to electrical safety. Instead, there is every indication that accidents are occurring more frequently. The public may well ask where the electric safety committees in hospitals are, or the services of biomedical engineers. Where are the research grants to study questions of safety? Where is the leadership of medical organizations that should be demanding safety from manufacturers and help in ensuring safety from governments? I do not believe the public should have to accept the response one physician made to the problem of hospital safety: that after all, most electrical accidents occur in the home.

It is true that there is too little understanding of electrical hazards. The use of two-prong plugs (without a third grounding wire) is a simple hazard that continues to exist in many homes and other buildings. The naivete of physicians who use intricate devices is undoubtedly shared by many other people who do not understand when or why electrical devices can be hazardous. The housewife who simultaneously touches a toaster and a refrigerator handle and receives a shock usually lives to return the toaster, or change the wiring, or complain to the manufacturer. The heart patient who receives the same kind of shock is not so fortunate.

If we have the technology to stimulate the heart, to sustain life and to probe the innermost regions of the body, we also have the means to make devices that are safe from human error. The unprecedented hope offered by new medical technology does not need to be accompanied by unprecedented risk. Such avoidable tragedies in our hospitals will not be stopped until manufacturers recognize the limitations of the personnel who use their devices, and until users demand that safety be built into the devices. Dangers that have been veiled as unavoidable risks, or risks inherent in the condition of the patient, must be exposed. Until they are, new medical devices will continue their Jekyll-and-Hyde role—they are life-giving devices for some, but death machines for others.

[From the Washington Star, Apr. 2, 1971]

HOSPITALS NEED TO UPGRADE MUCH ELECTRICAL EQUIPMENT

(By Dean C. Miller)

NEW YORK.—An East Coast physician trying to revive a heart patient accidentally touched an energized metal plate and received a jolt that put him in the hospital—in the bed next to his patient.

A young girl about to undergo surgery in a southern hospital was almost killed when a common piece of operating room equipment—a heart monitor—short circuited.

In a large eastern hospital, a patient was

killed when a doctor turned off an anesthesia machine and it exploded, reportedly because of a short circuit.

"Such accidents are not rare," said Dr. Joseph Davis, director of the Division of Medical Devices of the Food and Drug Administration. "They've been happening for years."

It has been conservatively estimated that there have been 1,200 hospital deaths due to electric shock. Since the beginning of the year, as the Health Insurance Institute notes, medical magazines such as the Journal of the American Medical Association and the Journal of the American Hospital Association have commented on the growing electrical hazard.

Sales of X-rays and other equipment are estimated at $560 million for 1970 and expected to go over the $1 billion mark by 1971.

David Lubin, administrative engineer for the Sinai Hospital of Baltimore and a member of the technical subcommittee on hospital wiring and equipment of the national electrical code, believes the situation is critical because of:

1. The increased use of electrical and electronic equipment.

2. The necessity to "wire" a patient to monitors and pacemakers.

"The hazard situation is here now," said Lubin. "It exists in thousands of hospitals."

The number of legislative reform bills introduced into Congress indicates it knows the problem exists. "Unacceptable numbers of hazardous and unreliable medical devices now affect interstate commerce," said Rep. Paul Rogers of Florida who introduced one such bill.

One electrical problem found in many hospital operating rooms involves outlets. They don't have outlets that will accept grounded three-pronged plugs used on most electronic devices.

Defective equipment is always a problem. Seymour Ben-Zvi, director of scientific and medical instrumentation at downstate Medical Center, New York, said 30 to 40 percent of the devices his staff inspects are hazardous.

Electronic danger areas in a hospital include "biomedical equipment and instrumentation such as dye injectors, electrocardiographs and monitors," said Lubin. Cathodes and electrodes, routinely connected to patients, also may be dangerous, he added.

Lubin noted that patients can "become involved in electrical accidents if exposed to defective radios, television sets, electric beds and vaporizers.

He said lives could be saved and the cost of improvement kept at a reasonable level, if health centers are made a concerted effort to upgrade all electrical and electronic devices with "hospital duty" cords, plugs and receptacles.

"All such high quality items are available today," said Lubin.

By Mr. JAVITS:

S. 1826. A bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain additional losses. Referred to the Committee on the Judiciary.

WAR CLAIMS LEGISLATION

Mr. JAVITS. Mr. President, I introduce for appropriate reference a bill to amend the War Claims Act so as to make later nationals eligible for benefits.

This is a measure which I first offered many years ago. Under the present provisions of the War Claims Act only persons who were citizens of the United States at the time of their loss can apply for benefits. All those who came to this country as refugees, but who did not actually receive final citizenship papers until after their loss are ineligible to file claims.

I stress in reintroducing this bill which must be for the last time—because the entire fund will have been distributed by the time the 93d Congress convenes—that there is very little likelihood that there will be sufficient funds available even to pay all American citizens their full claims, and until that is done, it is doubtful that Congress will pass a bill such as this, expanding the class of claimants. I offer the measure only in the hope that funds now in litigation will eventually accrue to the fund, and that with these additional funds available, congressional attitudes toward later nationals will change. Last year, certain unscrupulous agencies, advertising in the foreign language press and radio offered, for a fee, to prepare claims for later nationals, asserting that this bill was about to become law. I would like to stress to all those who would be beneficiaries first, that it is unlikely this bill will pass unless sufficient funds become available and second, even if this bill were to become law, there would be no need to pay any agent or private individual to prepare a claim since Government forms and assistance would be readily available.

By Mr. CHURCH:

S. 1827. A bill to amend the Social Security Act. Payment for Extended Care and Home Health Services. Referred to the Committee on Finance.

PROTECTION AGAINST RETROACTIVE DENIAL OF PAYMENTS

Mr. CHURCH. Mr. President, I introduce for appropriate reference, a bill to protect medicare patients from retroactive denial of payments for posthospital services.

Extended care benefits, up to 100 days, are now available to elderly persons who no longer require inpatient hospital care, but still need skilled nursing services. To be eligible for this coverage, a patient must:

Have been in a hospital for at least 3 consecutive days before admission to the extended care facility;

Admitted within 14 days after leaving the hospital; and

Certified by his doctor as needing extended care for treatment of a condition for which he was hospitalized.

Under present law, the determination of whether a patient qualifies for posthospital nursing home care is usually made after the services are rendered. As a result, medicare benefits have been denied retroactively in many instances by fiscal intermediaries, causing hardships for patients, nursing homes, and physicians.

Because of this problem, many doctors are reluctant to refer their patients to nursing homes, although such care would be of important therapeutic value and less costly than continued hospitalization. Large numbers now believe that it is preferable to leave the patient in a hospital, rather than submit him to this uncertain risk. But shaving one hospital day from the medicare national average could result in savings up to $400 million a year.

Caught in this no man's land is the unsuspecting elderly patient who has relied in good faith on his doctor's certification. Even with this certification, very few patients can be absolutely certain that their claims will be reimbursed by medicare. Quite frequently a retroactive denial of payments is made several days, or even weeks, after the services were performed. And it can mean a charge of hundreds of dollars—wiping out the financial resources of persons living on limited incomes.

Nursing homes are also in a dilemma because they may not receive payment for services performed in good faith. To avoid this risk, extended care facilities by the hundreds have dropped out of the medicare program.

To help provide a solution for this pressing problem, my bill would authorize advance approval for extended care services. Under this proposal the Secretary of Health, Education, and Welfare would establish specific periods of time after hospitalization during which a patient would be presumed to require services in a nursing home. This determination would take into account the nature of the illness or injury and other pertinent factors. In cases where a patient failed to convalesce as rapidly as expected, additional extended care payments beyond the presumed period would be approved by the intermediary, based upon appropriate medical evidence. A similar measure would also apply to posthospital home health services.

The complexity and uncertainty of the extended care determination—plus the fact that it is usually made retroactively—has caused confusion for all parties concerned. Moreover, existing practices may encourage attending physicians, first, to delay the discharge of a patient from a hospital, where coverage is less likely to be questioned, or second, to recommend a less economical course of treatment, though financially more predictable.

Much more can be gained for all parties concerned by prescribing minimum periods, based upon sound medical data, during which treatment at an extended care facility would be covered. With such an approach medicare patients would know with much greater certainty that their bills for skilled nursing care will, in fact, be covered. And doctors and nursing homes can be more confident that they will be paid for their services.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

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

S. 1827

A bill to amend the Social Security Act. Payment for Extended Care and Home Health Services

Be it enacted by the Senate and House of

Representatives of the United States of America in Congress assembled, That

SEC. 233. (a) (1) Section 1814(a) (2) (C) of the Social Security Act is amended by striking the phrase, "skilled nursing care on a continuing basis" and inserting in lieu thereof, "posthospital institutional care which requires the continuing availability of skilled nursing and related skilled services";

(2) Section 1814 of such Act (as amended by section 226 of this Act) is amended by adding at the end thereof the following new subsections:

"Payment for Posthospital Extended Care Services

"(h) An individual shall be presumed to require the care specified in subsection (a) (2) (C) of this section and payment shall be made to an extended care facility (subject to the provisions of section 1812) for posthospital extended care services which are furnished by such facility to such individual if—

"(1) the certification referred to in subsection (a) (2) (C) of this section is submitted for approval in timely fashion prior to the time of admission of such individual to such extended care facility, and

"(2) such certification is accompanied by (A) a plan of treatment for providing such services, and (B) as may be required by regulations, an estimate of the period for which such services will be required, and

"(3) there has not been a finding prior to or at the time of such admission by a review group designated by the Secretary that such individual does not require the care specified in subsection (a) (2) (C) of this section,

but only for services furnished—

"(4) during the first ten days of the individual's stay in the extended care facility, or

"(5) if less, during such period as may be certified under subparagraph (2) (B) or as may be approved by the review group under paragraph (3).

A similar presumption and payment for services furnished thereafter (for such number of days as are specifically approved by the review group) shall be made pursuant to the preceding sentence if, prior to the third day before the last day for which such payment may be made or (if earlier) a day specified by such review group, appropriate medical and related evidence is submitted on the basis of which such review groups finds that such individual continues to require for a period determined in accordance with paragraph (4) or (5) the care specified in subsection (a) (2) (C) of this section; except that where such evidence is submitted in timely fashion but does not support such a finding, payment may be made for such services as are furnished by such extended care facility before the third day after the day on which such facility receives notice of the review group's determination.

"Payment for Posthospital Home Health Services

"(i) An individual shall be presumed to require the services specified in subsection (a) (2) (D) of this section and payment shall be made to a home health agency (subject to the provisions of section 1812) for posthospital home health services furnished by such agency to such individual if—

"(1) the certification and plan referred to in subsection (a) (2) (D) of this section, accompanied by such estimate of the number of visits which will be required by such individual as may be required in regulations, is submitted in timely fashion prior to the first visit by such agency, and

"(2) there has not been a finding prior to such first visit by a review group designated by the Secretary that such individual does not require skilled nursing care on an intermittent basis or physical or speech therapy, but only for services furnished—

"(3) during the first ten such visits, or

"(4) if less, for such number of visits as may be certified under paragraph (1) and as may be approved by the review group under paragraph (2).

A similar presumption and payment for services furnished (for such number of visits as are specifically approved by the review group) during subsequent visits by such agency shall be made pursuant to the preceding sentence if, prior to the seventh day before the final visit for which such payment may be made or (if earlier) a day specified by such review group, appropriate medical and related evidence is submitted on the basis of which such review group finds that such individual continues for a number of visits determined in accordance with paragraph (3) or (4) to require skilled nursing care on an intermittent basis or physical or speech therapy; except that where such evidence is submitted in timely fashion, but does not support such a finding, payment may be made for such services as are furnished by such home health agency before the day on which such agency receives notice of the review group's determination."

(3) Section 1835 of such Act is amended by adding at the end thereof the following new subsection:

"(e) An individual shall be presumed to require the services specified in subsection (a) (2) (A) of this section and payment shall be made to a home health agency (subject to the provisions of section 1832) for home health services furnished by such agency to such individual if—

"(1) the certification and plan referred to in subsection (a) (2) (A) of this section, accompanied by such estimate of the number of visits which will be required by such individuals as may be required by regulations, is submitted in timely fashion prior to the first visit by such agency, and

"(2) there has not been a finding prior to such first visit by a review group designated by the Secretary that such individual does not require skilled nursing care on an intermittent basis or physical or speech therapy, but only for services furnished—

"(3) during the first ten such visits, or

"(4) if less, for such a number of such visits as may be certified under paragraph (1) or as may be approved by the review group under paragraph (2).

Payment for services furnished during subsequent visits (for such number of visits are specifically approved by the review group) by such agency shall be made pursuant to the preceding sentence if, prior to the seventh day before the final visit for which such payment may be made or (if earlier) a day specified by such review group, appropriate medical and related evidence is submitted on the basis of which such review group finds that such individual continues to require for a number of visits determined in accordance with paragraph (3) or (4) skilled nursing care on an intermittent basis or physical or speech therapy; except that where such evidence is submitted in timely fashion, but does not support such a finding, payment may be made for such services or furnished by such home health agency before the day on which such agency receives notice of the review group's determination. The amendments made by this section shall apply to plans of care initiated after June 30, 1971."

PROHIBITION AGAINST REASSIGNMENT OF CLAIMS TO BENEFITS

SEC. 234. (a) Section 1842(b) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(5) No payment (226) for a service shall be made pursuant to an assignment under subparagraph (B) (ii) of paragraph (3) of this subsection or under subsection (f) of section 1870 to anyone other than the physician or other person who furnishes the service, except that payment may be made (A) to the employer of such physician or other person if such physician or other person is required as a condition of his employment to turn over his fee for such service to his employer, or (B) (where the service was provided in a hospital, clinic, or other facility) to the facility in which the service was provided.

By Mr. DOMINICK:

S. 1828. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer. Referred to the Committee on Labor and Public Welfare.

ACT TO CONQUER CANCER

Mr. DOMINICK. Mr. President, I introduce today a measure which is intended to substantially advance the development of cures for cancer. This morning the President called on the Congress to act on his additional $100 million to support his expanded campaign against cancer. He also asked the Congress to establish a cancer-cure program within the National Institutes of Health, where it can take the fullest advantage of other wide-ranging research. He noted that it was important that this program be identified as one of the Nation's highest priorities, and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and redtape. He asked that the Congress give the cancer-cure program independent budgetary status and that it make its director responsible directly to the President.

In the President's message to the Congress on the state of the Union on January 22, 1971, and again in this special message on health concerning a national health strategy on February 18, 1971, the President expressed his determination to wage a successful campaign against cancer. Today's action by the President is another bold step in the determination to make giant strides against cancer and thus, in the President's words "Bringing new hope for all Americans—and indeed for all the world."

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks, together with the President's statement on the program dated May 11, 1971.

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

S. 1828

A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Act To Conquer Cancer."

CANCER-CURE PROGRAM ESTABLISHED

SEC. 2. (a) The Public Health Service Act is amended by redesignating sections 401,

402, 403, 404, 405, and 406, and references in such Act thereto, as sections, and references to sections, 404, 405, 406, 407, 408, and 409, respectively; and by inserting, immediately before such redesignated section 404, the following new sections:

"CANCER-CURE PROGRAM

"SEC. 401. (a) The cancer-cure program is hereby established in the National Institutes of Health. The program, acting in coordination with the other programs and activities of the National Institutes of Health, shall have as its objective the conquest of cancer at the earliest possible time.

"(b) The cancer-cure program shall be administered by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall serve under the direction of the President and, with respect to such functions as the President may prescribe, under the direction of the Secretary.

"FUNCTIONS OF THE PROGRAM

"SEC. 402. The program—

"(1) shall administer the authority of the Secretary pursuant to this Act with respect to cancer;

"(2) shall make recommendations to the President to improve and coordinate research and development programs and activities within the executive branch, and within or among other public or private agencies, organizations, and institutions, relating to the prevention, diagnosis, or treatment of cancer;

"(3) is authorized to provide, directly or otherwise, for the production or distribution of specialized biological materials, drugs, or other therapeutic substances, for cancer research;

"(4) is authorized to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, or maintain cancer centers, laboratories, research or other necessary facilities and equipment, and necessary related accommodations, and such other real or personal property (including patents) as the Director deems necessary to carry out the purposes of this part; except that the acquisition by purchase or lease of facilities in or adjacent to the District of Columbia shall be effected through the Administrator of General Services for the use of the program but without regard to the Act of March 3, 1877, 19 Stat. 370; and

"(5) shall perform such other functions as the Secretary, with the approval of the President, may prescribe to encourage or coordinate public or private programs of research or development which show reasonable promise of contributing to the prevention, diagnosis, or treatment of cancer.

"CANCER-CURE ADVISORY COMMITTEE

"SEC. 403. (a) There is hereby established a Cancer-Cure Advisory Committee. The Committee shall consist of the Secretary, the chairman and members of the National Advisory Cancer Council, the Director of the Office of Science and Technology, and not to exceed ten additional members to be appointed by the President. The Secretary, the chairman and members of the National Advisory Cancer Council, and the Director of the Office of Science and Technology shall serve on the Committee as ex officio members. The remaining members shall hold office for such term or terms as the President may prescribe. Compensation and travel expenses of members of the Committee, other than ex officio members and members who are in the full time employ of the United States, shall be governed by section 208(c).

"(b) The Committee shall advise the President, the Secretary, and the Director of the Cancer-Cure Program on ways and means of conquerinig cancer and on matters of policy, organization, and management arising in the administration of this Act and reelating to the conquest of cancer, including the development of general criteria for approval of applications under this Act for the award of grants, contracts, and other assistance."

(b) (1) The heading of title IV of the Public Health Service Act is amended to read "TITLE IV—CANCER-CURE PROGRAM; NATIONAL RESEARCH INSTITUTES".

(2) The heading of Part A of title IV of such Act is amended to read "PART A—CANCER-CURE PROGRAM AND NATIONAL CANCER INSTITUTE".

(3) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Director, Cancer-Cure Program."

NATIONAL CANCER INSTITUTE MADE PART OF CANCER-CURE PROGRAM

SEC. 3. (a) Section 404 (as redesignated by this Act) of the Public Health Service Act is amended to read as follows:

"NATIONAL CANCER INSTITUTE

"SEC. 404. The National Cancer Institute shall be a part of the Cancer-Cure Program.

(b) Section 405 (as redesignated by this Act) of the Public Health Service Act is amended by striking out all that precedes clause (a) of such section, except the heading thereof, and inserting the following in lieu of such stricken matter:

"SEC. 405. In carrying out the purposes of section 301 with respect to cancer, the Cancer-Cure Program, through the National Cancer Institute and in consultation with the Cancer-Cure Advisory Committee and the National Advisory Cancer Council, shall—".

(c) Section 406 (as redesignated by this Act) of the Public Health Service Act is amended (1) (A) by striking out "Surgeon General" wherever it appears in such section and inserting "Cancer-Cure Program" in lieu thereof; (B) by striking out "he" and "him" wherever either appears in such section and inserting 'the Program" in lieu thereof; and (C) by striking out "section 402" wherever it appears and inserting "section 402 and section 405" in lieu thereof; and (2) by striking out "Institute" in subsection (b) thereof and inserting in lieu thereof "Program or Institute".

COORDINATION OF FUNCTIONS OF NATIONAL ADVISORY CANCER COUNCIL

"SEC. 4. (a) Subsection (b) of section 406 (as redesignated by this Act), and clause (1) of section 301, of the Public Health Service Act, are amended by striking out "National Cancer Advisory Council" and "National Advisory Cancer Council", respectively, and inserting "Cancer-Cure Advisory Committee" in lieu thereof.

(b) (1) Section 407 (as redesignated by this Act) of the Public Health Service Act is amended by striking out "The council is authorized" preceding clause (a), and inserting in lieu thereof "Subject to such general criteria as the Cancer-Cure Advisory Committee may prescribe, the National Advisory Cancer Council is authorized".

(2) Such section is further amended (A) by striking out "Surgeon General" wherever it may appear and inserting in lieu thereof "Cancer-Cure Program"; (B) in clause (a) thereof by striking out "section 402" and inserting "section 402 or section 405" in lieu thereof; and (C) in clause (d) thereof by striking out all following "Act" and inserting a period in lieu thereof.

REMOVAL OF LIMITATION ON USE OF APPROPRIATIONS FOR CONSTRUCTION

"SEC. 5. Section 408 (as redesignated by this Act) of the Public Health Service Act is amended (A) by striking out "shall be available for the acquisition of land or the erection of buildings only if so specified, but in the absence of express limitation therein", and (B) by striking out "Surgeon General" and inserting in lieu thereof "Director of the Cancer-Cure Program".

STATEMENT BY THE PRESIDENT

Cancer has become one of mankind's deadliest and most elusive enemies. The conquest of cancer is one of the most important efforts of our time.

Success will test the very limits of our imagination and our resourcefulness. It will require a high sense of purpose and a strong sense of discipline.

In my message to the Congress on the State of the Union on January 22, 1971, and again in my special message to the Congress concerning a National Health Strategy on February 18, 1971, I expressed my determination to wage a successful campaign against this dread disease. I called upon the Congress to appropriate an additional $100 million to support such an effort. I am pleased that in recent days the Appropriations Committees in both the Senate and the House of Representatives have favorably viewed this request and I am hopeful that the House—which votes today—and the Senate will both follow the Committee recommendations.

FEARS AND HOPES ABOUT CANCER

Across the Nation, there is a growing consensus that our vast scientific and technological resources should promptly be marshaled in an unprecedented attack on this devastating disease.

This consensus springs both from fear and from hope.

Cancer is second only to heart disease in the number of lives it takes in this country. And the nature of its ravages makes it our most feared disease. If the present incidence of cancer were to continue some 52 million Americans who are alive today would contract this disease someday. This means that cancer would strike one out of every four individuals in this country—and two out of every three American families. It would mean that in the next ten years alone, three and a half million Americans would die from cancer. For many of its victims, death is a slow and painful process. And for many of their families, the personal tragedy is compounded by the financial implications of a prolonged disease.

At the same time, however, there is much reason to hope.

New vistas are now opening for further research into the treatment and prevention of cancer, the result of some remarkable advances which have been made during the past ten years as we have multiplied many times over our fundamental knowledge in this area. Virus research, for example, has demonstrated that cancer can be produced in animals by over 110 of the nearly 1,000 viruses that science has identified. We have learned that animal cancers can be induced by over 1,000 chemical substances. Effective measures for preventing cancer have been developed in animals, and scientists have even demonstrated that human cancers can be prevented by avoiding exposure to certain chemicals. Other advances include new surgical procedures, more effective radiation therapy, and techniques for treating cancer with improved combinations of known drugs.

All of these developments have fueled our hopes and provided a broad frontier of possibilities for researchers in the months and years ahead. This is why I was able to suggest in my special health message to the Congress in February that "of all our research endeavors, cancer research may now be in the best position to benefit from a great infusion of resources."

MORE MONEY AND BETTER ORGANIZATION

The time has now come for us to put our money where our hopes are. In the first full

budget developed by this administration last year, an increase of $20 million was provided for cancer programs. For fiscal year 1972, the administration request for cancer programs is slightly over $332 million—an increase of $100 million from the 1971 fiscal year. If these resources are provided by the Congress, we should be able to finance a new and massive assault on cancer. If it should turn out that we need more money, however, I will not hestitate to ask the Congress to provide whatever funds can be effectively utilized. But I would also emphasize this important point: More money alone will not be enough. Money can help set the stage for faster progress, but in the end it is brainpower alone which can lead us to our goals. This means, of course, that we need to mobilize the intelligence and imagination of our doctors and scientists. And it also means that we must do a better job of tapping the Nation's administrative and organizational skills, which can help remove many roadblocks to success. Our capacities for efficient management were instrumental in our efforts to split the atom and travel to the moon. Now we need to apply those same capacities to the conquest of cancer.

This means, for one thing, that a wide variety of research activities in all parts of the country, in many areas of society and in a great number of disciplines must be carefully coordinated. There must be as much cross-fertilization as possible between various scientific pursuits.

In the past, the National Institutes of Health have had considerable success in fostering such coordination and cooperation and, in the process, they have earned both the respect of the scientific community and the gratitude of thousands who live happier and healthier lives because of NIH successes. It is for this reason that I have asked the Congress to establish a Cancer-Cure Program within the National Institutes of Health, where it can take the fullest advantage of other wide ranging research.

At the same time, it is important that this program be identified as one of our highest priorities, and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and red tape. For this reason, I am asking the Congress to give the Cancer-Cure Program independent budgetary status and to make its Director responsible directly to the President. This effort needs the full weight and support of the Presidency to see to it that it moves toward its goals as expeditiously as possible. I am further recommending that this Director be supported by a strong management group which has as its one goal: the cure of cancer—and which can pursue that goal with single-minded tenacity.

In addition, I am recommending that a new Cancer-Cure Advisory Committee be set up to provide a broad range of advice and assistance for the President and for others who lead the Cancer-Cure Program, particularly as they work to set intelligent priorities for the Nation's efforts in this area.

I am pleased to report that the detailed management and administrative mechanisms for carrying out these plans have been discussed in considerable detail within the National Institutes of Health, with experts in the field outside of Government, and in the Office of the Secretary of the Department of Health, Education and Welfare. As these plans are translated into action, I hope that the Congress will comment on them and suggest additional ways in which we can work toward these significant goals.

I would not want to discuss the subject of cancer research, however, without offering a word of caution. Many of the experts that we consulted with told us that biomedical research is a notoriously unpredictable enterprise. Instant breakthroughs are few and the path of progress is strewn with unexpected obstacles. As we undertake this crusade, we must put on the armor of patience, ready to persist in our efforts through a waiting period of unknown and possibly anguishing duration.

Yet I feel confident that with such funding as I have proposed, with such organizations as we are developing, with the dedicated efforts of thousands of men and women from many disciplines, and with the cooperation of the Congress and the people of the United States, we can make great strides against this terrible enemy, bringing new hope for all Americans—and indeed new hope for all the world.

By Mr. SAXBE:

S. 1829. A bill to amend title II of the Social Security Act to increase from $70.40 to $100 the minimum monthly insurance benefit payable thereunder, to provide for the making of supplementary payments to low-income recipients of old-age or disability insurance benefits thereunder, and to increase the annual amount individuals are permitted to earn without suffering deductions from their benefits on account of excess earnings. Referred to the Committee on Finance.

Mr. SAXBE. Mr. President, earlier this year President Nixon signed into law, a bill increasing social security benefits by 10 percent. I was delighted to see this increase actually become law and know the relief it will bring to millions of Americans.

Although the 10-percent increase has now been enacted, there are still some necessary improvements in the social security system; in particular, increased benefits to the elderly. Today I am introducing a bill designed to provide these increased benefits.

My bill would do three things:

First, increase the minimum monthly payment to $100.

Second, guarantee a minimum income of $160 a month to an individual, and $220 a month to a couple.

Third, lift the earnings limitation from $1,680 to $2,600 a year.

The first phase of the bill—raising the minimum payment to $100—is the least we can do for our elderly. The present $70 minimum is grossly inadequate in today's inflationary spiral. We all feel the effects of inflation, but the ones hardest hit are our older citizens. It is therefore essential for us to raise this minimum monthly payment—at least to bring it in line with the present inflationary scale.

The second portion involves an income assurance plan for social security recipients through supplementary payments. The poverty level for a single elderly individual is presently $159 a month, according to standards set by the Census Bureau and adjusted to take account of price increases through February 1971. My bill will guarantee all retired and disabled workers an income of $160 a month, and if he is married, $200 a month. For example, if a man received the $100 monthly minimum, as provided in this bill, and had no other income, he would receive an additional payment of $60 to reach the guarantee of $160 a month. Thus, through this provision, our older citizens would at least be lifted to the poverty line.

The third section of my bill involves the earnings limitation feature of the social security bill. There are thousands of our senior citizens who can and do wish to work; but because of a restrictive limit on earnings, these people are penalized for working by a subsequent loss in social security payments. As it stands now, a person can collect Social Security even though he draws huge sums in unearned income; but once he becomes a wage earner, he puts his payments in jeopardy. To me, this is not fair. If a person wants to work, he should be allowed to do so, and to have his social security benefits as well. My bill would lift the earnings limitation from the present level of $1,680 to $2,600 a year. A retired person should be allowed to earn it at least that much without forfeiting his rightful benefits.

I ask that the bill be printed in the RECORD.

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

S. 1829

To amend title II of the Social Security Act to increase from $70.40 to $100 the minimum monthly insurance benefit payable thereunder, to provide for the making of supplementary payments to low-income recipients of old-age or disability insurance benefits thereunder, and to increase the annual amount individuals are permitted to earn without suffering deductions from their benefits on account of excess earnings

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the table in section 215(a) of the Social Security Act is amended by striking out the matter beginning with the line on which appears the following:

"---- $16.20 $64.00 ---- $76 $70.40 $105.60" or less

and continuing through the line on which appears the following:

"26.95 27.46 91.90 114 118 101.10 151.70"

and by inserting in lieu of the matter stricken the following:

"---- $26.94 90.60 ---- $113 $100.00 $150.00 or less

$26.95 27.46 91.90 $114 118 101.10 151.70".

(b) The amendments made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after the month following the month in which this Act is enacted and with respect to lump-sum death payments under such title in the case of deaths occurring after the date of enactment of this Act.

SEC. 2. (a) Title II of the Social Security Act is amended by adding at the end thereof the following new sections:

"SUPPLEMENTARY PAYMENTS FOR LOW-INCOME RECIPIENTS OF OLD-AGE OR DISABILITY INSURANCE BENEFITS

"Definitions

"SEC. 230. (a) For purposes of this section—

"(1) The term 'eligible individual' means an individual who, for any month, is entitled to—

"(A) a monthly insurance benefit under

section 202(a) (including any individual entitled to such a benefit by reason of the application of section 227); or

"(B) a disability benefit under section 223; except that, if two individuals who are married to each other and who live in the same household are each entitled to a monthly benefit referred to in clause (A) or (B), only the individual who is the husband shall (for purposes of this section) be regarded as an eligible individual.

"(2) The term 'monthly insurance benefit' means either of the benefits referred to in clauses (A) or (B) of paragraph (1).

"(3) The term 'amount' when used in connection with any monthly insurance benefit means the amount of such benefit after any reduction brought about by reason of the provisions of section 202(q) or 203(a).

"(4) The term 'income' means all income from any source (other than income derived from supplementary payments under this section); except that, when used in connection with an eligible individual, such term does not include a monthly insurance benefit paid to such individual.

"Eligibility for Supplementary Payments

"(b) Any eligible individual shall (subject to the succeeding provisions of this section) be entitled to monthly supplementary payments under this section for any month if the amount of the monthly insurance benefit to which he is entitled is less than—

"(1) $220, in case such individual is married and lives in the household in which his spouse resides; or

"(2) $160, in case such individual does not meet the criteria specified in clause (1).

"Amount of Supplementary Payments

"(c) The amount of the supplementary payments to which any eligible individual is entitled under this section for any month shall (subject to subsection (d)) be equal to the amount by which—

"(1) $220, in case such individual is married and lives in the household in which his spouse resides; or

"(2) $160, in case such individual does not meet the criteria specified in clause (1),

exceeds the amount of the monthly insurance benefit to which such individual is entitled for such month.

"Deductions from Supplementary Payments on Account of Income

"(d) If for any period—

"(1) any eligible individual is entitled to supplementary payments under this section; and

"(2) any income is received, during such period, by such individual or (in case such individual is married and living in the household in which his spouse resides) by the spouse of such individual;

deductions from the supplementary payments payable to such individual shall be made, in such amounts and at such time or times as the Secretary shall determine, to the extent necessary to reduce the amount of the supplementary payments payable to such individual by an amount equal to the total of the income received during such period by such individual and (in case such individual is married and living in the household in which his wife resides) by the spouse of such individual (or, if less, an amount equal to the amount of the supplementary payments to which such individual is entitled for such period).

"Suspension of Payment When Individual Is Residing Outside the United States

"(e) The supplementary payments otherwise payable to any eligible individual under this section for any month shall not be paid if, during such month, such individual is not a resident of the United States. For purposes of this subsection, the term 'United States' means the 50 States and the District of Columbia.

"Treatment as Monthly Insurance Benefits

"(f) For purposes of subsections (t) and (u) of section 202, and of section 1840, a monthly supplementary payment under this section shall be treated as a monthly insurance benefit payable under section 202.

"Automatic Adjustment in Eligibility for and Amount of Supplementary Payments Based on Increases in the Cost of Living

"(g)(1) For purposes of this subsection—

"(A) the term 'base quarter' means the period of three consecutive calendar months ending on June 30, 1972, and the period of three consecutive calendar months ending on June 30 of each year thereafter;

"(B) the term 'cost-of-living computation quarter' means any base quarter (beginning no earlier than April 1, 1973) in which the Consumer Price Index prepared by the Department of Labor exceeds, by not less than three per centum, such index in the latest of (i) January 1, 1973, or (ii) the base quarter which was most recently a cost-of-living computation quarter, or (iii) the most recent calendar month (after January 31, 1972) in which an increase (other than an increase under this subsection) in the dollar amounts contained in subsections (b), (c), and (e) became effective based upon an Act of Congress; and

"(C) the Consumer Price Index for a base quarter shall be the monthly average of such index in such quarter.

"(2)(A) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall, effective for January of the next calendar year, increase the dollar amounts contained in subsections (b) and (c) (as increased previously under this subsection) by the same percentage (rounded to the next higher one-tenth of 1 percent if such percentage is an odd multiple of .05 of 1 percent and to the nearest one-tenth of 1 percent in any other case) as the percentage by which the Consumer Price Index for such cost-of-livin computation quarter exceeds such Index for the base quarter determined after the application of paragraph (1)(B).

"(B) The increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall apply in the case of supplementary payments under this section for months after December of the calendar year in which occurred such cost-of-living computation quarter.

"(C) Notwithstanding the provisions of subparagraphs (A) and (B), the increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall not be effective as provided in such subparagraph (A) if in the calender year in which such cost-of-living computation quarter occurs a law has been enacted which provides for an increase in the dollar amounts contained in subsections (b) and (c).

"Applications for Supplementary Payments

"(h) No supplementary payments under this section shall be payable to any eligible individual unless such individual has filed an application for such payments in such form and manner as the Secretary shall by regulations prescribe. No application for supplementary payments shall be effective with respect to any month prior to the month preceding the month in which such application is filed; and no application for such payments which is filed prior to November 1, 1971, shall be accepted as for such payments for purposes of this section.

"Special Rule to Prevent Loss of Benefits on Account of Marriage

"(i) Notwithstanding any other provision of this section, if any individual becomes married after the first month for which he is entitled to supplementary benefits under this section, the amount of the supplementary benefits payable to such individual under this section for the month in which he becomes married (or any month thereafter) shall not be less than the amount of the supplementary benefits which would have been payable to him for such month if he were not married.

"Annual Reimbursement of Federal Old-Age and Survivors Insurance Trust Fund

"(j) Payments under this section shall be made from the Federal Old-Age and Survivors Insurance Trust Fund. There are authorized to be appropriated to such Trust Fund for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, such sums as the Secretary of Health, Education, and Welfare deems necessary on account of—

"(1) payments made under this section during the preceding fiscal year and all fiscal years prior thereto;

"(2) the additional administrative expenses resulting from the payments described in paragraph (1), and

"(3) any loss in interest to such Trust Fund resulting from such payments and expenses;

in order to place such Trust Fund in the same position at the end of such fiscal year as it would have been in if such payments had not been made."

(b) The amendment made by this section shall be effective in the case of supplementary payments under section 230 of the Social Security Act for months after December 1971.

Sec. 3. (a)(1) Paragraphs (1) and (4)(B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof "$225".

(2) Paragraph (1)(A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof "$225".

(3) Paragraph (3) of section 203(f) of such Act is amended to read as follows:

"(3) For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $225 multiplied by the number of months in such year. The excess earnings as derived under the preceding sentence, if not a multiple of $1, shall be reduced to the next lower multiple of $1."

(b) The amendments made by this section shall apply with respect to taxable years ending after December 1970.

By Mr. JAVITS (for himself and Mr. PERCY):

S. 1830. A bill to amend the Budget and Accounting Act, 1921, to require that the budget contain information with respect to revenue losses incurred and indirect expenditures made through the Federal tax system. Referred to the Committee on Government Operations.

Mr. JAVITS. Mr. President, on behalf of myself and the Senator from Illinois (Mr. PERCY), I send to the desk for appropriate reference, a bill to amend the Budget and Accounting Act of 1921, for referral to the Committee on Government Operations.

This bill will require the budget to furnish detailed information about revenue

losses, which we estimate this year at $40 billion, through a variety of special tax provisions. It does not mean there is anything wrong with these losses. We may very well choose to carry them on. But, by providing that the public shall know about them and we shall know about them, at least, they will not be buried in a mass of data but will stand out so that we will be able to grasp what they mean. This bill will require the budget to furnish detailed information about these revenue losses.

The bill requires the budget to contain estimates of the losses in revenues from special Federal tax provisions both: First, on a provision-by-provision basis; and second, by budget function. A provision-by-provision accounting will provide information on the revenue loss caused by each section of the tax code which grants special or preferential treatment. An accounting by budget function will relate revenue losses to the various purposes, such as national defense or health, which the special tax provisions are designed to serve. The latter type of information was provided in the 1968 annual report of the Secretary of the Treasury and also in the statement of Assistant Secretary Weidenbaum before the Subcommittee on Economy in Government of the Joint Economic Committee on June 2, 1970. I ask unanimous consent that the relevant portion of Mr. Weidenbaum's statement be printed in the RECORD for illustrative purposes at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. JAVITS. Mr. President, it is my firm conviction that the information requested by this bill will be of inestimable value to the administration, the Congress, and the general public, in establishing Federal tax policies and Government spending priorities.

Publication of these estimates will call attention to the cost to the Treasury of the various Federal tax preferences and will provide clearer insight into the overall allocation of public resources. These estimates must be available so that the public may become more fully informed as to these matters, which bear so importantly upon proposals affecting the tax laws and the spending of the revenues.

Information on the revenue costs of the separate tax preference items on a provision-by-provision basis will obviously be helpful as an analytical and evaluative tool in the continuing struggle for tax reform. Such information will assist us in shaping a tax structure which is both economically rational and fair to all taxpayers.

Relating the revenue losses to budget outlays on a category basis will illustrate the total Government support provided to each budget function or program, by giving recognition to indirect expenditures made through the tax system in the form of special tax relief. We will thus have fuller knowledge and understanding of the true allocation of public resources. Such an understanding is crucial to both the determination of sensible outlay priorities and the evaluation of specific spending proposals.

Mr. President, let me repeat, we are not seeking in any implicit or indirect way to go after any particular tax preference or any particular loss of revenue under the special Federal tax provisions but we feel the time has come to know what they amount to and also how they relate as an indirect expenditure to each particular function set up in the budget.

We hope very much that we shall have early consideration of this matter, what we consider to be a highly desirable reform by the Committee on Government Operations on which the Senator from Illinois (Mr. PERCY) and I both serve, as well as by the Senate.

I ask unanimous consent to have the text of the bill printed in the RECORD.

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

S. 1830

A bill to amend the Budget and Accounting Act, 1921, to require that the budget contain information with respect to revenue losses incurred and indirect expenditures made through the Federal tax system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11), is amended by adding new clauses (13) and (14) to subsection (a) as follows:

"(13) estimates of the losses in revenues for the last completed fiscal year, the fiscal year in progress, and the ensuing fiscal year which result—

"(a) under the provisions of the Federal income tax laws which cause the income tax bases to deviate from widely accepted definitions of income and standards of business accounting by prescribing or allowing (i) exclusion of certain items from gross income, (ii) deductions from income, (iii) credits against tax, (iv) deferral of the imposition of tax, (v) preferential rates for certain classes of income, or (vi) exemption of certain persons from tax, or

"(b) under other Federal tax provisions which grant special or preferential treatment of a similar nature;

"(14) estimates of the indirect expenditures made or to be made by the Government through the application and operation of the Federal tax laws during the most recent fiscal year, the fiscal year in progress, and the ensuing fiscal year, which estimates shall be based on the estimates of revenue losses described in clause (13) and shall be related, insofar as possible, to the expenditures described in clauses (5), (7), and (8)."

EXHIBIT 1

APPENDIX B

EXPLANATION OF TAX AIDS

An important recent development in the effort to make the Federal budget a more useful tool of economic policy has been an increasing awareness of the growing magnitude of fiscal benefits accruing to various categories of taxpayers. Over the years the Federal income tax structure has gradually accumulated a host of special deductions, credits, exclusions, exemptions, and preferential rates designed to achieve various social and economic objectives. It has been recognized that these selective reductions in tax liabilities have the same fiscal impact on the budget surplus or deficit as direct increases in expenditures. In this context they have been termed "tax expenditures." A more appropriate term might be "tax aids."

In the broadest sense a tax can be defined as any indentifiable reduction in tax liability by an individual or business compared to a tax base totally devoid of any reduction from income or distinction of treatment of different kinds of income. Such a definition of tax expenditures would include differences in tax liability because the individual was married or single, old or young, healthy or disabled, lived at home or abroad, was charitable or uncharitable, was a homeowner or renter, etc.

But to group together without distinction all deviations from a theoretically neutral tax system would be hopelessly cumbersome and reduce the usefulness of the tax expenditure concept as an added measure of the total fiscal impact of the Federal budget. The more practical approach is to group by functional spending category those tax aids intended to encourage private action to resolve various social and economic problems or to give fiscal relief to those who might receive an inadequate share of current productive resources under a completely neutral tax system. In most cases these tax aids are clearly an alternative to an equivalent increase in Federal expenditures that would otherwise be required.

The first compilation of tax aids under this approach was published in the 1968 Annual Report of the Secretary of the Treasury. This compilation helped create public discussion and improved understanding of the program aspects of tax aids. It also helped to stimulate program analysis of tax aids, an approach which has received the endorsement of President Nixon. In his tax message to the Congress of April 1969, the President stated:

"Tax dollars the Government deliberately waives should be viewed as a form of expenditure, and weighed against the priority of other expenditures. When the preference device provides more social benefit that Government collections and spending, that "incentive' should be expanded; when the preference is inefficient or subject to abuse, it should be ended."

In addition to its value as a catalyst for program analysis, the compilation has value for economic analysis. Such compilations focus on tax aids as important determinants of the size of budget deficits and surpluses. The overall magnitude of foregoing revenues due to tax aids is substantial and, if the budget is not balanced, the deficit and surplus is only a small fraction of that magnitude. Year to year changes in tax aid magnitudes, either because of economic growth or through legislative actions, affect substantially the size of the budget deficit (or surplus) and the expansionary (or restrictive) course of the economy.

Table B presents an updating of data on estimated tax aids for the fiscal years 1968 and 1969 on the basis of the current functional breakdown of Federal expenditures. The present compilation is not intended to provide a full and complete accounting in a theoretical sense of all tax aids in the income tax structure. It is, in fact, a minimal selection of tax aids—minimal in the sense of including only acceptable and practical choices. Certain tax provisions are omitted because their inclusion would require controversial or highly theoretical justifications. Others are omitted because the underlying data is difficult to compile and present in understandable form or because the amounts involved are not quantitatively significant. In short, the choice of the tax aids listed is largely governed by the criteria of public acceptability and practicality.

TABLE B.—ESTIMATED TAX AIDS, FISCAL YEARS 1968 AND 1969

[In millions of dollars]

Tax aids by budget function	1968	1969
National defense:		
Exclusion of benefits and allowances to Armed Forces personnel	500	550
International affairs and finance:		
Exemption for certain income earned abroad by U.S. citizens	40	45
Western Hemisphere trade corporations	50	55
Exclusion of gross-up on dividends of less-developed country corporations	50	55
Exclusion of controlled foreign subsidiaries	150	165
Exclusion of income earned in U.S. possessions	80	90
Total	370	410
Agriculture and rural development:		
Farming: expensing and capital gain treatment	800	860
Timber: capital gain treatment for certain income	130	140
Total	930	1,000
Natural resources:		
Expensing of exploration and development costs	300	330
Excess of percentage over cost depletion	1,300	1,430
Capital gains treatment of royalties on coal and iron ore	5	5
Total	1,605	1,765
Commerce and transportation:		
Investment credit	2,300	3,000
Excess depreciation on buildings (other than rental housing)	500	550
Dividend exclusion	225	260
Capital gains: corporation (other than agriculture and natural resources)	500	525
Excess bad debt reserves of financial institutions	600	660
Exemption of credit unions	40	45
Deductability of interest on consumer credit	1,300	1,600
Expensing of research and development expenditures	500	550
$25,000 surtax exemption	1,800	2,000
Deferral of tax on shipping companies	10	10
Total	7,775	9,200
Community development and housing:		
Deductibility of interest on mortgages on owner-occupied homes	1,900	2,200
Deductibility of property taxes on owner-occupied homes	1,800	2,350
Excess depreciation on rental housing	250	250
Total	3,950	4,800

Tax aids by budget function	1968	1969
Income security:		
Disability insurance benefits		100
Provisions relating to aged, blind, and disabled: Combined cost for additional exemption for aged, retirement income credit, and exclusion of social security payments	2,300	2,700
Additional exemption for blind	10	10
"Sick pay" exclusion	85	95
Exclusion of unemployment insurance benefits	300	325
Exclusion of workmens' compensation benefits	150	180
Exclusion of public assistance benefits	50	50
Treatment of pension plans:		
Plans for employees	3,000	4,000
Plans for self-employed persons	60	135
Exclusion of other employee benefits:		
Premiums on group term life insurance	400	400
Deductibility of accident and death benefits	25	25
Privately financed supplementary unemployment benefits	25	15
Meals and lodging	150	165
Exclusion of interest on life insurance savings	900	1,000
Deductibility of charitable contributions (other than education)	2,200	3,000
Deductibility of child and dependent care expenses	25	25
Deductibility of casualty losses	70	80
Standard deduction	3,200	3,600
Total	12,950	15,905
Health:		
Deductibility of medical expenses	1,500	1,600
Exclusion of medical insurance premiums and medical care	1,100	1,400
Total	2,600	3,000
Education and manpower:		
Educational expense deduction		40
Additional personal exemption for students	500	500
Deductibility of contributions to educational institutions	170	200
Exclusion of scholarships and fellowships	50	60
Total	720	800
Veterans' benefits and services:		
Exclusion of certain benefits	550	600
Aid to State and local government:		
Exemption of interest on State and local debt	1,800	2,000
Deductibility of nonbusiness State and local taxes (other than on owner-occupied homes)	2,800	4,150
Total	4,600	6,150

By Mr. HRUSKA (by request):

S. 1831. A bill to provide for the appointment of U.S. marshals by the Attorney General. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk a bill which would grant career status to U.S. marshals. I am pleased to make this introduction at the request of the Attorney General and ask that the bill be appropriately referred. I also ask unanimous consent to have printed at the conclusion of my remarks the text of the bill and the transmittal letter from the Department of Justice.

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

(See exhibits 1 and 2.)

Mr. HRUSKA. Mr. President, all of us grew up hearing stories of the bravery and the adventure of U.S. marshals. In the early days of our history, the marshal was sometimes the only symbol of law enforcement our citizens knew. Certainly the contributions of these men were, and continue to be, important to the maintenance of lawful conduct throughout the country.

However, the duties and the responsibilities of U.S. marshals have changed over the years. Today a marshal must be knowledgeable not only about laws—both local and Federal—but about court rules and procedure, agency and departmental rules and regulations, extensive accounting procedures and administrative techniques. It is important that we have, and that we retain in these positions, men who are trained and experienced in all of these aspects of the job.

It is my belief that the high quality of the marshals' service would be enhanced by providing the opportunity to those within the service to advance to the position of U.S. marshal. Therefore, I am introducing this bill to give career status to this important position. As the Attorney General has stated:

> The government and the taxpayer have a tremendous investment in such a man; hence it is in the national interest that the position of United States marshal be converted into a career-merit service.

While the role of the marshal in pioneer days was, of necessity, one of policy-making, that is not true today. The disruption of each of the 93 marshals' offices at the end of every administration is no longer justified. With professional status for the marshals, the entire service will be staffed with career officers since the deputies, supervisory personnel, and chief deputies are already in the competitive civil service.

Mr. President, I hope that this bill will receive prompt attention by the appropriate committee and that it can be approved by this body so that this important change can take place soon.

EXHIBIT 1

S. 1831

A bill to provide for the appointment of United States marshals by the Attorney General

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 561(a) of title 28 of the United States Code is amended to read as follows:

"The Attorney General shall appoint a United States marshal for each judicial district."

(b) Section 561(b) of such title is hereby repealed, and subsection (c) of section 561 is redesignated as subsection (b).

(c) Section 565 of such title is hereby repealed.

(d) The sectional analysis at the beginning of chapter 37 of such title is amended by changing "565. Vacancies" to read "565. Repealed."

SEC. 2. (a) Section 24(b) of the Organic Act of Guam, as amended (64 Stat. 390; 48 U.S.C. 1424(b)), is amended to read as follows:

"The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for Guam to whose office the provisions of chapter 35 of title 28 shall apply."

(b) Section 24 of such Act is further amended by redesignating the present subsection (c) as subsection (d) and inserting a new subsection (c) reading as follows:

"The Attorney General shall appoint a United States marshal for Guam to whose office the provisions of chapter 37 of title 28 shall apply."

SEC. 3. (a) Section 45(a) of title 3 of the Canal Zone Code is amended to read as follows:

"The Attorney General shall appoint a United States marshal for the District of the Canal Zone to whose office the provisions of chapter 37 of title 28, United States Code, shall apply, except as otherwise provided in this Code."

(b) Section 45(b) of such title is hereby repealed.

(c) Section 45(e) of such title is amended to read as follows:

"The appointment and tenure of deputies and clerical assistants of the United States marshal are subject to section 562 of title 28, United States Code."

(d) Subsections (c), (d) and (e) of section 45 of such title are redesignated as subsections (b), (c) and (d), respectively.

(e) The caption of section 45 of such title is amended to read "§ 45. Appointment, leave, and residence of United States marshal; deputies and assistants."

(f) The sectional analysis at the beginning of subchapter II of chapter 1 of such title is amended by changing item 45 to read "Appointment, leave, and residence of United States marshal; deputies and assistants."

SEC. 4. A United States marshal serving under a Presidential appointment on the date of enactment of this Act shall be covered into the competitive service under title 5, United States Code, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe.

EXHIBIT 2

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 11, 1971.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Attached for your consideration and appropriate reference is a draft bill "To provide for the appointment of United States marshals by the Attorney General".

Under existing law United States marshals are appointed by the President, by and with the advice and consent of the Senate, except in the Virgin Islands where the marshal is appointed by the Attorney General. Marshals are appointed for a term of four years, except in the Canal Zone where the term is eight years and in the Virgin Islands where no term of office is prescribed. All marshals are under the general supervision of the Attorney General.

For many years deputy and supervisory deputy United States marshals have been career employees. In 1959 the chief deputy marshals were given career status. In 1966 the Civil Service Commission placed these employees under the competitive civil service. Before that time they had been in the excepted civil service and were required to meet appointment qualifications prescribed by the Commission.

As a result of the career status afforded them, the caliber of deputy marshals, supervisory deputies, and chief deputies has improved considerably through the years and the turnover rate among these employees is the lowest of any category in the Department of Justice. We believe that similar results can be achieved by making the office of United States marshal a career position. Essentially, the marshal must have a knowledge of Federal and local laws, court rules and procedures, departmental rules and regulations, Civil Service Commission regulations, General Accounting Office procedures and pertinent decisions of the Comptroller General in the administration of civil procedures, criminal procedures, accounting procedures, and personnel actions. Suffice it to say, the Government and the taxpayer have a tremendous investment in such a man; hence, it is in the national interest that the position of United States marshal be converted into a career-merit service.

Section 1 of the draft bill would provide for the appointment of marshals by the Attorney General. The marshals would then be appointed in accordance with qualification standards prescribed by the Civil Service Commission. Such a change should make the office more attractive to qualified persons and would afford a better opportunity for appointment as marshal to those who have experience as deputy marshals.

Sections 2 and 3 of the draft bill make the necessary changes to provide for career appointments of the marshals for Guam and the Canal Zone.

Section 4 would provide that marshals serving under a Presidential appointment on the date of enactment would be covered into the competitive service under title 5, United States Code, upon passing a suitable, noncompetitive examination prescribed by the Civil Service Commission.

The present method of appointment of United States marshals has no relevance to the needs of modern law enforcement or the requirements of efficient administration. While marshals may have been policy making officials to some extent in the early days of the service, they are not today. This measure would provide for the appointment of non-policy making employees strictly on the basis of proven merit. Also, it would provide an improved structure of responsibility within the Department of Justice, would permit continuity and improvement of service in the marshals' offices, and would provide for advancement within the service which should serve as an incentive to qualified employees who aspire to the position of United States marshal.

This recommendation was made as early as 1912 by President Taft's Commission on Economy and Efficiency, in 1937 by President Roosevelt's Commission on Administrative Management, and in 1949 and 1955 by the first and second Hoover Commissions.

The Office of Management and Budget has advised that enactment of this legislation would be consistent with the Program of the President.

Sincerely,

JOHN MITCHELL,
Attorney General.

By Mr. HARRIS:

S. 1833. A bill to amend the wheat, feed grain, and upland cotton programs, as provided for in the Agricultural Act of 1970, in order to require the Secretary of Agriculture to make advance payments under such programs at an earlier time than required under current law. Referred to the Committee on Agriculture and Forestry.

Mr. HARRIS. Mr. President, I am introducing today a bill which would amend the Agriculture Act of 1970 insofar as it relates to the making of preliminary payments to producers under the wheat, feed grain, and upland cotton programs.

The 1970 act provides for certain "advance" or preliminary payments to be made to producers "as soon as practicable after July 1 of the year in which the crop is harvested."

The present law provides that the advance payment, in the case of wheat, is to equal 75 percent of the Secretary's estimate of the face value of certificates to be issued with respect to the wheat crop. Advance payments for corn are made at the rate of 32 cents per pushel, with comparable rates for sorghum. The advance payment for cotton is equal to 15 cents per pound.

The bill which I am introducing would require the Secretary of Agriculture to make at least 50 percent of this preliminary payment within 60 days following signup by the producer; the balance of this payment would be made as soon as practicable after July 1 of the year of harvest.

The farmer is faced today with extreme financial pressure. High interest rates make borrowing an all too expensive transaction for farmers. The early payment to farmers would provide cash when it is most needed—at a time when seed and fertilizer must be purchased, and when immediate cash is needed for operating costs.

My bill would not change the relationship, insofar as advance or preliminary payments are concerned, between the three crops affected by the bill. The formula for determining advance payments would remain the same. Only the time for making the payment is changed, in order to provide the farmer with liquidity at a time when it is urgently needed. The language of the bill would leave a degree of flexibility with the Secretary of Agriculture as to the amount to be paid at the earlier date. Not less than 50 percent of the payment must be made within 60 days after signup. However, if the Secretary should determine, a greater amount might be paid at the early date with any remaining balance to be paid as soon as practicable after July 1.

I am hopeful that this bill will receive early consideration so that in future years farmers will have available the necessary cash to finance their spring operations. The selection of July 1 in present law as a marker for the making of preliminary payments is not tied in with the farmers needs. It is an artificial time, based rather on the beginning of a new fiscal year. My bill would not increase the cost of advance payments. It would merely make these payments available to farmers at a more favorable time.

By Mr. HUMPHREY:

S.J. Res. 94. A joint resolution providing for a White House Conference on Environment and International Law. Referred to the Committee on Foreign Relations.

POLLUTION—A WORLDWIDE PROBLEM

Mr. HUMPHREY. Mr. President, I rise to speak today on an issue of vital importance to the health and well-being of all people—the protection and preservation of a wholesome environment.

Unfortunately, we in the United States have been focusing our attention only of late to the serious problem of the deterioration in our environment. Had we seen long before what we see now; if we had the panoply of legislation, especially the Environmental Policy Act of 1969, and a governmental body such as the Envi-

ronmental Protection Agency to enforce this legislation, much of the irreparable damage to our environment could have been avoided. I am not naive enough to believe that because we now have some solid legislation the battle is over. On the contrary, I think it still is an uphill struggle which demands our unfailing energy. We can, nevertheless, say today that there is legislative backing for the work ahead and that our efforts promise to bring immensely constructive results.

But all our efforts will be for naught, if action to save and repair our environment is not coordinated on a universal basis. Surely, it is myopic to assume that cleaning up the Mississippi River is strictly a national problem when that waterway flows into the Gulf of Mexico which is an international—and polluted—body of water. Is it realistic to assume that by cleaning up the air in the United States, we will be creating clean air in parts of the world where environmental controls are lax or nonexistent? Do we not eat fish from the same oceans that other countries may continue to pollute.

There is, in sum, no end to the interdependency between the cleaning up of our environment and the world's. Selfish reasons should not be our primary concern. We want other, less-developed nations to profit from our own industrial experience so that they can achieve a higher standard of living, health, and education. At the same time, for their sake as well as ours, we can suggest ways to avoid the deleterious effects which we have discovered in our own growing process. If we truly want the people of the world to be healthier, the environment in which they live must be cleaner and healthier.

For these reasons, I am introducing a joint resolution to request that the President establish a special White House conference to create, through the United Nations, an international body of law directed toward the protection of the world's environment, and a U.N. Commission on Pollution Control to enforce the law.

This plan would be prepared for presentation at the Conference on the Human Environment, scheduled to be held in June 1972 at Stockholm. This Commission's first function—once established by the U.N.—would be to create international pollution codes and quality standards that will insure a safe environment. A White House conference this year could propose guidelines for such standards, as well as help define the statutes and makeup of a future U.N. commission. Hopefully, after the conference proposals have been discussed in Stockholm, a plan for a Commission on Pollution Control, along with a model set of standards, could be presented in 1973 to the U.N. General Assembly for approval.

The United States should exercise all of its power in the United Nations to establish this Commission. Furthermore, we should actively aim our work in the U.N. to see to it that this new Commission is given a rare and crucial commodity in the realm of U.N. organizations: power. The new U.N. Pollution Control Commission will be effective only if its charter has teeth in it to enforce its codes.

As a first step, the Commission ought to be given power to impose forms of commercial sanctions on nations which violate the pollution codes. This may prove difficult, but certainly such an unprecedented undertaking is worth the difficulty. The issue at stake involves the very survival of man. This issue, therefore, transcends regional or ideological rivalries. Polluted oceans will wash the shores of nations, both Communist and capitalist—old and new, rich and poor.

The General Assembly recognized the universality of this problem when it proclaimed the Second United Nations Development Decade and when it passed the resolution calling for the Stockholm Conference on the Human Environment.

This position has been reiterated at each preparatory session for the Stockholm conference. Secretary-General U Thant put it very well when he said:

Like it or not, we are all travelling together on a common planet. We have no rational alternative but to work together to make it an environment in which we and our children can live full and peaceful lives. Stressing the urgency of the problem the Secretary-General said in his report to the Economic and Social Council and the General Assembly that "If present trends are allowed to continue, the future of life on earth could be endangered."

Many may argue that there is sufficient activity now going on in this field under the auspices of the United Nations, and that a pollution control commission is, therefore, unnecessary. It is true that the specialized agencies like the United Nations Development Program and the Food and Agricultural, the World Health, the World Meteorological, and the International Maritime Consultative Organizations have their programs. In addition, the Europeon Commission has its own advisory board for environmental questions.

What is lacking, however, is one central body which could coordinate all these activities so that much of the present overlap and conflict between bureaucracies would be avoided. A U.N. commission would be the ideal body to develop common standards and, in its second stage, to enforce these standards.

Each country faces different environmental problems because of varying stages of economic development and other reasons. But the essential point remains that other countries can profit from our experience, and we from theirs. The best way to share information on the problems we all face and to solve them on a cooperative basis is an international forum such as the one I am proposing.

For the Commission to be truly international, every effort must be made to include all nations. We can start by inviting nonmembers, as well as members of the United Nations, to the Stockholm conference. These nations are as involved, as we are in environmental proposals and could, therefore, contribute a great deal to the conference.

It is with great hope and earnestness, Mr. President, that I ask that the resolution I am proposing today be put into effect. The stakes are too high not to try. The cause is this generation and future generations. I ask unanimous consent that the joint resolution be printed at this point in the RECORD.

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

S.J. RES. 94

Whereas the General Assembly of the United Nations proclaimed the Second United Nations Development Decade starting from January 1, 1971;

Whereas one of the declared objectives of the United Nations Development Decade is to safeguard world environment;

Whereas the General Assembly passed a resolution December 3, 1968 calling for a Conference on the Human Environment, to be held in Stockholm, Sweden in June, 1972, in order to focus worldwide action to avoid a possible crisis endangering the well-being of mankind from the increasing impairment of his environment;

Whereas the Secretary General of the United Nations created the post of Under Secretary General for Environmental Affairs and Secretary General for the Stockholm Conference on the Human Environment;

Whereas the United States Government has created an Advisory Committee to the Secretary of State to advise him on the participation of the United States in the Stockholm Conference; Now, therefore, be it

Resolved, (1) That a White House Conference be convened for the purpose of establishing a plan to create a body of international law directed toward universal environmental protection and a United Nations Commission on Pollution Control;

(2) That the White House Conference prepare this plan to be presented at the Stockholm Conference on the Human Environment.

By Mr. STENNIS:

S.J. Res. 95. A joint resolution relating to the authority of the President to use the Armed Forces of the United States in armed conflicts. Referred to the Committee on Foreign Relations.

Mr. STENNIS. Mr. President, my remarks at this time will concern the power and the responsibility of Congress, under the Constitution, regarding a declaration of war. I shall discuss a constitutional and policy question that has concerned me for many of the years that I have been privileged to be a Member of this body. I do not believe it is an exaggeration to say that this policy question is the most important and fundamental to face us during this decade. The question is whether or not we shall return to that constitutional mandate found in the original text of our Constitution, as adopted in 1787, which provides that Congress shall have the power to declare war. I strongly favor following this mandate, and I am today introducing a resolution which reaffirms the constitutional power and duty of the Congress to pass on the question of a declaration of war, and which proposes regulations concerning our use of armed forces in emergencies.

My remarks today are prompted solely

by a conviction of many years—that our Nation should not be committed to a war except by declaration of war by the Congress.

My remarks and my action today have nothing whatsoever to do with the handling of the war in Indochina, by President Nixon, or by any preceding President. I shall not try to place blame for the fact that we got into this war, nor criticize in any way the methods used in the conduct of the war now or in the past. The resolution I shall introduce expressly provides that it shall not apply to the present war in Indochina.

Neither are my remarks in any manner a criticism of Congress, or any Member thereof for events of the past. I was a Member of the Senate when the Korean war started. In 1954, when we first sent troops into South Vietnam, I vigorously opposed such action, but along with others, I did not sufficiently oppose it in 1965. I fully assume my part of the responsibility for what happened in 1965. But regardless of how it began, this war is being wound down by the President, and I support him in his efforts to that end.

I know that had the Congress debated a declaration of war rather than a measure such as the Tonkin Gulf resolution, the subject matter of which has been of so much concern to the membership of the entire Congress, it would have been passed on only after exhaustive consideration and debate. The people of the entire Nation would have been alerted, aroused, and rightfully greatly concerned, had this been a proper declaration of war. Some say that we must abolish the draft in order for the Congress to establish its rightful role in the balance between the executive and legislative branches. I do not believe this is true. I believe that Congress should assert its role in this type of decision directly through a declaration of war itself based on provocations. The Congress should not approach the problem indirectly.

In debates in the Senate regarding the proposed adoption of the mutual defense treaties, I repeatedly raised the point that we were not to be committed to war except through constitutional processes, and that these processes included the step of congressional action, which meant a declaration of war by Congress. Many other Members of the Senate, other officials and leaders, made the same point before committees and on the Senate floor. I claim no special credit for these positions, but point to my record in the years past solely to show that my basic position now is the same as it was many years ago.

Some of the Senate speeches and colloquies to which I have referred can be found in the following places in the CONGRESSIONAL RECORD: First, a colloquy with Senator Wiley on January 26, 1954, printed in the RECORD, volume 116, part 30, page 40442 by Senator COOPER; Senator Wiley was then chairman of the Senate Foreign Relations Committee and was submitting a treaty to the Senate; second, a speech and colloquy with Senator and late President John F. Kennedy on March 9, 1954, at page 2902; and, third a speech and colloquy with Senator LONG of Louisiana on May 11, 1954, at page 6359.

I refer today to the present war only for the purpose of taking a new starting point and seeing what lessons we can learn from experience. Mr. President, I have learned, and I believe that millions of American people have learned, that we must return to the original safeguard before our Nation can be committed to a state of actual war with any nation; that is, the Congress, representing the people, must so declare.

We have also learned, Mr. President, that unless this course is followed, the people as a whole do not feel committed; they do not and cannot have a full sense of personal commitment and personal obligation. This is no reflection on any President and, further, I give all Presidents full credit for the utmost good faith in dealing with these momentous problems, including events prior to and during the present war.

Mr. President, I have not been one of the principal advisers to Presidents. However, in this period that the statement covers, I did have personal contact with all of these Presidents, more than once, beginning with the late President Eisenhower, then the late President Kennedy, former President Johnson, and then President Nixon. I can say that they were dealing in the utmost good faith, surrounded as they were by these tremendous problems, a complete solution to which no one could find. So, I mention that as a background that might add a little value to things I might say.

The fact of the matter is that the decision to make war is too big a decision for one mind to make and too awesome a responsibility for one man to bear. There must be a collective judgment given and a collective responsibility shared. That is exactly the tone, the letter, and the spirit of the Constitution of the United States.

Let no one say, Mr. President, that this is a contest between the legislative and the executive branches of our Government, this matter of a declaration of war.

The very opposite is true. The judgment and the responsibility on the grave question of declaring war has to be shared by both the executive and the legislative members. As a practical matter, no congressional declaration of war will ever be made without the President's having great weight in the decision, and a major part of the leadership in that decision. That would, of course, be proper and any other course would be improper.

Mr. President, this is not merely a theoretical concern. I believe the absence of a declaration of war has harmful practical effects. I would even say that I do not believe the United States could expect to prevail in a conventional war in the foreseeable future which was not declared by Congress. Although we have accomplished much in Southeast Asia—and I have never discredited what we have accomplished—the scars on our society are deep and public support for any future hostilities in an undeclared war should not be taken for granted. That is one of the lessons of Vietnam. That is one of the lessons of post-World War II. The state of future hostilities in an undeclared war should not be taken for granted.

The chances for peace for our Nation are far better, I think, if there is compliance with the following two policy positions.

I am thinking of the future and not thinking of past wars. The chances for peace for our Nation are far better, I think, if there is compliance with the following two policy questions:

One, that we be militarily prepared to defend our own security by meeting a major military thrust of any kind that might be thrown against us. Further, we must have sufficient military strength for us to be able to do our part in carrying out our commitments. By being militarily prepared, I always include the condition of having more strength available than that which is barely enough. We must have a preponderance of military strength. and that means having a sufficiency of the very best weapons, with ample numbers of highly qualified men, trained and ready to go. The qualifications and the training are far more important than the numbers.

The second position is to have the firm policy that our Nation will not be committed to a war unless there is a declaration of war by Congress. As I shall point out, the President should be permitted certain emergency authority to respond to an attack upon us. But under the Constitution the decision of whether we are to go to war belongs, in the final analysis, to the elected representatives of the people. It is they who are directly responsible to the people and who have to answer on a personal and official basis for the exercise of their very best judgment. It is they who must personally assume responsibility in a yes or no vote on the question of whether our Nation shall declare a state of war to exist with another nation, or nations.

The pressures are simply too great to be carried by one man and one mind alone. Matters that lead to a prospect of war almost always happen step by step, day by day, week by week, and month by month.

I call that to the especial attention of the Members of this fine body who have not been here but a few years. No man, no Chief Executive, feels free to back up when his action could be interpreted as a sign of weakness on his part. Furthermore, there are tremendous pressures—the pressures of politics, and the pressures of advisers. There is pressure from professional military advisers and from civilian advisers in the White House, the Department of State, and the Department of Defense and other advisers. These advisers are naturally proud of the capabilities they control and for which they are responsible. They want to serve the President loyally and give him forceful advice. They are serving their county loyally and they are highly qualified in their field. But, with all deference to

them, they should not have the last word with reference to whether or not we inch forward and go to war. Our constitutional system places that decision in another forum—among those of us who, as Mr. Thoreau once said, may hear a different drummer.

These are my fundamental beliefs and conclusions based on years of experience here in the Senate. I remember I was standing at the desk which is behind me now when the news came into this Chamber that troops had been ordered to land in Korea. I knew that that was the first time in our history a deliberate decision had been made to land troops, an Army, in a war against another nation without a declaration of war by the Congress of the United States. I am not being critical of the man who gave that order. There had been skirmishes and battles at sea and the repelling of force with force, as at Pearl Harbor, but I knew then and there, and I never forgot how I felt about that commitment. I was salved in a way by thinking, "It is the United Nations Security Council which ordered this, and that to a degree is a committal of us." I pushed it aside for the time being, but I have never forgotten that a principle was involved. I have already referred to the developments in the present war. I am not blaming anyone, but I know that inch by inch, foot by foot, step by step, and crisis by crisis we were in, and yet we have never stood up here and said that in our judgment we ought to go to war.

We debate back and forth here day after day things that seem so small by comparison with the fundamental question we are up against: What are we going to do in the future?

Even though the present war is not over, and I am supporting the President as he copes with the problems involved, nevertheless, I feel that to a degree we are already in the postwar era. That is why I have been thinking about this matter. The subject has been brought up and advocated by others, and I, of course, welcome the discussion. Personally, I might have put it off a little longer—I am speaking of the postwar policy—but I am afraid we are emphasizing and thinking too much about the past, and I am not speaking with respect to this bill that is now pending at this time. Let us look to the future.

With policies and courses of action for the future being considered and formulated, I, therefore, feel that this resolution is presently in order and should be passed, after thorough understanding and debate.

I do not mean passed within a week or a month. I think this matter should be pending for a year or more. It must be understood in every facet and the people must understand fully the question that is involved.

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

Mr. STENNIS. I yield.

Mr. COOPER. I do not wish to interrupt the Senator; I know how deeply he feels about these great constitutional decisions of peace and war. That the Senator has come to this day and time is of tremendous consequence in our country and in Congress.

I have not read all of the Senator's speech, but his proposal should be considered and debated thoroughly by the Senate.

I recall that in 1954 when the subject of the approval of the bilateral treaty with Korea was before the Senate, the Senator from Mississippi raised the question of constitutional process, which was the great question connected with that treaty. I can remember he argued at that point that Congress should make the decision.

I hope the Senator will forgive me for interrupting him, but I did wish to make that point.

Mr. STENNIS. I express my appreciation and gratitude to the Senator from Kentucky for his fine service and for what he has meant to me in my efforts in trying to fulfill my office.

Mr. President, I shall now discuss briefly the history and background of this provision of our Constitution.

At the Philadelphia convention where the Constitution was written, the framers made a distinction between declaring war and making war, changing proposed wording that gave Congress the power to make war to wording which gave Congress the power to declare war, article I, section 8, 11. The President, it was agreed, should have the power to repel sudden attacks. The President's explicit power, as stated in the Constitution, is as Commander in Chief; his implicit power is that "he shall take care that the laws be faithfully executed—article II, section 2, 1, 3. Together, these statements give him the power to make war after it has been authorized by Congress. Congress was also given general appropriations power, with military appropriations limited to 2 years at a time—article I, section 8, 12. This power of appropriations enables Congress to cut off the funds if it disapproves of the war that is being waged. But the power of appropriations is not the best instrument, or even an appropriate instrument, to prevent involvement in wars or to stop wars that have already been started. What is needed is an assertion of the power and responsibility of Congress before the fact of involvement.

It has sometimes been argued that the constitutional balance in the war powers is a dead letter because of the erosion in congressional prerogatives over the years. I do not believe that this is true, not by any means. I think there is some confusion, and it is vital that the role of Congress be made clear. For example, I believe it is deceptive to assert that the large number of unapproved force commitments in the past ties our hands in the future. First, some of these conflicts were very small matters, perhaps not appropriate for congressional concern. Second, it does not follow that just because there have been some cases of significant U.S. force commitments without congressional approval, that this has been desirable or should continue. These incidents do not constitute binding precedents. They have not made law, and this practice is most certainly not in concordance with the Constitution. The last declared war ended in 1945, but the United States has been involved in armed conflicts—undeclared wars—many years since June 1950. I think we should take a close look at this problem with respect to history, but more particularly with an eye to the future. I am concerned that we not again allow the United States to slip gradually into a major conflict without authorization by Congress.

A word about these precedents. A great many cases are decided by the courts. Rulings are made by the diplomatic agencies of our Government. Findings are made by our Secretaries of State. In almost 200 years we have accumulated a whole roomful of precedents. One can find authority for almost any position he wants to take. Many of these decisions were made to back up facts that had already happened. That has not changed the basic law, but even if it has, we ought to take a new start. We must take a new start.

Some may argue that such a mechanism would be an undue restraint on the President's power to conduct foreign relations and on his power as Commander in Chief. If a mechanism is properly designed, I do not believe this would be true. I believe that we in the Congress can summon the skill to design a mechanism which will restore to Congress the power to declare war without impeding the due exercise of Presidential authority.

As a contribution to our joint efforts in the Congress toward this end, I would like to state first the principles around which I believe such a mechanism should be designed:

First. The President should be permitted the freedom to deploy U.S. forces to meet certain immediate contingencies without seeking prior congressional approval.

For example, the President should clearly be able to move quickly to repel an attack on U.S. territory or U.S. forces and to protect the lives of U.S. citizens abroad. These exceptions include events like Pearl Harbor. I believe that he should also be free to prevent an imminent nuclear attack on the United States of which he has clear evidence. I do not believe that other possible circumstances, such as an attack on a country with whom the United States has an executive agreement or a mutual defense treaty, should justify a prior commitment of U.S. forces to armed conflict without congressional authorization. The mutual defense treaties all recognize that each nation will take action in accordance with its constitutional processes. Our Constitution does not place the right to decide such matters solely in the hands of the executive branch.

Even in the very special cases in which the President would be authorized to take action quickly, I believe that after an appropriate amount of time for congressional debate this action should either be ratified by the Congress or it should cease.

That is important ground, and this matter is so urgent and demanding, and communications and Senate attacks have such broad possibilities, that there is no way to lay down the final word or final rule.

Second. U.S. military personnel should not engage in combat, or serve in significant numbers as advisers to foreign armies engaged in combat, prior to congressional approval.

There may arise conditions of a complex not now imaginable in which we will have to fight to protect the peace. It would be fruitless to try to state these conditions now in detail. The only reasonable solution to this problem is to require prior congressional authorization at the time except in those specific cases mentioned above and to establish the machinery for prompt congressional action.

Third. There should be a reasonably well-defined point at which all can agree beforehand that any situation will be considered sufficiently serious to require authorization.

One difficulty I have had in understanding how some other proposals on this general subject would operate is that it is hard to determine how any agreement could be reached on the key question: When do hostilities begin? If one looks to our Vietnam experience, it is clear that involvements of this type rarely have a clear beginning. Reasonable men may differ by as much as a dozen years over when the United States began being involved in hostilities in Vietnam. If Congress is to vote within a certain number of days after some occurrence, it is vital that we are all able to agree on what that occurrence is. I have examined this issue in some detail, and have thought about it for a long time, and I do not believe there is any simple answer. But I believe that if we leave the matter vague and, for example, merely provide that the initiation of "hostilities" shall mark the beginning of the time within which Congress shall act, we are creating potential conflict and confusion for those who follow us. A specific criterion, such as a fixed number of U.S. combat fatalities within a given period, has much to recommend it. But on balance I believe that such a formula would be too mechanistic, and I believe a specific definition of events such as that designed by the distinguished Senator from Missouri (Mr. EAGLETON) in his resolution, is the most reasonable solution.

I have taken the liberty of incorporating a definition of this type and other suggestions of his in my proposal.

Fourth. The question of authorizing future conflicts should be separated from our discussion of the current war in Southeast Asia.

I emphasize again that after we got in it and were committed and our boys were fighting, I supported that war in every way I possibly could, and I intend to do so as long as I am convinced, as I am now, that President Nixon, with his fine intelligence and courage, is doing all he can to bring this war to what I think is a respectable, livable termination. I emphasize that again to keep whatever thought I have on this subject of the maze of the present war we are in.

I believe that it is important that we not permit consideration of this constitutionally important resolution, which could be vital to the maintenance of our form of government in the years to come, to be affected by the current disagreements in the Congress over the war in Southeast Asia. I believe that it would be unwise, for example, to use this mechanism to authorize specifically some current hostilities, such as those within South Vietnam, and to exclude others. On the other hand, a simple exclusion of all "current hostilities" from the provisions of the resolution is such a general provision it could lead to later disagreements. In my resolution I propose to exclude from the requirements of the resolution the use of all types of U.S. forces within South Vietnam and other military activities elsewhere in Indochina which are directly related to the war in South Vietnam. This exclusion simply permits us to debate the operations in Indochina in other contexts.

Mr. President, I believe that we can and should act now, effectively, to first admit, and then clearly restore, as a matter of policy, the constitutional war powers of the Congress. I offer this proposal in hopes that it will contribute to that end.

Mr. President, this matter is so complex that I wish to commend other Senators who have worked on it recently, particularly the Senator from New York (Mr. JAVITS), the Senator from Missouri (Mr. EAGLETON), and the Senator from Ohio (Mr. TAFT).

As to my resolution, Mr. President—and I do not refer to theirs in this context—I suppose one could find a hundred reasons why it should not be adopted—a hundred reasons with some logic behind them. But, Mr. President, we can find a thousand reasons why something along this line should be adopted. And we do not have to have but one reason. The major reason is this: The people, by and large, the so-called "little people"—I never use that term—but by and large, the people everywhere put up the blood to fight a war. Those people need a direct voice. They need a voice here in the legislative halls to represent them. Many of them personally know individual Members of this Congress.

That is the primary reason for sponsoring this resolution, as we move, now, undoubtedly into another era. The end of this war will bring us into a new era.

Mr. President, with all deferrence to everyone—and I was present, as I have already said—this Tonkin Gulf Resolution that was brought in here, debated briefly, and passed, if it had been a declaration of war, would have received the most intense, exhaustive consideration and concern by the Members of this body and by the people at large. And it would not have been passed until there was a firm, solemn judgment that it should be passed. But as it was, again with all deference, that resolution was passed, not altogether as a routine matter, but at least partly so; and it was pointed to later by a President of the United States, in good faith—and I know how former President Johnson wrestled with all these matters; I do not join in any criticism of him—but later, that resolution was pointed to by the former President as authority for his actions. And then the next President said we did not need it in order to honor our commitment.

Mr. President, I could not find any argument more convincing than that. Right here in this Chamber these things have happened. I do not put blame anywhere. But I say we can find a better way, we can find a better policy, and I want the people to take notice at this time that now, as this war is winding down, we can make a new start. We cannot afford any longer, Congress cannot afford any longer, to let this issue lie unresolved, and I do not believe the people want us to.

So let us launch out into the future. According to the Bible, Jesus admonished his disciples to launch out in the deep and let down their nets. Let us launch out into the future and cut a new path, a clear course, as clear as we can make it, through the forest and into that future for our young generations and the other generations that will follow. Let us not spend all our time arguing about the past, or about things that are not essential. But let us move forward, and try to find that peace that we seek, and that it is absolutely necessary that we attain.

I say necessary because I speak with knowledge about what the nations have that are against us, and how their strength is accumulating. I could speak with knowledge of our own power to retaliate, but what is that power going to be worth? Maybe not too much. We have got to rethink and work hard, and I believe we will find a way, a way with which the world will be in sympathy.

I am no pacifist. I have stated strongly here that we have to have strength, military strength for our time and beyond. We must have enough of it. And to have enough, we have to have what many people call too much

I am no wise man, but I have lived awhile, and I remember, after World War I, how that pendulum swung. I remember when we sank those battleships, and when we got down to the very nub. We finally passed the Selective Service Act of 1940 with the understanding that it was for 1 year, and the next year it passed by only one vote in the House of Representatives. Pearl Harbor came 60 days later.

Then I remember in 1945, and beyond that. No one was more enthusiastic about the United Nations than I, and I do not discredit it now, but we were trying to take in the whole world. We were going to have an automatic formula for peace.

We moved on, then, and rearmed. We have fought two wars now, and are heavily armed, and are arming more, particularly with nuclear weapons.

But this is post-Vietnam. What are

we doing now? I think we must continue to be well prepared militarily. I think we must realize now we cannot undergird and defend the whole world. I think we must realize that to have successful wars, we must fight to win; and that is the only posture the people are going to understand and be fully behind.

We can take a long step forward here toward restoring, as far as we can, the congressional responsibility of the declaration of war, and help in that way to find a way to the future.

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

Mr. STENNIS. If I may make one other point, I shall be glad to yield in a moment to the Senator from New York. The Senator has worked hard on this matter, and has made a significant contribution.

Mr. President, I have not tried to write this resolution, or have it written, so that it will be referred to the committee of which I am chairman. This resolution ought to go, and it will go, to the Committee on Foreign Relations. That is where all such resolutions belong, and that is where I want this one to go.

I yield now to the Senator from New York.

Mr. JAVITS. Mr. President, this is a historic moment. I know the Senator from Mississippi, I know his philosophy, and I know how profound are his convictions. I say we are witnessing a miracle. It is both a miracle of the human personality and a miracle of this Chamber.

What is so hard for the onlooker to understand is that men in this Chamber can differ deeply, based on the convictions of a lifetime, on subject A, and come together on subject B, and that it is a completely rational, understandable, acceptable, and honest fact. That is exactly what has happened here today.

To me, all my life, the proudest words in the language have been the words "I am persuaded." When I first broached this subject last year, the Senator from Mississippi electrified me by expressing an interest. He has pursued that interest diligently and carefully, and he has now come up with his own prescription, based, surely, upon the fundamental framework which I introduced—but his own prescription, responding to his own ideas and his own vast experience in the defense field as well as in public affairs.

The significance of Senator STENNIS' action today derives from his exceptional knowledge and experience with regard to military affairs, and the great prestige and influence he commands in the Senate with respect to these matters. As chairman of the Senate Armed Services Committee he has dealt for years with the great decisions and issues respecting our Nation's capacity to make war. He is in a somewhat unique position to judge the issues regarding the exercise of the basic war powers—the life and death decisions that must be made whether or not our Nation shall make war in a given situation.

I note that Senator STENNIS has also adopted in his measure some of the suggestions contained in a bill introduced by Senator EAGLETON. Senator EAGLETON's bill also follows closely the conceptual and procedural framework contained in the bill I first introduced last year, and reintroduced again this year on February 10. I welcomed Senator EAGLETON's bill as a useful and thoughtful contribution which adds to and modifies certain of the provisions of my bill.

Senator STENNIS' introductory statement is one which commands great attention and reveals the depth and earnestness of his consideration of the great national and constitutional issues which are involved in basic war-powers legislation.

I am confident that Senator STENNIS' decision to sponsor basic war powers legislation will have an important impact on the thinking of the Nation and—I hope—of the administration, Secretary Rogers is scheduled to testify before the Foreign Relations Committee on Friday, May 14, respecting my bill and the other measures before the committee. With Senator STENNIS now joining those of us who feel that it is essential to our Nation that the Congress reassert its constitutional powers respecting war there can be no doubt left as to the seriousness and earnestness of the Senate sponsors in this respect.

It would be demeaning of what I consider to be a historic moment as between two Senators of such widely divergent views and background, and of this Chamber, if I now tried to analyze differences, or individual points, or anything else, and I would not dream of doing it. We will have plenty of time for that. Suffice it, for the moment, to express one of the deepest satisfactions I have ever felt, either in or out of this Chamber, in having come to a basic agreement on principle with so distinguished and patriotic an American on a matter which I believe will turn the course of history for our people from a course which has led us into far more wars than we should have had—not that we could have avoided them all, by any means—into a course which will give the people the deep assurance that, so far as human contrivance and human machinery can provide, we will avoid future wars wherever possible.

Mr. STENNIS. I thank the Senator for his kind words, and I again thank him for the assistance I received from his resolution.

Mr. JAVITS. I thank the Senator.

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

Mr. STENNIS. I yield.

Mr. MATHIAS. Mr. President, we like to think that rational men react in a rational way to facts. This ought to be one of the constant rules of human behavior, but unhappily it is not. However, I think that by what we have heard from the distinguished Senator from Mississippi today—we know the proposal he has made and has brought to the Senate today—we can see that he is in the highest sense exercising the rational faculties of the human race.

In the great committee over which he presides, he has inevitably become involved in the cost of armed conflict. While I know that he is determined, and I am determined, that we will maintain our defenses at the kind of level which will deter armed conflict, what he would like to see and what I would like to see and what the Senator from New York has been working for is the prevention of our once again getting on the sliding board and slipping down without the kind of controls and the kind of thoughtful policy decisions that should be made.

I am sure this has not been an easy decision for the Senator from Mississippi. I thank him for the very thoughtful consideration he has given this matter, and I salute the leadership he has demonstrated. I hope to join him in moving in the direction of setting up a framework of rules so that a government of law will apply to the issues of war and peace and life and death as well as to other aspects of our society.

Mr. STENNIS. I thank the Senator very much for his remarks. There is plenty for all of us to do.

I do want to state that I had intended to deliver this speech some weeks ago, but in the last several weeks I have been busy with the pending bill, the hearings, and other matters.

Mr. President, I introduce the joint resolution and ask unanimous consent to have it printed in the RECORD.

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

S.J. RES. 95

Joint resolution relating to the authority of the President to use the Armed Forces of the United States in armed conflict

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That except as provided in sections 2 and 3 of this joint resolution, the President may not use the Armed Forces of the United States in any armed conflict.

SEC. 2. The President may, in the absence of a specific authorization by law as provided in section 3 of this joint resolution, use the Armed Forces of the United States in conflict to the extent reasonably necessary—

(1) to repel any armed attack on the United States by the forces of any foreign government or power and to take action that will protect the United States against future armed attacks by such foreign government or power;

(2) to repel an armed attack on the Armed Forces of the United States by forces of any foreign government or power and, concurrently, to protect the Armed Forces of the United States against any imminent danger of future attacks by the forces of such foreign government or power;

(3) to prevent or defend against an imminent nuclear attack on the United States by the forces of any foreign government or power, but only if the President has clear and convincing evidence that such attack is imminent; and

(4) to evacuate citizens of the United States from any foreign country in which they are located when such citizens are in such country with the express or tacit consent of the government of such country and their lives are being subjected to an imminent threat by such government or by

persons or forces beyond the control of such government.

SEC. 3. The President is authorized to use the Armed Forces of the United States in armed conflict pursuant to a declaration of war or other specific statutory authority, but authority to use the Armed Forces of the United States in armed conflict shall not be inferred from any provision of law, including any provision contained in any appropriation Act, unless such provision specifically authorizes the use of such forces in armed conflict.

SEC. 4. (a) Whenever the Armed Forces of the United States are used in armed conflict under any of the circumstances described in section 2 of this joint resolution, the President shall promptly report that fact to the Congress and shall include in such report a detailed account of the reasons for so using the Armed Forces of the United States, his estimate of the scope of the armed conflict, and the justification for the use of such forces under section 2 of this joint resolution. Upon receiving any such report, the Congress shall decide, within 30 days after the first day on which Armed Forces of the United States were committed to armed conflict, whether the authority to so use the Armed Forces shall be extended or terminated. The following procedures shall be applicable to any such question:

(1) Any bill or resolution, authorizing the continued use of the Armed Forces in armed conflict under authority of section 2 of this joint resolution shall, if co-sponsored by one-third or more of the total number of Members of the House of Congress in which such bill or resolution originates, be considered reported to the floor of such House no later than one day following its introduction; unless the Members of such House determine otherwise by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within one day after it is referred to such committee, unless the Members of the House referring it to committee determine otherwise by yeas and nays.

(2) Any bill or resolution reported pursuant to paragraph (1) of this subsection shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall determine otherwise by yeas and nays.

(b) In no case shall the Armed Forces of the United States be used in any armed conflict under any of the circumstances described in section 2 of this joint resolution for any period exceeding thirty days after the first day on which such forces were first engaged in such conflict unless the Congress has specifically authorized the use of such armed forces in such conflict for a longer period.

SEC. 5. Whenever Armed Forces of the United States are engaged in armed conflict in any foreign country, the President shall, so long as such forces continue to be so engaged, report to the Congress periodically on the status of the armed conflict as well as on the scope and expected duration of such conflict, but in no event shall he report to the Congress less often than every six months.

SEC. 6. The provisions of this joint resolution shall not apply to—

(1) the armed conflict in the Republic of South Vietnam in which the Armed Forces of the United States were engaged on the date of enactment of this joint resolution; or

(2) military activities carried out against the military forces of North Vietnam, or against forces allied with North Vietnam, in North Vietnam, Laos, Cambodia, or the waters surrounding the Indochina Peninsula, so long as such military activities are directly related to the conflict referred to in paragraph (1) above.

SEC. 7. As used in this joint resolution, the term "armed conflict" includes (1) land, air, and naval actions taken by the Armed Forces of the United States against the military forces or civilians of any foreign country or government, (2) the deployment of the Armed Forces of the United States outside of the United States under circumstances that present a reasonable possibility of the use of arms against the military or civilian forces of a foreign country or government, and (3) the assignment of members of the Armed Forces of the United States to accompany, command, coordinate, or participate in the movement of regular or irregular military forces of any foreign country or government when such military forces are engaged in any form of combat activity.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 290

At the request of Mr. BELLMON, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 290, a bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating loans.

S. 530

At the request of Mr. BAYH, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 530, a bill to establish a universal system of child care and development in the United States.

S. 635

At the request of Mr. ALLOTT, the Senator from Kentucky (Mr. COOPER) was added as a cosponsor of S. 635, a bill to amend the National Mining and Minerals Policy Act of 1970.

S. 681

At the request of Mr. BELLMON, the Senator from Idaho (Mr. JORDAN) was added as a cosponsor of S. 681, the State Environmental Center Act of 1971.

S. 1156

At the request of Mr. HART, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 1156, a bill to provide for a Great Lakes Basin conservation program.

S. 1309

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. 1309, to amend the Internal Revenue Code to encourage an increase in the production of coal.

S. 1608

At the request of Mr. SPARKMAN, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 1608, a bill to designate certain lands on the Bankhead National Forest in Alabama as wilderness under the Wilderness Act of 1964.

S. 1611

At the request of Mr. PEARSON, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 1611, a bill to amend the Interstate Commerce Act for the purpose of insuring that regulations governing the operation of farm vehicles will be based on commonsense and on an understanding of the normal operation of our Nation's farms.

S. 1644

At the request of Mr. DOLE, the Senator from Nebraska (Mr. CURTIS) was added as a cosponsor of S. 1644, to increase the small issue exemption from the industrial development bond provision of the Internal Revenue Code from $5 million to $10 million.

S. 1681

At the request of Mr. BELLMON, his name was added as a cosponsor of S. 1681, to liberalize eligibility for cost-of-living increases in civil service retirement annuities.

S. 1782

At the request of Mr. CURTIS, the Senator from Oklahoma (Mr. BELLMON) and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 1782, a bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof.

SENATE JOINT RESOLUTION 29

At the request of Mr. SCOTT, the Senator from New Jersey (Mr. CASE), the Senator from Nebraska (Mr. HRUSKA), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. MOSS), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of Senate Joint Resolution 29, a joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week."

SENATE JOINT RESOLUTION 79

At the request of Mr. HARTKE, the Senator from New Jersey (Mr. CASE), the Senator from California (Mr. CRANSTON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Delaware (Mr. ROTH), the Senator from Alabama (Mr. SPARKMAN), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Joint Resolution 79, a joint resolution proposing an amendment to the Constitution of the United States relative to the equal rights of men and women.

APPOINTMENT OF SENATE PAGES—SENATE RESOLUTION 112—AMENDMENT

AMENDMENT NO. 83

Mr. JAVITS submitted an amendment (No. 83) intended to be proposed by him to the committee amendment to the res-

olution (S. Res. 112) to permit the appointment of Senate pages without discrimination on account of sex, which was ordered to be printed and to lie on the table.

EDUCATION AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 85

Mr. PELL submitted an amendment (No. 85) intended to be proposed by him to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and for other purposes, which was ordered to be printed and referred to the Committee on Labor and Public Welfare.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENTS

AMENDMENT NO. 82

Mr. HUGHES (for himself, Mr. SYMINGTON, Mr. BELLMON, Mr. SCHWEIKER, and Mr. CRANSTON) submitted the following amendment (No. 82) intended to be proposed by him to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, which was ordered to be printed and to lie on the table:

No. 82

On page 35, beginning with line 7, strike out all down through line 5 on page 38, and insert in lieu thereof the following:

"SEC. 201. Section 203(a) of title 37, United States Code, is amended to read as follows:

"'(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under sec. 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10[1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,739.30	$2,967.60	$2,967.60
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40	2,618.40
O-8	1,695.00	1,745.00	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.00	2,361.00
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60	2,052.00
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30	1,803.30
O-5	834.60	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,142.10	1,471.20	1,471.20	1,471.20
O-4	704.10	856.50	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
O-3[2]	654.30	731.10	781.20	864.90	906.00	938.70	939.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2[2]	570.30	622.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1[2]	495.00	515.40	622.80	622.80	622.80	622.80	622.80	622.80	722.80	622.80	622.80	622.80	622.80	622.80	622.80

"[1] While service as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under sec. 205 of this title.

"[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

"COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

"Pay grade	Years of service computed under sec. 205											
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40	914.40
O-1	622.80	655.10	690.00	714.60	739.80	773.10	773.10	773.10	773.10	773.10	773.10	773.10

"WARRANT OFFICERS

"Pay grade	Years of service computed under sec. 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.00	$1,137.90	$1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90	963.90
W-2	530.40	573.60	573.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80	838.80
W-1	441.90	507.00	507.00	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20	748.20

"ENLISTED MEMBERS

"Pay grade	Years of service computed under sec. 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9[1]							$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00	$975.00
E-8						$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	879.90	870.90
E-7	$443.40	$478.50	$496.20	$513.60	$531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60	783.60
E-6	382.80	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	574.50	574.50	574.50	574.00	574.50
E-5	336.30	366.00	383.70	400.50	426.60	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50	487.50
E-4	323.40	441.40	361.20	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E-3	311.10	328.20	341.10	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60
E-2	299.10	299.10	299.10	299.10	299.10	299.10	199.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10
E-1	268.50	268.10	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50

"[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,185.00 regardless of cumulative years of service computed under sec. 205 of this title."

"SEC. 202. Chapter 5 of title 37, United States Code, is amended by inserting the following new section and a corresponding item in the analysis:

"'§ 302a. Special pay: optometrists

"'(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rates set forth in subsection (b) of this section—

"'(1) a commissioned officer—

"'(A) of the Regular Army or the Regular Navy who is designated as an optometry officer;

"'(B) of the Regular Air Force who is designated as an optometry officer; or

"'(C) who is an optometry officer of the Regular Corps of the Public Health Service;

who was on active duty on the effective date of this section; who retired before that date and was ordered to active duty after that date and before July 1, 1973; or who was designated as such an officer after the effective date of this section and before July 1, 1973;

"'(2) a commissioned officer—

"'(A) of a reserve component of the Army or Navy who is designated as an optometry officer;

"'(B) of a reserve component of the Air Force who is designated as an optometry officer; or

"'(C) who is an optometry officer of the Reserve Corps of the Public Health Service;

who after the effective date of this section and before July 1, 1973, is ordered to active duty for a period of at least one year; and

"'(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, the Air Force, or the National Guard, as the case may be, who was on active duty on the effective date of this section; who was

retired before that date and was ordered to active duty after that date and before July 1, 1973; or who, after the effective date of this section, was appointed from any of those categories.

"'(b) The amount of special pay to which an officer covered by subsection (a) of this section is entitled is—

"'(A) $50 a month for each month of active duty, if he is in pay grade O–1, O–2, or O–3;

"'(B) $150 a month for each month of active duty if he is in pay grade O–4 or O–5; or

"'(C) $200 a month for each month of active duty if he is above pay grade O–5.

"'(c) The amounts set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay.'

"SEC. 203. (a) Section 402 of title 37, United States Code, is amended as follows:

"(1) The first sentence of subsection (b) is amended to read: 'An enlisted member is entitled to a basic allowance for subsistence of one of the following types—

"'(1) when rations in kind are not available; and

"'(2) when permission to mess separately is granted.'.

(2) The fourth sentence of subsection (b) is amended to read: "The allowance for enlisted members who are on leave shall be the rate authorized for members authorized to mess separately."

"(3) Subsection (d) is amended to read:

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"'(d) The basic allowance for subsistence for members of the uniformed services is as follows:

Officers ..... $48.00 a month.
Enlisted members authorized to mess separately ..... $48.00 a month.
Enlisted members when rations in kind are not available ..... $3.45 a day.'.

"(4) Subsection (e) is amended by adding the following sentence:

"'(e) Under regulations prescribed by the Secretary of Defense, an enlisted member who is granted permission to mess separately, and whose duties require him to buy at least one meal in a messing facility of the United States, shall be charged for each such meal not more than the pro rata share prescribed for that meal of $1.60.'.

"(b) Section 403(a) of title 37, United States Code, is amended to read as follows:

"'(a) Except as otherwise provided by this section or by another law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters at the following rates according to the pay grade in which he is assigned or distributed for basic pay purposes:

"Pay grade	Without dependents	With dependents
O–10	$271.20	$339.00
O–9	271.20	339.00
O–8	271.20	339.10
O–7	271.20	339.00
O–6	249.30	303.90
O–5	233.40	281.10
O–4	210.30	253.50
O–3	186.30	230.10
O–2	163.20	206.70
O–1	128.10	166.50
W–4	202.80	244.50
W–3	182.70	225.60
W–2	161.40	204.30
W–1	145.80	189.30
E–9	153.90	216.90
E–8	143.70	202.59
E–7	123.30	189.90
E–6	121.80	176.40
E–5	109.20	163.20
E–4 (over 4 years' service)	96.00	143.10
E–4 (4 years' or less service)	45.00	45.00
E–3	45.00	45.00
E–2	45.00	45.00
E–1	45.00	45.00

A member in pay grade E–4 (less than four years' service), E–3, E–2, or E–1 is considered at all times to be without dependents.'."

On page 38, line 6, strike out "SEC. 203" and insert in lieu thereof "SEC. 204".

On page 39, line 7, strike out "SEC. 204" and insert in lieu thereof "SEC. 205".

On page 39, beginning with line 19, strike out all down through line 5 on page 40, and insert in lieu thereof the following:

"SEC. 206. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

"'SEC. 3. For the duration of this Act, section 403(a) of title 37, United States Code, is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grade E–1, E–2, E–3, and E–4 (four years' or less service) and inserting in place thereof the following table:

Pay grade	Without dependents	With dependents
E–4 (4 years' or less service)	$96.00	$143.10
E–3	85.20	120.00
E–2	75.00	105.00
E–1	70.20	105.00".

"SEC. 207. Section 4 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2204) is amended by inserting immediately before '; *Provided further*' the following '; or (7) for the calendar months in which such member serves on active duty for training (including full-time duty performed by members of the Army or Air National Guard for which they receive pay from the United States in accordance with section 204 of title 37, United States Code) if that training is for a period of 30 days or more.'.

"SEC. 208. Section 7 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2207) is amended by striking out 'to enlisted members on active duty for training under section 262 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1013), or any other enlistment program that requires an initial period of active duty for training,'."

On page 40, line 6, strike out "SEC. 206" and insert in lieu thereof "SEC. 209".

On page 40, line 8, strike out "SEC. 203" and insert in lieu thereof "SEC. 204".

AMENDMENT NO. 84

Mr. SCOTT submitted an amendment intended to be proposed by him to the same bill which was ordered to be printed and to lie on the table.

AMENDMENT NO. 88

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

Mr. DOMINICK. Mr. President, I submit an amendment as a substitute for the one offered by the distinguished majority leader, because I am concerned about the limitation placed on the President to move troops as necessary to meet our national security commitments. Let me say I agree completely that our forces in Europe should be reduced and the totals proposed by the majority leader may even be correct, but I take no stand on this at this time. However, the majority leader's amendment appears to me to be unduly restrictive in connection with our treaty commitments, and the administration should be provided reasonable flexibility and time to enter into such negotiations and discussions as may be necessary with our allies.

Mr. President, we did not enter into our European agreements lightly. We have maintained our side of the bargain in good faith and at great expense for many years. The Congress should not arbitrarily abrogate these long standing agreements. The prestige of the United States is at stake. Rather, by adoption of my amendment we indicate our concern for the continuing large commitment of U.S. Forces and the balance of payments problem it is contributing to and the difficulty this is causing our country. With adoption of my substitute amendment we apply pressure to the administration to correct this problem, but we leave its resolution to the administration. In this manner we will not raise the constitutional issue of whether Congress has the right to determine where troops should be placed to defend this country but we will show the administration and our allies that without jeopardizing our NATO commitments in any way, we will indicate strongly that we have left too many of our forces for too long, in an area where the economic strength of our allies is enormous and their and our military defense effort can be enlarged rapidly if deemed necessary.

NOTICE OF HEARINGS CONCERNING REFORM AND IMPROVEMENT OF NATION'S CORRECTIONAL SYSTEM

Mr. BURDICK. Mr. President, as chairman of the Subcommittee on National Penitentiaries, I wish to announce hearings for May 18, 19, and 20 commencing at 10 a.m., in room 2228, New Senate Office Building, concerning reform and improvement of our Nation's correctional system.

On the first day we will hear witnesses regarding S. 662, a bill introduced by Senator BELLMON, which would establish a series of models of correctional programs which could be followed by other jurisdictions.

On the second and third days we will hear witnesses regarding the relationship between employment and rehabilitation, barriers to employment, present programs of placement, training, evaluation and counseling, as well as future needs and directions. Anyone who wishes to be heard on these subjects should get in touch with the subcommittee staff in room 6306.

NOTICE OF HEARINGS ON THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

Mr. CANNON. Mr. President, I wish to announce that the Subcommittee on Privileges and Elections will hold public hearings on May 24 and 25, 1971, beginning at 10 a.m., in room 301 of the Senate Office Building.

The subject of the hearings will be S. 382, "The Federal Election Campaign Act of 1971."

ORDER FOR RECOGNITION OF SENATORS BROCK AND WEICKER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the remarks of the Senator from Iowa (Mr. HUGHES) and prior to the recognition of the Senator from Alaska (Mr. GRAVEL) tomorrow, the

Senator from Tennessee (Mr. BROCK) be recognized for not to exceed 15 minutes, to be followed by the Senator from Connecticut (Mr. WEICKER) for not to exceed 15 minutes.

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

ORDERS FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the remarks of the able Senator from Alaska (Mr. GRAVEL), there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements by Senators therein limited to 3 minutes, following which the unfinished business be laid before the Senate.

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

Is there further morning business?

THE DOLLAR CRISIS AND AMERICAN PRESTIGE

Mr. GOLDWATER. Mr. President, some years ago during a crisis involving the pound sterling the British Chancellor of the Exchequer was asked whether anyone in the world really understood the international monetary system. He replied, according to this legend as follows:

> Yes, there are to my knowledge two men in the entire world who understand the workings of the international monetary system. One is an official of the French ministry of Finance. The other is an obscure genius who works deep in the bureaucratic system of the U.S. Treasury Department. These two men understand the world monetary system and they disagree completely on every important point.

Mr. President, I am reminded of that story today as we attempt to figure out what is happening to the American dollar in the wake of actions taken by West Germany and some other European countries to permit their currencies to float upward toward possible reevaluation.

There can be no doubt that the action is aimed at the American dollar. Nor can there be any doubt that the American dollar will shrink appreciably in the nations where these actions were taken. This we know for sure will be an immediate effect of the European developments.

But we are being bombarded in the press with assurances that there will be little harm caused to the U.S. economy because of these monetary changes. Much is made of the fact that overall the American competitive position in world today may be improved and that our exports will have a better chance of competing in the foreign market.

Mr. President, I am certainly no expert on questions involving international monetary policies. As a layman I am inclined to agree that under the circumstances the European countries, by permitting their currencies to float, have taken a course most beneficial to this country. I would far rather have the exchange rates fixed by the natural working of the laws of supply and demand than have them arranged for us by the International Monetary Fund or upon recommendations by such financial figures as World Bank President Robert S. McNamara.

However, Mr. President, no amount of low profiling on the part of Treasury officials and on the part of our national economic writers can disguise the fact that American pride has taken a tremendous beating. Our prestige and the respect with which we are held by other nations of the world was certainly not improved when the U.S. dollar went begging on the European continent and foreign governments resorted to extreme measures to counteract the effects of American inflation. Although the possibility had been foreseen for many months, a sizeable portion of the free world this week began to openly question the stability of the American dollar. Long years of fiscal irresponsibility, of one deficit piled upon top of another, of shrinking gold reserves, of unlimited Federal spending had finally produced such a wide imbalance in our international payments account that West Germany, Holland, and other countries were forced to take action for their own protection. The result of the floating of course will be to devalue the worth of the dollar in the foreign market. It will cause enormous problems with the European common market countries. It will certainly increase the anger that foreign governments are bringing to bear against the U.S. Government. This is an understandable reaction by governments which are not prone to remember gratefully the debts they owe this country for its open-handed help in the past. The International Monetary Fund and its member countries only remember back far enough to remind themselves that for almost a decade they have been lecturing the United States on the need for living within its income; for the need of a policy of fiscal responsibility aimed at working toward balanced Federal budgets and reduction of the national debt.

Mr. President, their concern was understandable. Because of the close interworkings of the world's currencies almost the entire free world had pegged its money system to the American dollar, consequently any threat to the American dollar automatically involved a threat to their own stability.

There can be no doubt that as this country in the wake of World War II began taking on a role of a spendthrift banker for the non-Communist nations it got in over its head. It spent money year after year for foreign aid and a hundred other projects in a manner which seemed to say that monetarily speaking there would be no tomorrow. The Senate, I am sure, is aware of the fact that many of us in the conservative ranks have warned and warned and warned over and over again that there would indeed be a tomorrow and that sometime the chickens would come home to roost and make our fiscal hen house a complete shamble.

I yield to no one in this respect. As a merchant who met many a payroll and balanced many a profit and lost sheet before coming to the Senate I have been a constant critic of the irresponsible fiscal and monetary policies followed by this Government. And while I am at it I should like to point out that we really went over the edge during the period of the 1960's when our deficit spending actually paced the growth of inflation in this country. We are this minute living with a dollar shrunken by inflation that is the heritage left to us by the so-called new economics practiced by the fiscal advisers in past administrations who downgraded balanced budgets and fiscal restraints as dangerous to an expanding economy. I shall not at this time go into a long discussion of the fallacy and deception which was foisted on the American public by men who called old-fashioned budget balancing and efforts to have the Nation live within its income as a throwback to something they called the puritan ethic.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BELLMON. Mr. President, if the Chair will recognize me, I shall be glad to yield my 3 minutes to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. GOLDWATER. I thank the Senator from Oklahoma.

Now, Mr. President, while I have been very hard on my own country for policies and practices which I felt were harmful I want to say that I have very little patience with the tendency of European countries to blame the United States for everything which presently seems to be wrong with the international monetary system. First, I believe West Germany and all the other non-Communist countries of Europe should let their memories go back to the time when they lived in rubble heaps left over from World War II and the United States financed their recovery. I believe West European countries should call themselves to account for not stepping in when they became financially competent to and assume part of the financial load which this Nation carried so long all by itself. Even to this day affluent European nations are dragging their feet on their commitmnets to the North Atlantic Treaty Organization and I have not noticed any concerted rush on the part of those who today are refusing to support the dollar into the area of assistance to underdeveloped nations throughout the world.

These are very fundamental reasons why the United States, for all its deficiencies, has some reason to view with cynicism the performance of the countries it once rebuilt. In addition to these fundamentals there are some specific reasons why this country has cause for complaint. In the matter of trade, for example, the European Common Market

has been somewhat less than charitable toward the United States. Nor do we have any reason to thank the European countries for their handling of interest rates in the immediate past. One of the reasons for the heavy flow of dollars to Europe in recent months has been the insistence of major non-Communist countries, such as Britain and Germany, of maintaining high interest rates while the United States was loosening up on money restraints and lowering interest rates.

Perhaps our economic writers are correct when they claim that little economic damage will be caused the United States as a result of the monetary crisis. But I cannot overlook the fact that this blow to American prestige comes at a very bad time. It comes at a time when this Nation, more and more, is beginning to look like a second- or third-class power.

The assault on the dollar, unfortunately, coincides with a drive toward isolationism in the U.S. Senate. This downgrading of American monetary prestige comes on the heels of a decision to step out of our position as the free world air transport industry leader. It comes at a time when forces which are demanding a withdrawal of American power and influence throughout the world managed to defeat even a minor proposal for the production of a prototype of the supersonic transport. We appear before the world to be slipping in almost every area of national endeavor. We are rapidly forfeiting our lead in strategic weapons to the Soviet Union. We are under pressure here at home to withdraw from more and more of our international commitments. We are witnessing growing strength in the ranks of shortsighted neoisolationists in the legislative branches of the Government.

Mr. President, maybe we are not hurt very much in dollars and cents on the domestic monetary front. But we are certainly hurt, and hurt badly, in our status as a world leader. We are now beginning to look to the world like a nation that no longer wants to share in the responsibilities involved in the maintenance of human freedom.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Viriginia. Mr. President, I ask unanimous consent that during the remaining debate on the unfinished business, H.R. 6531, today and hereafter, the distinguished junior Senator from Alaska (Mr. GRAVEL) be allowed up to, but not to exceed, three members of his personal staff on the floor at any one time, with the exception of during rollcall votes. In justification thereof, I offer the fact that the junior Senator from Alaska is the leader of the forces in opposition to the bill.

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

QUORUM CALL

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 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.

ADDITIONAL STATEMENTS

CANCER

Mr. DOMINICK. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by President Nixon on the subject of cancer.

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

STATEMENT BY THE PRESIDENT

Cancer has become one of mankind's deadliest and most elusive enemies. The conquest of cancer is one of the most important efforts of our time.

Success will test the very limits of our imagination and our resourcefulness. It will require a high sense of purpose and a strong sense of discipline.

In my message to the Congress on the State of the Union on January 22, 1971, and again in my special message to the Congress concerning a National Health Strategy on February 18, 1971, I expressed my determination to wage a successful campaign against this dread disease. I called upon the Congress to appropriate an additional $100 million to support such an effort. I am pleased that in recent days the Appropriations' Committees in both the Senate and the House of Representatives have favorably viewed this request and I am hopeful that the House—which votes today—and the Senate will both follow the Committee recommendations.

FEARS AND HOPES ABOUT CANCER

Across the Nation, there is a growing consensus that our vast scientific and technological resources should promptly be marshaled in an unprecedented attack on this devastating disease.

This consensus springs both from fear and from hope.

Cancer is second only to heart disease in the number of lives it takes in this country. And the nature of its ravages makes it our most feared disease. If the present incidence of cancer were to continue some 52 million Americans who are alive today would contract this disease someday. This means that cancer would strike one out of every four individuals in this country—and two out of every three American families. It would mean that in the next ten years alone, three and a half million Americans would die from cancer. For many of its victims, death is a slow and painful process. And for many of their families, the personal tragedy is compounded by the financial implications of a prolonged disease.

At the same time, however, there is much reason for hope.

New vistas are now opening for further research into the treatment and prevention of cancer, the result of some remarkable advances which have been made during the past ten years as we have multiplied many times over our fundamental knowledge in this area. Virus research, for example, has demonstrated that cancer can be produced in animals by over 110 of the nearly 1,000 viruses that science has identified. We have learned that animal cancers can be induced by over 1,000 chemical substances. Effective measures for preventing cancer have been developed in animals, and scientists have even demonstrated that human cancers can be prevented by avoiding exposure to certain chemicals. Other advances include new surgical procedures, more effective radiation therapy, and techniques for treating cancer with improved combinations of known drugs.

All of these developments have fueled our hopes and provided a broad frontier of possibilities for researchers in the months and years ahead. This is why I was able to suggest in my special health message to the Congress in February that "of all our research endeavors, cancer research may now be in the best position to benefit from a great infusion of resources."

MORE MONEY AND BETTER ORGANIZATION

The time has now come for us to put our money where our hopes are. In the first full budget developed by this administration last year, an increase of $20 million was provided for cancer programs. For Fiscal Year 1972, the administration request for cancer programs is slightly over $332 million—an increase of $100 million from the 1971 Fiscal Year. If these resources are provided by the Congress, we should be able to finance a new and massive assault on cancer. If it should turn out that we need more money, however, I will not hesitate to ask the Congress to provide whatever funds can be effectively utilized. But I would also emphasize this important point: More money alone will not be enough. Money can help set the stage for faster progress, but in the end it is brainpower alone which can lead us to our goals. This means, of course, that we need to mobilize the intelligence and imagination of our doctors and scientists. And it also means that we must do a better job of tapping the Nation's administrative and organizational skills, which can help remove many roadblocks to success. Our capacities for efficient management were instrumental in our efforts to split the atom and travel to the moon. Now we need to apply those same capacities to the conquest of cancer.

This means, for one thing, that a wide variety of research activities in all parts of the country, in many areas of society and in a great number of disciplines must be carefully coordinated. There must be as much cross-fertilization as possible between various scientific pursuits.

In the past, the National Institutes of Health have had considerable success in fostering such coordination and cooperation and, in the process, they have earned both the respect of the scientific community and the gratitude of thousands who live happier and healthier lives because of NIH successes. It is for this reason that I have asked the Congress to establish a Cancer-Cure Program within the National Institutes of Health, where it can take the fullest advantage of other wide ranging research.

At the same time, it is important that this program be identified as one of our highest priorities, and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and red tape. For this reason, I am asking the Congress to give the Cancer-Cure Program independent budgetary status and to make its Director responsible directly to the President. This effort needs the full weight and support of the Presidency to see to it that it moves toward its goals as expeditiously as possible. I am further recommending that this Director be supported by a strong management group which has as its one goal: the cure of cancer—and which can pursue that goal with single-minded tenacity.

In addition, I am recommending that a new Cancer-Cure Advisory Committee be set up to provide a broad range of advice and assistance for the President and for others who lead the Cancer-Cure Program, partic-

ularly as they work to set intelligent priorities for the Nation's efforts in this area.

I am pleased to report that the detailed management and administrative mechanisms for carrying out these plans have been discussed in considerable detail within the National Institutes of Health, with experts in the field outside of Government, and in the Office of the Secretary of the Department of Health, Education and Welfare. As these plans are translated into action, I hope that the Congress will comment on them and suggest additional ways in which we can work toward these significant goals.

I would not want to discuss the subject of cancer research, however, without offering a word of caution. Many of the experts that we consulted with told us that biomedical research is a notoriously unpredictable enterprise. Instant breakthroughs are few and the path of progress is strewn with unexpected obstacles. As we undertake this crusade, we must put on the armor of patience, ready to persist in our efforts through a waiting period of unknown and possibly anguishing duration.

Yet I feel confident that with such funding as I have proposed, with such organizations as we are developing, with the dedicated efforts of thousands of men and women from many disciplines, and with the cooperation of the Congress and the people of the United States, we can make great strides against this terrible enemy, bringing new hope for all Americans—and indeed new hope for all the world.

THE LATE SENATOR RICHARD B. RUSSELL—RESOLUTION BY GEORGIA STATE SOCIETY, NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. TALMADGE. Mr. President, I bring to the attention of the Senate a resolution adopted by the Georgia State Society, National Society, Daughters of the American Revolution, at its 73d State Conference, on the passing of the late senior Senator from Georgia, Richard Brevard Russell. This is an outstanding statement that reflects the love and respect the people of Georgia had for the great Senator Russell.

I ask unanimous consent that the resolution be printed in the RECORD.

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

GEORGIA STATE SOCIETY, NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION—RESOLUTIONS COMMITTEE

HON. RICHARD BREVARD RUSSELL

Whereas: In the death of the Honorable Richard Brevard Russell, United States Senator from Georgia, we realize: that Georgia has lost her most distinguished son, one who served her for almost half a century with utter devotion to his every trust; that the Nation has lost a valued leader on whose sound judgment his colleagues and even Presidents leaned; that as Chairman of the powerful Armed Services Committee of the Senate, the shadow of his influence was worldwide, through his effective advocacy of a strong military defense, and as Chairman of Appropriation Committee at the time of his passing his influence was all powerful—these were among his outstanding contributions: Therefore be it

Resolved: That the Georgia State Society, NSDAR, honor the memory of Richard Brevard Russell for his sterling character, his moral integrity, and his elevated patriotism; that we mourn the passing of this distinguished public servant; and be it further

Resolved, That copies of this Resolution be sent with our sympathy and affection of the immediate members of his family all of whom he loved so deeply;

And be it further

Resolved, That a copy of this Resolution be sent to the Senate of the United States requesting that this Resolution be made a part of the Congressional Records.

Miss MARTHA ANN COOPER,
State Regent.
Mrs. T. K. KENDRICK,
Chairman.

SEVAREID ON DEMONSTRATIONS

Mr. SCOTT. Mr. President, on last Thursday's CBS Evening News that eminent commentator and observer of American life, Eric Sevareid, had some cogent thoughts on last week's dismal demonstrations in Washington. He places the whole miserable affair in perspective, and in his brief comments raises some questions which might well be pondered by those who now cry "foul" because the police blocked attempts to shut down the city of Washington and the U.S. Government.

For Senators who did not hear Mr. Sevareid's notes on the demonstration, I ask unanimous consent to have the commentary printed in the RECORD.

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

CBS EVENING NEWS WITH WALTER CRONKITE—EXCERPT

SEVAREID. The street demonstrations have fizzled out here in the capitol; twelve thousand arrests and a little cold rain do make a difference.

During this brawling week American psychiatrists have been meeting in a Washington hotel. Two youthful leaders of the week's mob action spoke before them today and said they would be back, to shut down the government; some psychiatrists applauded them. Not too surprising. A few years ago a convention of attorneys heard a leading law school dean argue that lawbreakers should not be punished if their cause is worthy. The chief dissenter was the British Lord Justice of Appeals who warned his American colleagues that this line of approach was fatal.

The psychiatrists here might have a professional field day if they hung around to question some of this week's demonstrators. They could be asked, for example, their reaction to the fact that nearly all of them were white and prosperous while a high percentage of the police who imposed order on them were black and relatively poor.

They could be asked why they were indignant that a number of innocent bystanders were also swept up in the police dragnet, when they themselves, when they tried to stop the traffic, made no distinctions between say, Pentagon officers and haberdashery clerks trying to get to their shops. Or why they are furious at delays in the legal processing of their cases when they had set out to put a full stop to all processes of government here. Or why they resent the insanitary conditions in their detention centers when, had their own plans succeeded, there would be no sanitation anywhere in the city, including the hospitals. It would be interesting to find out if they really want peace anywhere save in Vietnam and if the word love that they emblazon on their placards isn't really their code word for hate.

Some psychiatrists have learned a good deal, directly, about the Viet Nam war and the psyche of the American young. Things that those of us old enough to have known other wars should have realized from the beginning. One study, for example, of six hundred Viet Nam veterans classified as psychological casualties established eighty six percent of them had never been in actual combat. It also showed that only thirteen percent were draftees. All the rest had volunteered, finding home life intolerable, too. The conclusion was that they were simply the kind of youth who would have cracked up somewhere along the line, war or no war.

TIME FOR CONGRESS TO CONSIDER TAX RELIEF FOR SMALL BUSINESS

Mr. SPARKMAN. Mr. President, I am pleased for several reasons to join again with the chairman of the Select Committee on Small Business (Mr. BIBLE) in cosponsoring and putting forward S. 1615, the Small Business Tax Simplication and Reform bill of 1971.

This proposal is a milestone in the long-time effort of the committee to achieve tax equity for the 99 percent of business in this country which are "small business."

As first introduced on June 30, 1970, during the 91st Congress, this bill (S. 4039) represented the most comprehensive piece of small business tax relief legislation ever to be placed before Congress. However, we have not rested on our laurels. Since then it has been my pleasure to make this composite bill and background material widely available to business, industrial, and legal groups in Alabama for their review and comments in a concerted effort to improve the legislation prior to its recent reintroduction in the 92d Congress.

As a result, I believe we have improved the bill at some two dozen points. It is thus in order to express our appreciation to the many organizations within the State of Alabama who have devoted their time and talents to this effort in behalf of small business, our economy, and the free enterprise system.

As Senator BIBLE has already stated, our bill can undoubtedly be further improved in form and content, as the tax-writing committees and the Treasury give their attention to these matters. However, I believe the Senator from Nevada was modest in not mentioning what is perhaps the most significant point. That, in my opinion, is that this bill will serve to raise small business tax problems to the level of public consideration and, hopefully, action, at a time when this relief is urgently called for.

Since S. 4039 was presented last June, we have seen the introduction of an administration small business tax bill, S. 544, by the distinguished Senator from Utah (Mr. BENNETT), whose wide experience on both the Senate Committees on Banking and Finance is much respected. In January, also, the Treasury Department proposed an administrative revision of depreciation guidelines applying to all business. These initiatives are certainly welcome.

SOME HISTORICAL BACKGROUND

In light of my service on the Select Committee on Small Business since 1950, perhaps a short backward glance at some legislative history would be appropriate at this point.

That committee has, for two decades, concerned itself with tax problems of new and small firms. I recall an extensive investigation by a Special Subcommittee in 1952 on which I had the honor to serve, along with the able and hardworking Senator from Minnesota (Mr. HUMPHREY).

We held seven field hearings around the country, taking testimony from more than 120 businessmen and tax experts. This was accompanied by considerable committee research. At the conclusion of this inquiry we filed a rather complete report—S. Rept. 442, 83d Congress, 1st Sess., June 18, 1953—with recommendations which are still relevant in 1971. Our subcommittee addressed the questions of more liberalized and flexible depreciation; the clarification of the accelerated earnings section; an adjustment of the tax rate for small business; and reform of the estate tax to allow businesses to continue within the founder's family.

I am glad to say that these areas are treated in the present bill. In 1956, there was a White House Conference on Small Business, under the chairmanship of Arthur Burns, which endorsed certain of these proposals and added others in the tax and other areas. These events set the stage for my introduction of four sets of small business tax proposals in 1957. These were reworked and subsequently became the Small Business Tax Bill of 1958, which was enacted by the Congress in that year.

That legislation also added subchapter S to the Internal Revenue Code, which I understand is now being used by about 200,000 small business corporations.

In 1962 and 1964, I was a strong supporter of President Kennedy's tax measures, which included the liberalization of the depreciation guidelines, the creation of the 7-percent investment tax credit, and reversal of the normal and surtax rates. This latter provision meant simply that the tax rate for the lowest small business brackets dropped from 26 to 22 percent for 90 percent of American small corporations.

PRESERVING THE TAX CREDIT FOR SMALL BUSINESS

When the investment tax credit was suspended in 1966, it was my amendment in the Senate which lead to a final $20,000 exemption for qualified investment on the part of small business being preserved in the law. When the issue arose again in connection with the Tax Reform Act of 1969, we fought hard for a similar exemption. We were successful in having it pass the Senate, only to have it knocked out of the bill in the Senate-House conference.

I feel that there remains much merit to the investment tax credit, especially in its possible variations which were touched upon by the distinguished Chairman of the Federal Reserve Board, Dr. Arthur Burns, before the Committee on Banking, Housing and Urban Affairs on March 10 of this year. Thus, I am not surprised that Chairman MILLS of the House Ways and Means Committee has been weighing these possibilities. The able senior Senator from Minnesota (Mr. MONDALE) has also introduced a bill with a small business investment tax credit feature, and other Senators have offered similar proposals. The tax credit thus appears to deserve serious congressional attention from the viewpoints of both the tax structure and the economy. Our small business tax bill repeats the finely tuned investment credit proposal essentially as contained in last year's bill.

ASSURING PROPER DEPRECIATION POLICIES

As President Nixon's Task Force on Business Taxation reported in September 1970, the amount of underdepreciation in business corporations has been rising rapidly. It is estimated it will reach $7 billion in 1970 . . . nearly $10 billion if unincorporated businesses and financial corporations are taken into account. While this might seem like a rather technical matter, the inevitable result of this, in my judgment, will be a "profitability gap," and a serious weakening of the ability of small businesses and U.S. firms in general to meet world competition. This means that jobs and profits, which could, for instance, be going to the Southeastern United States, might be migrating to other parts of the world.

I am glad that the small business tax bill also advocates further depreciation advances, so that we have a fair chance to keep that economic activity here.

On May 3 to 5, extensive hearings were held at the Treasury Department on the administration's January depreciation proposals. I understand that there is much thoughtful testimony and discussion in these proceedings. Accordingly, I would very much hope that the hearings are printed in the way congressional hearings are published, so that they will be fully and promptly available to Congress, to our professional staffs, the universities and law schools around the country, and to the many conscientious private organizations and citizens concerned with questions of our tax structure. This would also increase the accessibility of this material to experts throughout the Treasury Department and the executive branch of the Government. I have taken the liberty of addressing such a request to the Secretary of the Treasury.

It is my belief that it is appropriate that the Congress and its committees join to consider further these fundamental questions of taxation on which the health of our economy rests.

SUMMARY

To sum up, my work in behalf of small business tax relief goes back some time. With a perspective of about 20 years, it seems to me that Senator BIBLE has made a magnificent contribution to this effort by the formulation and introduction of the small business tax simplification and reform bill, S. 1615.

I am proud to be in the forefront of this effort. I hope we can make progress with this bill through Congress, so that small businesses in Alabama and across the country can look forward to early implementation of its benefits.

REFORM OF LEGAL SERVICES IN THE SEVENTIES

Mr. COOK. Mr. President, in a recent address before the Cincinnati Bar Association, the distinguished junior Senator from Ohio (Mr. TAFT) raised some very judicious and relevant questions concerning the reform of legal services in the seventies.

Consumer class action, no-fault insurance, and the creation of a National Legal Services Corporation are a few of the issues discussed by the Senator which Congress will be acting on before the end of the 92d Congress.

Because the Senator will be deciding these, as well as other issues, I ask unanimous consent that Senator TAFT's speech be printed in the RECORD so that all Senators might have the benefit of his sound legal thoughts.

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

LEGAL SERVICES—REFORM IN THE SEVENTIES

The more I see of the procedures and difficulties of the law making process, the more I appreciate that the effective and orderly administration of justice presents challenges at least equal to those of law making.

Each field admittedly has its peculiarities and inequities, but I want to talk tonight about problems in administration, rather than formation of law, recognizing that they are inextricably intertwined.

The problems are both new and old ones. On the old ones, no source could be more respected or wise than that of the great Roscoe Pound. Even in my now fading memories of Harvard Law School, this green eye shaded figure was a legend. I recall he once met me on the steps of Austin Hall and recalled how he had met my father there as a student waiting for the doors to open in the morning.

In 1906 Pound delivered a speech before the annual convention of the American Bar Association which was a landmark in its analysis of the problems of our American legal system.

Perhaps on no other occasion has any legal scholar ever set forth a better agenda for the reform of our legal institutions. Among other things he observed that our contentious procedure:

"Leads the most conscientious judge to feel that he is merely to decide the contest, as counsel presents it, according to the rules of the game, not to search independently for truth and justice."

He noted that our procedure:

"Leads to exertion to 'get error into the record' rather than to dispose of the controversy finally and upon its merits. It turns witnesses, and especially expert witnesses, into partisans pure and simple."

He said that:

"If the law is a mere game, neither the players who take part in it nor the people who witness it can be expected to yield to its spirit when their interests are served by evading it."

He said that to the layman, our case law system is:

"A citation match between counsel, with a certainty that diligence can rake up a decision somewhere in support of any conceivable proposition."

Of our judicial organization and procedure he stated that:

"Uncertainty, delay and expense, and above all, injustice of deciding cases upon points of practice, which are the mere etiquette of justice, direct results of the organization of our courts and the backwardness of our procedure, have created a deep-seated desire to keep out of court, right or wrong, on the part of every sensible businessman in the community."

He attacked congested courts, the waste of judicial power, unnecessary retrials and the bore of jury duty.

Regrettable it is that after 65 years these comments of Roscoe Pound should still serve as guideposts for the reform of the American legal system. If we are candid with ourselves and with the public, we must admit that much of what he said is as true as it was 65 years ago.

This is not to say that the American legal system has not made important advances during the last 65 years. We have given dimension and meaning to the right of counsel; We have initiated better forms of pleading; we have modernized court rules, and streamlined procedures. Our courts have responded to social issues such as segregation and legislative reapportionment in a way which has made the judicial branch a vital and creative force in our democratic society. We have established the institute of court management in 1969, which will professionalize the administration of our federal courts. We have undertaken the enactment of uniform State laws, such as the uniform commercial code, which are vital to the working of our economy.

Perhaps most important, our judicial system has taken the lead in protecting the rights of the individual against the State and defended unpopular causes which politicians have been too timid to embrace. It has been the courts, rather than the legislators or the executives, which have given dimension to freedom of speech and press. It has been the courts which have held that if our procedural safeguards are to have any meaning they must be available to the poor, the black, the unpopular, and, yes, even the un-American. It has been the courts which have established the right of privacy, and precluded confessions which are coerced, rather than freely given.

Members of the legal profession can be proud of the fact that during the past 65 years our legal system has done more than any other branch of government to give definition to our liberties and order to our society.

Despite these advances, there remains an important agenda of reform for the American legal system. Without attempting to make a definitive statement of reforms which might be appropriate, I want to suggest that we consider the following:

First, I believe we should greatly expand the number and jurisdictional limits of our small claims courts. In far too many instances, a dispute is so small that claimants cannot afford to hire a lawyer and obtain appropriate legal relief. As attorneys and members of the bar, we have an obligation to see that the remedies of law are available to all worthy claimants and that the litigation should not preclude a judicial determination of rights and obligations. I know of no more salutory development affecting the legal profession than development of small claims courts. Such courts give the average man an opportunity to pursue a $100 claim which he could not pursue on his own if small claims courts were unavailable to him. I believe that we should not permit our financial self-interest as lawyers to keep us from acknowledging the need to promote small claims courts and enlarge their jurisdictional limits.

Second, if the average man buys a toaster and it does not work, there is no economically meaningful way for him to secure legal relief. An unscrupulous manufacturer can make and sell shoddy merchandise in full recognition that there is little practical relief available to the consumer. For this reason I think we should consider a reform to allow class actions by consumers and modify the jurisdictional requisites of our courts so as to accommodate this type of dispute. Of course, class actions can be a subject of abuse or misuse, and we must keep proper safeguards against this danger.

In the 91st Congress, the Consumer Protection Act (S. 3201) would have expanded the authority of the Federal Trade Commission over unfair and deceptive acts and practices: would have granted the FTC power to obtain preliminary injunctions against such practices: would have enabled the FTC and the Justice Department to obtain court ordered redress for consumers and enabled consumers to bring class actions for redress of injuries resulting from specified unfair consumer practices. Alternative suggestions would give injunction power to the FTC or set up consumer courts.

While I don't buy certain provisions of that bill, I would agree with its general philosophy that such wrongs are entitled to remedies. The legal profession should take the lead in making the legal system responsive and effective in meeting the needs of the American consumer. It is better to have it handled responsibly than by later strong arm methods fueled by emotion.

Third, I think the time has come to seriously question the institution of the civil jury. Thirty-six years ago the British abolished jury trial for civil cases except for a few types of cases such as libel and slander. The Federal Tort Claims Act of 1947 provides for a trial without a jury. At a time when dockets are overcrowded, litigation is expensive, and delays are costly to the litigants, we should ask ourselves whether civil juries are really a necessary ingredient in our judicial process. Quite aside from the expense of civil juries, I have long been troubled by our myth of reversing a judgment because of an erroneous instruction that the jury members possibly could not understand, and probably did not remember, the abolition of civil juries would do much to take the theatrical element out of our civil courts. It is a reform which might be long overdue.

Fourth, related to the question of civil jury is the problem of the scientific witness. Even trial attorneys must be perplexed at times by a system that would have steelworkers, farmers and housewives rule upon the mental condition of a defendant when long parades of psychiatrists have given directly opposite testimony on the issue. What kind of a legal system is it that calls upon shoe salesmen, textile workers and meat cutters to decide whether or not a piece of bar steel was defectively manufactured, when metallurgical experts cannot agree? If we are honest with ourselves as trial lawyers we will recognize that it is possible to find an expert witness to say almost anything.

You can take just about any criminal defendant and find some psychiatrists who are willing to say that he is sane and others who will say that he is not. This not only confuses the lay jury but calls into question the very integrity of our legal process. In a speech in Philadelphia, Pennsylvania on November 14, 1970, Chief Justice Burger made a significant comment on this subject:

"In England, as here, some of the most time-consuming and complex litigation is in the field of business regulation, antitrust and patent cases. England's experience deserves study. In a complex business-economic case they often have two economists or other specialists sit down with the judge and join with him as triers of economic issues.

In a patent case involving esoteric questions of chemistry or physics or engineering, the lay judges who assist the professional judge are experts in the relevant field. This shortens and simplifies trials, and if the judgment of British judges and barristers can be relied on, the results are far more satisfactory and the process more efficient."

Perhaps we would be better advised to follow the British example and call upon scientific experts to sit with the judge and join with him in determining technical issues.

Fifth, we should give favorable consideration to the proposals for no fault insurance as advocated by Professors Keaton and O'Connell and others. We can hardly deny that far too much of the automobile insurance dollar goes for adjusters, claims agents and attorneys, rather than payment to injured parties. The principle of workmen's compensation has worked well without the element of fault. I see no reason why all special damages, to the extent of policy limits, should not be paid without regard to the question of fault.

If a man has an automobile accident, in order to recover the damages to his car, he may have to go to the expense of hiring a lawyer and may have to wait several years to get paid. This is an injustice. He should be paid at once without having to resort to lengthy and costly procedures. The no fault system should also have a beneficial impact upon the congested dockets of our courts.

Unquestionably, this reform might have and adverse impact upon the income of many attorneys. I do not believe, however, that the legal profession would put itself in the position of placing its possible short run economic self interest ahead of the interests of the general public. As a profession, we have not done so in the past and we should not do so now. This is a reform which we should welcome and embrace. Our leadership would reflect credit upon the entire legal profession.

Sixth, at the present time if a plaintiff is tainted with the slightest degree of contributory negligence, he is precluded from recovering, even though the injury was principally caused by the negligence of the defendant. This can be another injustice. The State of Wisconsin has enacted a comparative negligence statute (sec. 331.045 Wisconsin statutes annotated) which provides that contributory negligence shall not bar recovery "if such negligence was not as great as the negligence of the person against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of negligence attributable to the person recovering."

This statute eliminates the terrible injustice of denying total recovery to a person whose negligence was only a minor factor in the accident. The statute apportions the damage in relation to the degree of negligence of each party. This statute has worked well in the State of Wisconsin and should be high on our agenda for legal reform.

Seventh, in his Philadelphia speech on November 14, 1970, Chief Justice Burger said:

"Perhaps the time has come to ask whether automobile personal injury cases have any more place in the federal courts than over-

time parking or speeding on Chestnut Street in Philadelphia."

I would suggest that we go further and consider the elimination of diversity jurisdiction entirely. The concept of diversity jurisdiction was formulated at a time when there was a heightened sense of sovereignty reposing in each of the States. In all but exceptional cases, a person from one State can expect to receive a fair hearing for his cause simply because it is being litigated in the courts of another State. A special basis for removal could be set up for exceptional cases. This relates to the proposal of Pound in 1906 that:

"All original jurisdiction should be concentrated. It ought to be impossible for a cause to fail because brought in the wrong place. A simple order of transfer from one docket to another in the same court ought to be enough. There should be no need of new papers, no transcripts, no bandying of cases from one court to another on orders of removal and of remand, no beginnings again with new process."

If his suggestion made good sense in 1906, it would be more eminently practical today. We should review the concurrent jurisdiction of State and Federal courts in diversity cases to see if its retention is required to serve the order of justice.

Eighth, in his speech Pound referred to laws which are not intended to be enforced. I believe that the bar association of each State should conduct a periodic review of State and local laws and urge the repeal of those which are outmoded, outdated, or so unrelated to public policy that they are not currently being enforced. If we do not do this, how can we answer young people who ask why marijuana laws are being enforced and other laws are not.

Ninth, I believe that we must work harder to eliminate the delays in our judicial process which are so debilitating to the functioning of our legal system. On March 11, 1971, President Nixon spoke before the national conference on the judiciary in Williamsburg, Virginia. On that occasion he said:

"In criminal cases in Great Britain today most accused persons are brought to trial within 60 days after arrest. Most appeals in Britain are decided within three months after they are filed."

"Let's look at the situation in the United States. In case after case, the delay between arrest and trial is far too long. In New York and Philadelphia the delay is over five months: in the State of Ohio it is over six months: in Chicago, an accused man waits six to nine months before his case even comes up.

"In case after case, the appeal process is misused—to obstruct rather than to advance the cause of justice. Throughout the State systems, the average time it takes to process an appeal is estimated to be as long as a year and a half. The greater the delay in commencing a trial, or retrial resulting from an appeal, the greater the likelihood that witnesses will be unavailable and other evidence difficult to preserve and present. This means the failure of the process of justice."

He concluded by saying:

"Justice delayed is not only justice denied, it is justice circumvented, justice mocked, and the system of justice undermined."

Tenth, I am pleased that the American Bar Association has undertaken the revision of our canons of ethics. This process of revision must be a continuing one if the canons are to be addressed to the contemporary responsibilities of lawyers. In much of the public mind there is the notion that lawyers are gougers, twisters, or incompetents whose only real adversary is the client himself. The imagery of Charles Dickens has not faded into the past.

But difficult ethical problems do exist. Since I have been in the Senate, I have had a number of Ohio attorneys who have written to me and asked to be listed to have Federal mortgage foreclosure cases referred to their offices. It is an established practice, but what are its ethical implications?

As important as the problem of solicitation may be, many others are more important to the public. For example, should it be ethical for an attorney to draft so-called warranties which attempt to restrict rather than expand the warranties available to a purchaser as a matter of law? This question and many like it must be faced by our profession.

Eleventh, we must bring the law into step with modern scientific thinking. As just one example, the legal rule for the determination of sanity in a criminal case in many jurisdictions is based upon the *M'Naghten* case decided by the House of Lords in 1843, is it not time that we determine the mental condition of a defendant in the light of current scientific thinking? Should we ask a psychologist to render a professional opinion based upon criteria which his science does not recognize?

Twelfth, I believe that we must continue the process of bail reform. In my judgment the question as to whether or not a defendant should be free prior to trial should not be dependent upon his financial situation. We cannot approve a legal system where the rich are able to be free before trial and the poor are not.

The April 16 issue of the *Saturday Review* reported that:

"In 1966 more than 58,000 persons, including about 13,000 adolescents, spent an average of a month each in New York City's overcrowded jails because they could not find a bondsman willing to put up their bail."

The Bail Reform Act of 1966 brought meaningful change at the Federal level. In the State of New York the Vera Foundation developed an excellent record in obtaining pretrial releases for dependants upon their own recognizance if they satisfied certain criteria unrelated to their financial condition. The Bail Reform Act of 1966 and the work of the Vera Foundation indicate to me that the bail bondsman should not be the ultimate arbiter as to whether or not a defendant is released from jail prior to trial. To hold thousands of innocent men and women in jail, sometimes for several months prior to their trial, simply because they cannot post a bail bond, is an injustice which we should work to eliminate.

Finally, I believe that proper access to our courts should be the birthright of every American. For that reason I am one of the principal co-sponsors in the Senate of S. 1305, a bill to establish the National Legal Services Corporation. (It must have a great deal of merit of some sort for I share in the cosponsorship with less than six Democratic presidential hopefuls!)

This corporation would take the legal services program out of the Office of Economic Opportunity and establish it under the jurisdiction of an autonomous federally chartered corporation. Its establishment would reflect a policy of Federal concern in universal access to legal services, free from political interference, for low income Americans. Its precept is that it is in the public interest to encourage resort to attorneys and legal remedies for resolution of grievances and as a means to secure orderly change, responsiveness and reform.

This corporation would be federally funded and render to the poor all types of legal services which law firms can render for their clients, consistent with the canons of ethics. This would include class actions and even suits against the Government itself. Legal services should not be infused with political controls. Today there are thousands of economically deprived Americans who cannot afford to obtain proper legal assistance. The establishment of this corporation would assure legal services for those in need and at the same time take the attorney-client relationship from under the arm of political interference.

We have come a long way since the days when guilt or innocence could be determined by dunking an old woman in a pond. The genius of the American legal system has been its adaptability to the demands of a changing society. The reforms which I suggest would simply give new impetus to that ever continuing process of American legal reform.

SENATE RESOLUTION 116—ADMINISTRATION WITHHOLDING OF APPROPRIATIONS FOR HEALTH PROGRAMS

Mr. HUMPHREY. Mr. President, on May 5 I submitted Senate Resolution 116 which asks the administration to release $226.2 million in appropriations which it has not released but which Congress approved for fiscal year 1971 in the health field.

The amounts of the withheld funds which I used in this resolution and my statement were obtained in response to my request by the Appropriations Committee staff from the Department of Health, Education, and Welfare. Subsequent to my remarks in the Senate, HEW officials have indicated that the report furnished the committee staff and me was incorrect.

Assistant Secretary James B. Cardwell of the Department of Health, Education, and Welfare has written a letter explaining the errors. I ask unanimous consent that the letter, along with a table, be printed in the RECORD.

The letter contains encouraging assurances that most of these funds for urgently needed health care, facilities, and research ultimately may be spent. But significant sums, at least $65 million, are being impounded at present, denying funds Congress has approved, most importantly, to health education facilities construction and regional medical programs. Also, funds for biomedical research apparently have been transferred to pay salary increases.

I again urge a thorough examination by appropriate committees of this unwise and unjustified impoundment of funds.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., May 6, 1971.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: I am writing this letter in an attempt to clarify the record on what administrative reserves have been placed on 1971 appropriations for health programs.

The resolution (S. Res. 116) which you offered on Wednesday calling on the Admin-

istration to release 1971 health appropriations indicates that such reserves add up to $226.2 million. This is a mistake. It is actually $65.4 million. Moreover, all of these funds will be obligated during their period of availability.

Our efforts to track the figures cited in support of the resolution indicate clearly that they were based on erroneous data provided inadvertently by HEW to the Senate Committee on Appropriations. Considering the way in which they were presented to you, there can be no doubt that you had every reason to interpret them to mean that a large sum was being held in reserve. I want to apologize to you for this error and do whatever I can to rectify the situation. We have prepared a corrected table showing 1971 health appropriations and reserves in an effort to set the record straight. It is enclosed with this letter.

The most significant error in the earlier table is in medical facilities construction, the Hill-Burton program. The $226.2 million figure is based on the assumption that $175 million in this account is held in reserve. This is completely misleading. No Hill-Burton funds are in reserve. The entire appropriation has been apportioned and allocated to the State Hill-Burton agencies.

Another significant error has to do with appropriations for health manpower programs. While the earlier table showed no reserve for these programs, there is, in fact, a reserve of $15 million for the construction of health education facilities. These funds are available for obligation for a two-year period, and we plan to obligate them in 1972.

There was a small error in the reserve shown for Indian health facilities. The old table showed $1.1 million in reserve when it actually should be $265,000. These funds were appropriated for two health facilities in New Mexico. When program specifications for these projects have been completed, we will request release of these funds and proceed to obligate them. They are available until expended. The reserves are consistent with our normal operations in direct construction activities. We only request the release of the funds when we are actually ready to proceed with the project. Thus, this item in no way involves any decision on the part of the Executive to keep these funds from going to their intended purposes.

The other reserves shown for Regional Medical Programs and several of the research institutes at NIH are correct. The $34.5 million reserve in Regional Medical Programs will be obligated in 1972. The $15.6 million in NIH reserves, while originally appropriated for research grants and contracts, will be obligated later this year for increased pay costs.

I would like to conclude this letter by repeating that these reserves which have been placed on health appropriations will only be in effect for a limited period of time. All of the $65.4 million which is currently in reserve will be released and obligated within the time period of availability specified in the 1971 Appropriation Act. *None of the funds will revert to the Treasury because we did not obligate them.* I think this is an important factor to consider when you are trying to analyze the significance of these reserves with regard to the intentions of Congress in appropriating them.

Again, I want to apologize for letting incorrect information be sent to you.

Sincerely yours,

JAMES B. CARDWELL,
Assistant Secretary, Comptroller.

Enclosure.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, 1971 APPROPRIATIONS AND RESERVES FOR HEALTH PROGRAMS

(In thousands of dollars)

	1971		
	Appropriation	Currently available for obligation	Current administrative reserve
Food and Drug Administration: Food and drug control	89,549	89,549	
Environmental Health Service: Environmental control	58,720	58,720	
Health Services and Mental Health Administration:			
Mental health	386,016	386,016	
St. Elizabeths Hospital	19,598	19,598	
Health services research and development	57,403	57,403	
Comprehensive health planning and services	247,178	247,178	
Maternal and child health	255,659	255,659	
Regional medical programs	106,502	72,002	[1] 34,500
Disease control	43,938	43,938	
Medical facilities construction	196,521	196,521	
Patient care and special health services	79,889	79,889	
National health statistics	9,668	9,668	
Retirement pay and medical benefits for commissioned officers	19,501	19,501	
Office of the Administrator	11,812	11,812	
Indian Health Service	117,986	117,986	
Indian health facilities	18,715	18,450	[1] 265
Emergency health	3,755	3,755	
Total, HSMHA	1,574,141	1,539,376	34,765
National Institutes of Health:			
Biologics standards	8,838	8,838	
National Cancer Institute	230,383	230,383	
National Heart and Lung Institute	193,479	193,479	
National Institute of Dental Research	35,257	34,868	[2] 389
National Institute of Arthritis and Metabolic Diseases	138,339	136,486	[2] 1,853
National Institute of Neurological Diseases and Stroke	105,807	102,178	[2] 3,629
National Institute of Allergy and Infectious Diseases	102,249	101,117	[2] 1,132
National Institute of General Medical Sciences	166,072	159,816	[2] 6,256
National Institute of Child Health and Human Development	94,436	93,886	[2] 550
National Eye Institute	30,986	29,868	[2] 1,118
National Institute of Environmental Health Sciences	20,620	19,882	[2] 738
Research Resources	66,201	66,201	
John E. Fogarty International Center	3,582	3,582	
Health Manpower	428,839	413,839	[1] 15,000
National Library of Medicine	20,769	20,769	
Office of the Director	8,206	8,206	
Scientific activities overseas	32,444	32,444	
Total, NIH	1,686,507	1,655,842	30,665
Total, Health, DHEW	3,408,917	3,343,487	65,430

[1] Multiyear funds to be carried over for obligation in fiscal year 1972.

[2] To be used to offset 1971 pay cost increases.

PRIZE-WINNING ESSAYS BY FARGO, N. DAK., STUDENTS

Mr. YOUNG. Mr. President, one of North Dakota's prominent radio stations, KFGO, North Dakota, recently sponsored an essay contest at the elementary and secondary school levels suggesting that students write essays concerning why they are proud to live in North Dakota.

This is the kind of a program for young people which I believe is very meritorious and highly appropriate. It would be helpful if not only organizations like this radio station, but other industry of all kinds were to encourage this sort of activity by our young people. This cannot help having a very wholesome influence on not only the young people who participate, but upon the very large audience which was made aware of the thinking of these young people through this radio station's efforts.

The three winning essays were written by Miss Linda Burchill, in the eighth grade at Ben Franklin Junior High School; Miss Rana Quraishi, a senior at Fargo North High School; and Michale Simonson, in the sixth grade at St. Mary's School; all in Fargo.

Mr. President, I ask unanimous consent that these essays be printed in the RECORD as a part of my remarks.

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

NORTH DAKOTA—WHERE ELSE?

(By Linda Burchill, Ben Franklin Jr. High School, Fargo, N. Dak., 14 years old, grade 8)

I like to live in North Dakota! "What?" some might say. . . . "Like to live in North Dakota? Like our blizzards, dust storms, hot summers, floods" . . . and on and on they go. Yes, I will admit right off we have all of these, (not all at once, thank heaven!) but what state doesn't have its bad points? So, so much for the gripers. . . . Now on to the positive side of North Dakota; and don't think for a minute we don't have a mightily lot of them. Where else is the soil so fertile to raise our crops in? We are the leading producer of wheat in the nation, you know. Where else can the eye rove for miles without seeing hundreds of billboards, car graveyards, skyscrapers, and smoke-belching factories? Do you like steak and juicy roasts? Where else are there hundreds of acres of clover and alfalfa for our farm animals to graze on? Do you like fresh, un-polluted air? We have it here . . . and the people who say there is no pure air left should come to our state on a fresh summer or cold winter morning! Where else do people love winter and all the winter sports that go with it? Where do you find summer, with camping, swimming, rodeos, out-door plays, fishing, and golf? North Dakota, where else? Do you like colors? North Dakota has them all . . . watch our changing seasons . . . where nature is vivid and beautiful all year long. What state can compete with any other as far as historical background is concerned? Ours can!! Do you like good schools? In a book called "Crises in the

Classroom" the schools of North Dakota (where else?) are praised. Where is the crime one of the lowest in the nation and you can still walk the streets safely? Where do people really, truly have a "White Christmas"? Where are people open, friendly, and honest? Where do people of California and New York want to retire "to get away from it all?" (Yes, it's true . . . of my relatives, anyway.) Where else is the tallest man-made structure in the world? Where do I want to live in all the world? North Dakota!!!! Where else?

WHY I AM PROUD TO BE A NORTH DAKOTAN

(By Rana Quraishi, Fargo, North High School, 16 years old, grade 12)

The joy of life comes from the quality and goodness around. North Dakota is a place to be happy. A man can walk and walk in the openness and breathe deeply of the air. There are spaces to be alone and cities to be close. He can savor the intenseness of nature in the abundant snowfalls of the North Dakota winter, and the greenery and bright sunshine of summer. There is room in this state for men who want to develop nature and the land, and room also for those who merely want to enjoy it. The potential is great. North Dakota is in its spring, just beginning to bud, and opportunities are vast. But a promise for the future is not all the land holds. There is also the nostalgia of the past that embodies all the excitement and romance of the old American west; a nostalgia that is only three or four generations old, and therefore, nearer, and more exciting in North Dakota than in other, older states.

The quality of life is beautiful here. The cities are uncrowded, without the crime and pollution so characteristic of urban areas, and yet, there are many excellent centers of culture and learning. The enrichment provided by nature. There is room for children to grow spiritually and intellectually. A child can run in North Dakota with joy instead of fear. It is a good place to raise children the way they should be raised.

All this is part of North Dakota. The excitement of the past and promise for the future, and happiness of the present. It is all that one can ask for as the basis of a fulfilling life.

HICKSVILLE (MAYBE)

(By Michael Simonson, St. Mary's School, Fargo, 12 years old, grade 6)

People from New York might look at North Dakota as a Hicksville state, but I am glad I live in North Dakota. Mainly because I am not afraid of choking to death in my state. We might complain about some small sugar beet factory, but it is nothing compared to an iron and steel mill. Here we can breathe some of the only clean air left on the face of the earth. We have a large man-made lake called Garrison, which provides electricity, recreation, fishing, and game, as well as many other facilities. We have water to be proud of compared to other states. We still have fish that are fit to eat in most places. We will have good hunting as long as we don't take our privileges for granted and we must respect our animals almost as we respect ourselves for without animals we cannot survive very long. I can truly say I am glad to be a citizen of North Dakota.

LATEST SCHOOL DECREES ADD UP TO NONSENSE

Mr. ALLEN. Mr. President, today the Washington Evening Star contains an interesting and analytical assessment by James J. Kilpatrick, the able and distinguished columnist, of the recent U.S. Supreme Court school decisions.

On many occasions the junior Senator from Alabama has pointed to the Court-created chaos that exists in the implementation of forced integration of public schools in the South. He has pointed out, also, how the Supreme Court has shifted its holdings from the 1954 Brown case, which held that a State cannot require segregation in its public schools, to its present rulings that a State, while it cannot require segregation, must require and must implement and must force integration in the public schools of the South.

An old French proverb is to the effect that the more things change the more they appear to be the same.

Before 1954, pupils were assigned to schools because of their race. The Supreme Court changed this—or did it, basically? Does it not now order pupils to be assigned to schools because of their race? Certainly it does. Court-created chaos. How illogical.

I ask unanimous consent that Mr. Kilpatrick's article be printed in the RECORD.

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

LATEST SCHOOL DECREES ADD UP TO NONSENSE

(By James J. Kilpatrick)

Three weeks have passed since the U.S. Supreme Court delivered itself of opinions in the school desegregation cases, and I ask your forgiveness for arriving late at the story. The press of Portugal, with deference to its editors, was not of great help in determining what the court had said.

But neither are the opinions themselves. These turgid pronouncements, combining bad law with wretched style, add up to the poorest performance thus far from the Burger court. The chief justice, principal author of this lamentable mush, has many good qualities, but none can be discerned in the murk. The pen of Mr. Burger, sad to say, is filled not with ink, but with library paste.

The several Southern school cases that were combined for argument in October had this much in common: They were intended to provide the Supreme Court an opportunity for fashioning clear guidelines to lower federal courts in deciding upon desegregation remedies. No such clear guidelines emerge.

At first reading, the opinions seem to say that anything goes—busing, pairing, clustering, gerrymandering, you name it; on closer inspection, this is yes and no, as may be, depending upon circumstances, unh-hunh and provided that. "Words are poor instruments," sighs the chief, "to convey the sense of basic fairness inherent in equity." True. But his words are poorer than most.

The difficulty here is that the court has lost its way. The longer it stumbles about in the thickets of equity, the farther it gets from the benchmark of the 14th Amendment. That is what the famous Brown case, 17 years ago, was all about. The holding then was that the defendant states, by assigning children to school by reason of their race, were denying them the equal protection of the laws. What was generally understood was that the court, in ordering an end to state-imposed segregation, was ordering an end to racism.

What was generally understood then, alas, cannot be generally understood now. The Brown decision of 1954 said, in effect, that pupils could not be assigned to schools by reason of their race; the opinions of April 20 lay down precisely the opposite rule: Pupils must be assigned to schools by reason of their race. The teaching of Brown was that all children must be treated equally; the teachings of April 20 are that some are more equal than others.

Thus the court affirms, for example, a scheme of racist lunacy solemnly compounded for Charlotte and Mecklenburg County in North Carolina. As one minor facet of this gem, 300 black students must be daily transported away from the high school they normally would attend, in order that the racial mix may be improved in Independence High School some miles away. This the Supreme Court approves.

Yet such an objective is absolutely inconsistent with the court's own avowed objective, which is "To see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race." Unless words have lost all meaning, it is plain that the 300 black pupils, members of the racial minority, have indeed been excluded from a particular school "on account of race."

So it is back to racism. That is about what the opinions of April 20 amount to.

We can forget about the court's statement a couple of years ago that it wants neither black schools nor white schools, but "just schools." It is not possible to maintain "just schools" when the sole criterion underlying every decision is the criterion of race.

So far as the attained Southern states are concerned, race must remain the be-all and end-all. In the selection of school sites, in the hiring and assignment of faculty, in the fixing of attendance zones, the local school boards are to be regarded as guilty until proved innocent. Lower courts are to assume that the boards are seeking deviously to maintain segregation, and it is up to the trial judges to outwit them.

It is a sad business all around—for the courts, for the children condemned to insistent race-consciousness, for the public school systems that inevitably will suffer through the loss of public support. The old follies and evils of segregation cannot be eradicated by these decrees; they can only be exchanged for new follies and new evils. This is not equity; this is nonsense.

SUPPORT FOR VIETNAMIZATION PROGRAM

Mr. SCOTT. Mr. President, during the Vietnam war veterans demonstration, a series of hearings were held by the Foreign Relations Committee. At one of the hearings, a former Navy lieutenant, with his eloquent presentation, catapulted overnight into the living rooms of every family watching television news. He was given broad coverage by all of the news media. His point of view was to bring an immediate end to this terrible war.

Also at these hearings, but a few days later, was another former Navy lieutenant. Perhaps he did not possess the same kind of charisma, the poise, or the self-confidence during his presentation. But what he said had much meaning and attracted a generous applause from many in the hearing room. He supported the Vietnamization program. The television news shows did not cover this very sincere young man. Most newsmen at the hearing did write stories, but apparently their editors did not see fit to print this side of the story. Mr. President, in an effort to give Senators an opportunity to review the overall matter, I ask unanimous consent that an editorial column by J. F. ter Horst be printed in the RECORD. I commend it to those who are interested in fair play and balanced journalism.

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

EX-LT. JOHN F. KERRY HAS CREDIBILITY GAP

(By J. F. ter Horst)

WASHINGTON.—This is the tale of two Vietnam veterans who came to Washington to lobby for an end to the war. One is John F. Kerry, 27, of Waltham, Mass. The other is Melville L. Stephens, 26, of Hanford, Calif.

Both are ex-Navy lieutenants and saw combat as river patrol commanders in Vietnam. Both hold the Silver Star, the Bronze Star and the Purple Heart. Both wear their hair long. Both profess a kinship with all the other war-weary young men who came here with their medals of valor and peace symbols.

TWO MEN CONTRASTED

The resemblance stops there.

Kerry is wealthy, a product of the best Eastern schools. Stephens grew up in Akron, Ohio, and is out of work.

Kerry had the help of a well-known Kennedy speechwriter in preparing those phrases which rang so eloquently over television when he testified before Senator J. William Fulbright's committee.

Stephens wrote his own statement for the Senate Foreign Relations Committee—and never made TV.

Kerry emerged as the recognized leader of the Vietnam Veterans Against the War (VVAW), a very dramatic figure by day during the demonstrations. But, after dark, Kerry did the Washington social scene and slept in a clean bed at one of Georgetown's most fashionable addresses.

Stephens spent every night on the damp ground of the Mall, risking arrest along with the other Vietnam brothers who came to protest the war.

HOT POLITICAL PROSPECT

Hardly anybody has heard of Stephens, but Kerry has become one of the hottest young political prospects on the antiwar scene. His oratorical flair, his good looks and Kennedyesque manners have marked him as a man to keep an eye on.

Indeed, he is already considering running for public office in Massachusetts, according to word passed to friends by his wife, the former Julia Stimson Thorne, daughter of a socially-prominent Long Island family.

Kerry is not so uptight about Vietnam as to be militant or radical. He calls himself "an angry young man," but he neither tossed his medals over the Capitol fence nor stayed around for the disruptive demonstrations of last week.

A week ago last Saturday night, when the big Capitol demonstration of 200,000 dwindled to a folk-rock concert at the Washington Monument, Kerry chose another scene.

ATTENDED POSH DINNER

He attended a posh black-tie dinner party at the Federal City Club, put on by the "Five-ers," a quintet of Washington's top socialites. One of them was Mrs. Robert Charles, better known as Oatsie Leiter, at whose home the Kerrys stayed during the Vietnam veterans' encampment on the Mall.

The high point of Kerry's week in Washington took place before the Senate Foreign Relations Committee April 22, when he delivered an impassioned plea for ending the war. As the TV cameras zeroed in on him, the thrice-wounded Vietnam veteran asked the senators:

"How do you ask a man to be the last to die in Vietnam? How do you ask a man to be the last to die for a mistake?"

In New York, former Robert F. Kennedy staffer Adam Walinsky acknowledged he had helped Kerry put together his eloquent presentation.

Walinsky said Kerry, the 1966 Yale class orator, was "pretty darn good" with words by himself, but added that he had a hand in crafting those parts of the Kerry address "which were on TV."

That kind of wordsmithing was not available to Stephens, who made his pitch to the same committee a few days ago.

SPEECH OF LIEUTENANT STEPHENS

Speaking after a group of radicals had berated the senators, Stephens conceded his views "are not very popular these days." But drawing on more than 30 months' experience in the Vietnam theater—many times that of Kerry—Stephens argued that the United States could not morally pull out so fast as to endanger the lives of those thousands of South Vietnamese who had trusted the American promise of deliverance from the Communist enemy.

Stephens made no defense of the allegedly corrupt members of the Thieu-Ky regime ("frankly, I am sure that they will take care of themselves").

Nor did he buy President Nixon's argument that the United States should not be made to look like a "pitiful, helpless giant." Rather, argued Stephens, a wounded veteran and former aide to Admiral Elmo Zumwalt, naval operations chief, the United States should arrange to quit the war so that peace will help the loyal South Vietnamese. "Peace for us must not come at the cost of their lives."

SENATOR SCOTT COMPLAINS

Stephens' testimony might have escaped public attention altogether had not Sen. Hugh Scott of Pennsylvania, Republican floor leader, complained that the TV networks had ignored it.

Kerry quit Vietnam in March, 1968, as was his right as a three-times wounded serviceman. He also became an admiral's aide—in New York. Then he left the Navy to run for Congress but withdrew from the race in favor of the Rev. Robert F. Drinan, a Catholic antiwar priest who was elected last November.

Friends who talked to Kerry said he was not visibly upset about Vietnam when he first began thinking of running for office. "I thought of him as a rather normal vet," one said, "good to be out but not terribly uptight over the war."

Another to whom Kerry talked about running for office described him as "a very charismatic fellow looking for a good issue."

Kerry, with his connections, financial resources and a set of initials that read JFK, may be one of the brightest young political properties to emerge from New England in a long time.

One of those who'll be watching will be Stephens, who is slated to enter Cornell University Law School next Fall.

SENATOR HARTKE PRAISES SOIL CONSERVATION SERVICE

Mr. HARTKE. Mr. President, I wish to voice my strong support for the vital work being done by local conservation units throughout the country. For 30 years, Soil and Water Conservation Districts as well as local Resource Conservation and Development projects have made significant contributions to the improvement of the quality of our environment and have created better communities in which to live.

If these local conservation units are to continue to provide people with much needed conservation activities and services, they must be afforded adequate financial assistance.

In view of this fact, I was deeply disappointed with the administration's 1972 budget proposal for the Soil Conservation Service. This proposal, it seems to me, reflects the low priority which the administration has assigned to the important work of local conservation units.

Last month I had the opportunity to appear before the Senate Subcommittee on Agriculture, Environmental, and Consumer Protection. At that time I spoke in support of additional appropriations for the Soil Conservation Service.

Mr. President, I ask unanimous consent that my testimony before that subcommittee be printed in the RECORD.

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

STATEMENT OF HONORABLE VANCE HARTKE, APRIL 27, 1971

Mr. Chairman, I appreciate this opportunity to appear before your committee to speak in support of additional appropriations for the soil conservation service.

The Wabash River Basin Comprehensive Study will be completed this fiscal year. This study, which has started in 1963 and has been eight years in the making, is a part of the national effort to plan responsibly for the wise use of our water and land resources.

The Wabash River Basin Comprehensive Plan was formulated to meet the projected needs of the basin for land and water resources development and preservation to the year 2020.

The plan is a result of cooperative work of Federal, State, and local agencies having interests in the area and knowledge of its needs and requirements.

The Soil Conservation Service played a major role in the development of this plan. The plan recommends for development in the next 10-15 years a total of 85 small watershed projects with a total drainage area of 9,717 square miles. These early action projects include 287 reservoir sites controlling a drainage area of 2,846 square miles. The amount of storage for flood prevention and other purposes is 1.1 million feet. The cost of developing detailed small watershed project work plans in cooperation with local project sponsors for these early action projects would be $6.1 million. At the present rate of progress, it will take about 40 years to complete the planning instead of the 15 year period indicated in the basin plan.

I might mention in passing a few land treatment activities which must be accomplished in the early action period. The program would develop conservation plans on 12.5 million acres. About 8,900 farm ponds would be constructed. About 25,000 acres would be planted to special wildlife plantings.

It is expected that by 1980, 216,000 acres of the basin will be converted to urban use. These construction areas will need vegetative cover and other water and sediment control measures with technical assistance from the soil conservation service.

Land treatment measures will need to be installed in the area above the major reservoirs planned by the Army Corps of Engineers. These land treatment measures will require time and funds on the part of the Soil Conservation Service.

We in Indiana have done much to get ready for the day when we would have a comprehensive plan to help us determine on an organized basis just what we need to do toward developing our water and related land resources.

A total of 205 potential watersheds have been identified as needing project type activities. To date, 114 applications have been received for assistance. Thirty-four conservancy districts have been organized with four more in the process of being organized. There have been 29 work plans authorized for construction with five projects completed and construction underway on 18 projects.

The question we need to ask ourselves is, "Where do we go from here?"

Now that we know what must be done, do we do it, or do we put off for tomorrow that which demands action today? I believe we

need to go forward, and I would like to encourage an appropriation of at least $7.5 million for watershed planning.

The increase in construction funds in 1971 fiscal year was most welcome, but the amount was far short of the needs. Watershed construction funds should be increased to about $100 million, if we are to accomplish the indicated needs of the Wabash River Basin study.

An item of great concern to conservancy district directors and others attempting to construct watershed projects is the availability of Farmers Home Administration watershed loan funds. Indiana presently has completed loan dockets pending by FHA on seven watershed projects for a total of $4,373,492. The total FHA appropriation nationwide is $5 million. Present needs indicate that while nationally a fund of $50 million could be used, a minimum of $15 million should be provided.

Indiana presently has two resource conservation and development project applications in for consideration. Now is the time to accelerate and improve our resource base and make our rural areas a better place to live. I recommend that the total R.C. & D. appropriation be increased to about $20 million and that the ceiling and number of new starts be removed.

The appropriation for the conservation operations phase for the soil conservation service needs to be increased. As I previously mentioned, about 12½ million acres of land in the Wabash Valley need conservation land treatment measures. These acres produce large quantities of the number-one pollutant—sediment. We depend on the technical assistance of the soil conservation service provided through soil and water conservation districts to help landowners combat these problems. Rather than spending vast sums of money for new programs, I believe it would be better to allocate additional money to the soil conservation service to use in its efforts to improve the environment. A sum of $147 million a year would allow it to do much to improve our land and water resources and add to our country's natural beauty.

The future well-being of our people, the economic growth, and the environmental quality of our great country depend in large measure on the timely implementation of our resource development program. The time for action is now. Already, in many areas, resource availability lags behind demand. Needs of the year 2020 can be met only if resources are developed in time.

Mr. Chairman, I urge favorable consideration of the increases in budget for the Soil Conservation Service that I have outlined.

AS OTHERS SEE US

Mr. BELLMON. Mr. President, as Robert Burns so wisely observed years ago, "To see ourselves as others see us" is a rare gift. The views of an outsider can be of much value in helping to put events in the proper perspective.

Recently Peter Arnett, a New Zealander, and Horst Faas, a German, toured the United States for 3 months. It was their first visit to America and following their tour they wrote a series of articles for distribution by the Associated Press in which they looked at this country through the eyes of foreigners.

One of these articles is especially meaningful in view of recent events in Washington as well as in other major cities over the country. After reading this article it can be concluded that the United States is not as bad as its publicity sometimes presents it to citizens of other nations.

Mr. President, I ask unanimous consent that the article by Peter Arnett and Horst Faas be printed in the RECORD.

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

[From the Evening Star, Apr. 23, 1971]

VISITORS FIND U.S. SCARS BUT VIOLENCE ISN'T APPARENT

(By Peter Arnett with Horst Faas)

Visitors to America tend to look over their shoulders for race war, police violence and revolution. That has been the stuff of the recent American image overseas. What we found was not what we expected.

Two foreigners touring America for the first time, we walked through ghettoes, rode with police patrols in the crowded cities, and visited militant campuses.

We saw where violence had passed by: the fire-blackened streets, the empty lots where stores once stood, the "riot renaissance" architecture that grafted windowless solid brick walls on banks and supermarkets to protect them against flying stones.

But in three months of walking and riding through America we witnessed not a single act of violence, although we sensed that the potential was often there.

As part of our visit, we looked for signs of America's problems. We had difficulty coming to grips with them for we have seen far worse elsewhere in the world.

We had watched people starving to death in East Pakistan, gasped through Tokyo smog more dense than anything ever seen over Los Angeles. I twice barely evaded muggings in Bangkok. I've been trapped for hours in a Rome traffic snarl.

I watched French students tearing up paving stones and flinging them at the police on the Boulevard St. Germain de Press in Paris, and saw murderous police leading charges against demonstrators in India.

So we brought an international perspective to the problems we expected to find.

CHICAGO POLICE

From that perspective, then, the police of Chicago appeared efficient and obliging, more like the bobbies of London than the embattled lawmen we expected to find in a once gangster-infested city more recently notorious for the street battles during the 1968 Democratic National Convention.

Detective John Parrilli and other officers we met showed a remarkable knowledge.

They pointed out addicts, gamblers and other criminals as we rode, sketching in backgrounds of major and minor crime.

They like their work and often recalled the street fights with demonstrators during the 1968 convention.

"Just a dozen of us took 200 of them apart on Lakeshore Drive," one detective recalled. We began to sense how bitter the fight had been.

ALL PRAISE DALEY

And they all praised Mayor Richard J. Daley.

We eventually got the feeling in Chicago that, while the city was not the police state we sort of expected to find, and that, while the police patrols were discreet and not pervasive, the arm of the law was strong and powerful and could be mobilized instantly.

We had no doubts that the police could be very tough indeed, on demonstrators or anybody else.

We heard talk of a revolution being born on the campuses, but having seen insurgency take root and grow in Vietnam in the past decade we could only conclude that America is far from revolution as the rest of the world knows that term.

The ghettoes were a surprise. At first glance West Oakland and Watts in California might have passed as better grade residential suburbs in many foreign cities. Where were those crushing mobs of people and filth-laden alleys that our minds had always associated with ghetto living?

MEANING OF GHETTO

But as we stepped across the prostrate form of a drunk on the sidewalk and entered a black job bureau, we sensed what the American ghetto really means: despair. The black people inside regarded us with what seemed like cool hatred.

Outside again, we began to see the surroundings for what they were: seedy, crumbling hovels. We sensed none of the sheer joy of living that we found in the Wanchai ghetto in Hong Kong, or even Cholon in Saigon.

The hippies, too, did not fit the preconceptions we had brought with us. They were difficult to find, and when we did discover them on the lonely West Coast beaches they were remote and careworn, hardly the free spirits of the Age of Aquarius.

But we envied the peace of some of them, such as the bearded youth from Massachusetts we met lying languidly on the sands of Mendocino Beach in Northern California. He told us when we asked what he was doing: "I've been listening to the waves for six weeks, man. It's enough."

DROPOUTS ABOUND

But while we saw fewer hippies in the cities than we expected, other dropouts abounded. There were the skid rows, uniquely American institutions that you won't find in Europe or Asia.

And there were the Street People, once carefree flower children but now running in packs near the militant campuses like birds of prey. We were aghast at how unhealthy the girls looked, pimpled and sallow faced, wrapped in shawls. "They are on a death trip" a sympathetic Berkeley student told us.

And we found the religious dropouts, like the Amish and the Hutterites, who have almost totally withdrawn from society, secluded on their farms from radio and television, certain that the Bible is a surer instrument for self-improvement than the voting machine.

"ONLY AMERICA"

Horst and I talked about the dropout phenomenon as we drove through Montana. "Only America is big enough to accommodate people who so obviously reject its disciplines," he said.

I said that only America can afford them, such as the skid row bum in Los Angeles who has his monthly welfare check sent to his favorite bar to pay his bill. Or the Street People who have mastered the art of collecting food stamps to stay fed.

We had brought with us mental pictures of the the famous American cities. Generally, we found these expectations off base.

So we found Chicago, on first arriving, to be much more beautiful than the gray, sinister picture we carried in our minds. Her boldly designed office buildings and apartments rose dramatically over the lake shore. So much sadder, then, was the Chicago South Side where whole blocks of once attractive homes were so battered that they might have been the target of bombs.

ATLANTA RELAXED

Atlanta turned out to be one of the most genial and racially relaxed cities we visited, when we thought it would be among the worst. "You Northerners just don't know, do you?" challenged an aide in the mayor's office, mistaking my slightly nasal accent for Bostonese. "We get along with the blacks and we are thriving because of it." The blacks we met concurred.

Los Angeles was the throbbing, immediate

metropolis we imagined it to be, not so much a city as a state of mind. "I haven't been to the center of town in three years," a movie producer told us when we visited 20th Century Fox in Hollywood. How could a Chicagoan not visit the Loop, or a New Yorker ignore midtown Manhattan.

We found in New Yorkers a tough honesty, as though they feel their daily difficulties and dangers are a price worth paying to live in one of the world's two or three truly great cities.

No one pretends in Fun City. Tales of muggings and robberies and police brutality are traded around the officers as casually as weather information or comments on the latest Broadway play.

Las Vegas was our biggest surprise. It was not the heartless pushy neon hell we had envisaged. "We want people to like us, to come back to us; we are running a clean city," a public relations man for the Sands Hotel told us.

He wasn't referring to the streets, but they were the cleanest we had seen in America. So was the air.

San Francisco's skyline was as gorgeous as we expected, but that city is better known abroad for its bawdiness. When night descended we gravitated to the garish North Beach. Horst took some pictures of the gyrating bottomless dancers, but he grew more cautious after a tall blonde strode over to him. "Don't take my picture for your newspaper," she said. "What will Mom back home in Kansas City think?

After a couple of nights of this research, Horst decided than San Francisco seemed a little ashamed of its bawdy reputation, without the determined debauchery of Manila or the sophisticated sexiness of Paris.

Our preconceptions didn't fare very well.

CLEAR-CUTTING IN NATIONAL FORESTS

Mr. NELSON. Mr. President, the Public Lands Subcommittee of the Committee on Interior and Insular Affairs recently took a good deal of testimony on the question of clear-cutting in the national forests of America. The hearings point up the inescapable fact that there is in this country a growing dissatisfaction with the pace at which our natural heritage is being exploited and a fear that we are stripping some of our precious forest lands faster than we can or will replenish them. The charge is a serious one, for it implies that the much praised principle of multiple use is being bent in two for commercial purposes.

As a cosponsor of S. 1592, a bill to provide for a thorough investigation of clear-cutting during a 2-year period in which the practice would be halted, I am pleased to note the growing public support for this effort to make sure we are not overutilizing our forests out of shortsightedness. This support is apparent in the editorial endorsements emanating from serious newspapers across the land, including two from my own State.

I ask unanimous consent, that an editorial in support of S. 1592, published in the Sheboygan Press of April 19, and an editorial questioning current forest management practices, published in the Milwaukee Journal of April 15, be printed in the RECORD.

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

[From the Sheboygan Press, Apr. 19, 1971]

SAVING THE FORESTS

Senator Gale McGee of Wyoming has proposed a moratorium on clear-cutting by logging companies until a study can be made of timber-management in the national forests.

Clear-cutting is the practice of cutting down all the trees in a particular section of forest. The idea behind such a practice is that clear-cutting will allow better regrowth. On the other hand selective cutting singles out only the fully grown trees, leaving others to mature. The idea is that this method, admittedly more costly to loggers and more time-consuming, helps prevent soil erosion with the resulting clogging of streams, leaves wildlife undisturbed, and preserves the scenery.

Conservationists generally favor the idea of selective cutting. Loggers, understandably interested in keeping costs down, defend the clear-cutting practice by issuing brochures showing the rapid regrowth in tracts where this practice has been used. They contend that over the long-range, this practice is preferable.

The fact remains, however, that as far as the national forests are concerned, reforestation efforts are far behind the cutting of timber. The Des Moines Register has published a series of articles indicating that the Forest Service is five million acres behind in its reforestation efforts and another 13 million acres in forest improvement. A special committee at the University of Montana, studying the Forest Service's practices in the Bitterroot Mountains, concluded that the Forest Service was engaged in "timber mining" rather than in "timber management." In West Virginia, a special commission called for a halt to all clear-cutting, except in small occasional patches of forest. Commission members were shocked by the devastation resulting from the practice of clear-cutting.

Under the circumstances, Senator McGee's call for a review of current practices and a moratorium on clear-cutting should be honored. It appears that the practice of clear-cutting has been getting out of hand. Better management is needed.

[From the Milwaukee Journal, Apr. 15, 1971]

SMOKEY BEAR A HYPOCRITE

The United States Forest Service is guilty of shocking disregard for the public interest and violating a congressional mandate, in the way it has permitted private industry to rape the national forests. Hearings last week in Washington revealed progressive abandonment of the multiple use-sustained yield principle enacted by Congress in 1960.

The 1960 act requires replacement of harvested timber by new growth, and equal attention to all forest uses—watershed protection, wildlife, fish, grazing and recreation, as well as timber. However, the so-called forest management technique of clear cutting has been permitted increasingly. This involves clear harvest of trees of all ages and kinds, regardless of marketability, in vast areas of the national forests.

The nude scars of once beautiful Bitterroot National Forest in Montana and Monongahela National Forest in West Virginia stand as prime examples. Erosion, watershed degradation, silted streams and dangerous depletion of soil nutrient reserves inevitably follow continued clear cutting.

The Forest Service admits to being five million acres behind in reforesting logged lands, and 13 million acres behind in thinning and other improvements. Yet it has agreed with a startling recommendation of the Public Land Law Review Commission that timber harvest become the dominant use of national forests. The Nixon administration has already capitulated to timber interests and announced plans to increase timber harvest on public lands 60% by 1978.

Lumber interests say clear cutting is essential for some species, such as Douglas fir, to propagate. Yet clear cutting has devastated vast areas of Eastern hardwoods, too. The lumber industry defends its plans as necessary to meet the nation's housing goals. Yet it is apparent that these firms benefit handsomely from the more efficient, profitable, "cut everything in sight" approach.

For years the Forest Service's symbol of timber protection, Smokey Bear, has warned against forest fires. Meanwhile, increased private exploitation has been permitted to wreak much the same kind of damage. Sad to say, the Forest Service makes a hypocrite out of Smokey Bear.

FAIR CREDIT REPORTING ACT

Mr. PROXMIRE. Mr. President, I ask unanimous consent to have printed in the RECORD two more articles concerning the new Fair Credit Reporting Act.

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

[From the Consumer Trends, May 1, 1971]

FTC "BEEFING UP" ITS EFFORTS TO ASSIST COMPLIANCE WITH FAIR CREDIT REPORTING ACT

With April 25, its effective date now past, the Federal Trade Commission can be expected to begin reasonable enforcement of the law, but it will also continue previous efforts to guide the business community towards compliance with the new law. In recent months, in addition to assisting trade associations in their understanding of the law, the FTC Staff has answered many letters it has received requesting guidance. Currently, it is releasing some of the more pertinent of these letters for general publication, without a hint of the identity of the writers. And shortly an elaborate set of "guides to compliance" prepared by the FTC Staff will be issued, which, even if they do not reflect the collective views of the Commissioners themselves, will be of inestimable value to the industry.

In addition, the FTC Staff under Sheldon Feldman has prepared a form of disclosure which in their view will constitute full compliance with the requirements of Section 606(a)(1) by users of consumer investigative reports, and which may be made separately or as a part of an application for credit, employment or insurance, so long as in the latter case it clearly and conspicuously is separately stated and placed in a manner and form so that it is likely to be read by the consumer—and he is given a copy of the application for his retention.

When a separate notice is used, the FTC Staff recommends the following wording: "This is to inform you that as part of our procedure for processing your (initial insurance) (renewal insurance) (credit) (employment) application an investigation may be made whereby information is obtained through personal interviews with your neighbors, friends, or others with whom you are acquainted. This inquiry includes information as to your character, general reputation, personal characteristics and mode of living. You have the right to make a written request within a reasonable period of time for a complete and accurate disclosure of additional information concerning the nature and scope of this investigation." When included in an application, the beginning of the recommended wording would be as follows: "In making this application (for insurance) (for credit) (for employment) it is understood that an investigation may be made whereby information is obtained, etc."

In the letters made available for publication initially, the FTC Staff expressed the following opinions: 1) investigative reports on applicants for employment may not include information on relatives or business interests of the applicant (this is also the opinion of the Commissioners themselves). 2) Whenever a consumer report (including an investigative report) is used in connection with employment, the user is subject to disclosures under Section 615. (This letter seems to make no distinction between reports on current employees, applicants for employment or persons considered for employment who have not made an application.)

3) The words "transactions or experiences" in Section 603(d)(A) could be construed to be opinion as well as statements of fact when opinion language is used to summarize fact, such as "slow pay." This letter also expresses the view that in disclosing to consumers, reporting agencies have no obligation to permit a consumer to have physical handling of the file. And it also states positively that a consumer reporting agency may not accept oral certification of the purpose for which information is sought before providing a report, but must have this certification in writing. Thus, a general contract for credit reports does not cover certification for reports for employment or other permissible purposes.

4) A credit union (or other creditor) which denies credit on the basis of information from employers, neighbors or other such third parties must make disclosures under Section 615(b), but not when the denial is totally based on information in the creditor's own file information. 5) Disclosures are not required where reports on consumers have been obtained in connection with commercial insurance transactions and bonds which cover only commercial risks.

6) The Fair Credit Reporting Act does not cover reports prepared on or about corporations, associations and other collective entities. (Note that this opinion does not take family corporations, which exist in some states, into consideration.) 7) This letter seems to indicate that disclosures made under Section 615(b) should identify the source of information by type of credit granter, such as department store, finance company, bank, etc. 8) An organization which issues reports on fund raising organizations would not be a consumer reporting agency unless it issues reports on individuals, which would be consumer reports under the law.

9) One letter, which would appear to have answered an inquiry from a collection agency organization, said that if one of the organization's licensees distributes a list of delinquent accounts compiled from information furnished by creditors, the licensee would appear to be a consumer reporting agency under the law. Further, the letter indicates that the licensee would be violating Section 604 on permissible purposes of reports, and creditors involved in the reciprocal arrangement would be in violation of Section 619. (If "CT" understands this letter correctly, it would also apply to local consumer credit associations and other creditor groups, and those so engaged would be involved in willful noncompliance with the law if they knowingly continue to engage in such practices. The letter also indicates that a creditor may be in violation of Section 619 any time he obtains a report on a person who has not applied for credit, so carpet companies and firms in the home improvement industries who have been getting reports before preparing estimates or preparing contracts for work should take warning.)

10) One inquirer who asked whether disclosure must be made under Section 615 when credit is denied after the creditor has obtained a report was told that even if the denial was based on the creditor's previous experience with the customer, disclosures must be made under Section 615(a), and if other information was obtained from other third party sources which are not consumer reporting agencies, disclosures would also have to be made under Section 615(b). The staff member who replied to this letter appears logically to have taken the position that when denial of credit occurs after information has been obtained from any third party source, disclosures must be made under Section 615.

11) Another letter on the construction of terms in the Fair Credit Reporting Act sheds important light on FTC views about the law's definition of "consumer reporting agencies," and what is meant by the term "cooperative non-profit basis." The letter cites this example: "Let us assume that a group of credit grantors in a particular locality, who are competitors for other purposes, agree to establish a central file containing certain information which bears on extensions of credit to their customers, and agree to make available this information to any member of the association. No fees are charged for the use of the information, and the expense of its operation is borne by the various members. Such an exchange or pool of information would be a consumer reporting agency operated on a cooperative non-profit basis within the terms of Section 603(f) of the Fair Credit Reporting Act, and reports issued by it would be consumer reports for the purpose of the statute. Likewise, its operations would be subject to all applicable provisions of the Act." (Please note, this is only one example.) When the FTC Staff issues its "guides to compliance," the information presented is expected to cover all of the usual problems of interpretation of the law which users and issuers of reports are likely to encounter. One such area is the question of disclosures in connection with investigative consumer reports obtained for employment purposes. Because Congress apparently intended to make at least some exceptions, but failed to make its intention clear enough in the law, the FTC will probably either hold that no disclosures are required under Section 606 any time an investigative report is used for employment purposes, or that disclosures are required in all such instances.

[From the San Francisco Examiner & Chronicle, Apr. 17, 1971]

THE CONSUMER GETS A BREAK ON HIS CREDIT RATING

(By Jack Kassewitz)

We jumped the gun on the new federal Fair Credit Reporting Act and asked Larry Clemente, division manager at the Credit Bureau, Inc., to let us look at our own credit file, in 10 seconds, more or less, the computer said we were a good credit risk but its information was awfully skimpy. (They may have had that mixed up with our pocketbook.)

An important new law goes into effect next Sunday. It gives the consumer, who has to depend upon credit as an American way of life, much greater protection than he ever had. If he's turned down for credit, he has a right to learn from the credit bureau in his town just who has been putting out information that, in some instances, may be false and detrimental to his cause.

Only two types of consumers really will be interested in the new law: Those who have been rejected by a credit granter, or the naturally curious. And it will cost the latter to find out what he already knows—that he probably is a reasonable credit risk. If you have no credit problems, you would have no interest in what the Credit Bureau has in your personal file.

Congress enacted the strict control on the nation's credit bureaus to insure that consumer agencies operate fairly and respect an individual's right to privacy. Some of the small credit agencies may not survive because they lack the counseling for consumers and merchants that larger companies provide. In all probability they have limited resources for keeping such knowledge at hand.

For purposes of today's column, Clemente agreed to pretend we had been rejected by a local department store upon application for credit. We showed him identification in the form of a Florida driver's license and Social Security card. He took down our age, address and name of employer and fed it into a video display tube hooked up with the computer center in Atlanta. Within 10 seconds came the response, showing a particular store had given us credit in 1970 and again in 1971, the last time for a $430 purchase. The balance owed was reported as $65 and the store indicated we had a good rating, paying our debts within 30 to 90 days. (It didn't reflect what we owed our favorite bank, although Clemente explained that if we were well known in the bank, it probably would not run a credit check through his bureau.)

About 2,000 companies in Dade and Broward use the Credit Bureau, which previously had almost 800,000 consumer files in its possession. The new law forced the disposal of obsolete family data and when the system was computerized, many thousand files were destroyed.

"No one asks our opinion whether a customer is a good credit risk," Clemente points out. "We merely store and dispense, without comment, information to help the consumer and the store credit manager reach decisions based on the company criteria."

The law requires the credit bureau to furnish, upon proper demand, the "nature and substance of all information" in a file, except medical data. If the consumer doesn't agree with what he sees, he has a right to protest and the credit bureau is obligated to thoroughly check out the complaint.

If the bureau continues to insist its information is correct, the consumer still has the right to place in his file a brief statement telling his side of the story. Upon demand, the credit bureau must inform everyone who received a copy of the original report.

This is the third effort to assist the credit consumer in recent months. In January a new U.S. law went into effect which limited to $50 the amount a consumer can be charged for unauthorized purchases made on a lost or stolen credit card. And last fall, the government banned the mailing of unsolicited credit cards.

Clemente stresses the point that credit bureaus are obligated to make examinations and corrections, free of charge, when a consumer receives a rejection notice from a collection department affiliated with the bureau. The nosy consumer, who merely wants to see his personal file, will have to pay a fee. And even then, he can only inquire into his own dossier.

After all, says Clemente, you know who you owe. The Credit Bureau doesn't have to tell you.

THE WHITE PANTHERS

Mr. DOMINICK. Mr. President, now that the demonstrations in Washington have ended, at least for the time being, and we are able to look back on the events of the past 3 weeks in a more objective fashion, I think it is fair to say that the majority of those who came to the Nation's Capital for the planned demonstrations were sincere in their desire to end the war.

Among the throngs, however, were certain persons who were bent on disrupting our Government and tearing down all that we have accomplished in this country, in exchange for some ill-

defined goals which most closely resemble anarchy. I believe that we should become more aware of this danger and better understand the motives of those who would seek to destroy our institutions and threaten the safety of our high officials.

Recent articles published in Newsweek and various newspapers discuss one such group, described as the "White Panthers." Newsweek, on October 12, 1970, carried an article by Karl Fleming about his interviews with a young member of that organization. An Associated Press story and a Publishers-Hall Syndicate article by David Lawrence on March 17, 1971, provide further information and comment on some of the specific activities of this and other terrorist groups. In order that Senators and all other Americans may become better informed on this serious matter, I ask unanimous consent that the articles be printed in the RECORD.

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

[From Newsweek, Oct. 12, 1970]

"WE'LL BLOW UP THE WORLD"—A 19-YEAR-OLD U.S. TERRORIST TELLS HIS STORY

(By Karl Fleming)

(NOTE.—Seeking entree to the clandestine world of the radical terrorist groups stirring such concern today, NEWSWEEK's Los Angeles bureau chief, Karl Fleming, placed a classified ad (photo) in a local underground newspaper. The ad drew a phone call from a youth who finally agreed to a rendezvous with Fleming on a stretch of beach near Venice, Calif.—which led to some remarkable conversations. The conditions of the encounter precluded any direct checking of the young revolutionary's statements (though a number of the details that went into his story did turn out to be independently verifiable). In all, he convinced a seasoned, normally skeptical correspondent that he was a chillingly authentic specimen of what he purported to be.)

"We'll blow up the whole f------ world if it comes down to it. And if our people start getting hassled and busted, we'll shoot police cruisers full of holes and kill every pig on the street."

The hard words sounded incongruous coming from the diminutive, red-haired kid in blue jeans and mustard-colored windbreaker who had approached me across the sunny Venice beach, glancing furtively over his shoulder to make sure that "the pig" wasn't lurking nearby.

He said his name was Larry. Period. He had lustrous brown eyes and softly freckled cheeks, and he wore his hair short. The haircut, he says, is camouflage. He belongs to a 50-member, all-white, all-male revolutionary terrorist gang, he says, and the short hair keeps him and other members of his group from attracting the attention of "the pig."

Over the course of the next week, in a series of interviews that totaled perhaps 24 hours, "Larry" revealed himself to be politically naive and a mere foot soldier in his bitter, rebellious band—a spear carrier not privy to political strategy and top-priority secrets. Nevertheless, the information he had absorbed provided a rare glimpse of the operations and violent schemes of what appears to be a widespread if haphazardly organized network of underground guerrilla bands.

Larry's own group has no name—for security reasons. Its members range in age from 18 to 23 and one-third of them—like Larry himself—are Vietnam veterans. Using his Army training as a demolitions expert, Larry has, he says, taught other revolutionaries how to use explosives, has gone on weekend shooting maneuvers with his group and has helped pinpoint potential targets such as power plants and armaments factories. He won't talk about whether he has personally blown anything up. "You don't want to hear about that," he says.

But he does offer a rationale of sorts for his group's activities. "The main reason for blowing up what we have so far," he says, "is just to let the people know we are here." Similarly, he wanted to tell his story to me, he says, so that "the people" can be won over to the coming revolution. "The people have to be told that we're not really a bunch of Communist murderers in disguise," says Larry. "We want change now. And nothing is at our disposal but violence. We can't even demonstrate without getting clubbed and teargassed. Well, if we can't live in peace, then the rich can't live in peace. There will be all-out war within a year. And when the pig picks up arms this time, he won't get rocks and bottles back—he'll get rifle rounds."

Larry's concept of the brave new world that would follow the revolution amounts to little more than rudimentary anarchism. "Our idea is that a person ought to be able to do anything he wants to do—smoke dope or make love on the beach—as long as he doesn't hurt anybody else," he says. "There is a lot of talk going on among all the groups about what kind of government we would have. It wouldn't be one man. Maybe a group of 100. It would be something like a democracy, but more free than one. Private-enterprise capitalism would be out. People wouldn't have to 'rip off [steal] anymore. They would have what they need."

"NAM"

Larry is 19 and a high-school dropout, the son of a Midwest steelworker. During his year in Vietnam he mastered lessons that would be valuable when he turned revolutionary. In "Nam," Larry learned, for example, how to extract a pound of C4 plastic explosive from a Claymore mine and ship it back to the U.S., and how to construct a bomb and place it against a building so that the charge will do the most damage. And his opportunity to rebel came soon enough. Always a malcontent, Larry finally refused to fight any more after he had killed three Viet Cong. He recalled his feeling during our conversations: "Man, they've got VC who'll stand in a field and shoot at jets with rifles. They must believe strong in something. I can't kill people like that. I had just as soon kill Americans."

He talked that way in Vietnam, too—and attracted the attention of a member of the White Panthers, a Stateside revolutionary group. The White Panther, Larry says, "asked me if I wanted to join a group when I got home and fight against the U.S. I said sure, I could dig it." The recruiter gave Larry some phone numbers in Arizona, California, Montana, Ohio, Kentucky, and Tennessee. After getting his undesirable discharge, Larry says, he used the numbers to make contact with his Los Angeles group.

He was duly examined and accepted, though few applicants are. Blacks aren't: "Accepting discipline from a group like ours hurts their status with their own people, so it makes bad vibrations and causes hassles." Women aren't accepted either. "Chicks can't be depended on," Larry says. Even so, he says, women are now being trained in secret guerrilla camps in the California, Colorado and Montana mountains to shoot, to carry ammunition cross-country, to administer first aid, even to plant bombs.

Larry's organization meets weekly, each time in a different place. The meetings last two to three hours. Attendance three times a month is mandatory. Members split up into five-man squads and train in demolition, street fighting, booby trapping, bomb setting, sniping, night marching and foraging. If there is a particularly dangerous mission to do, the members cut cards or draw straws. No more than ten people go on a job, so as not to jeopardize the whole organization.

Che: More than half of the members are college-trained, he says. Many are politically sophisticated and conversant with revolutionary theory and history. But when Che Guevera, the Viet Cong or other revolutionaries are discussed at the meetings, the talk is of military tactics, not ideology. Larry believes that theoretical revolutionary discussion is confined to the higher leadership councils, and he is not admitted to them.

Indeed, as a low man on the revolutionaries' totem pole, Larry has been given only the scantiest information about his comrades in the band. He does not know the last names of any of them and he has been given the telephone numbers of only four. All the members do meet together, but only first names are used. "We don't have any established patterns," Larry says. "I don't know anybody important. If one man knew too much and got busted, he could finger every dude in the organization."

"MAIN MAN"

The members work at "straight" jobs, some as electricians, telephone repairmen, truck drivers and laborers. The "main man" is a waiter, Larry believes. But, typically, he isn't sure.

There is obviously a lot Larry doesn't know including precisely how much communication and joint planning there is among the various underground groups. He knows that his group shared a 20-pound shipment of C4 explosive (from Vietnam) with a Washington state group, and that the Washington group shared ammunition it "ripped off" from an Army depot. But he doubts that there is any tightly knit conspiracy among the various revolutionary groups. Right now, he reports, there is some talk of a revolutionary "D Day" of sorts—a one-day campaign in which all the groups would join in a series of surprise attacks around the country on utilities, truck lines, war plants and police stations.

Larry says he has personally visited five revolutionary bomber groups. From conversations, he deduces the total number of such organizations in the U.S. to be as high as twenty. "Some of them are crazy and blow stuff up just to hear the noise," he says. "But some of them are really mellow, like the dudes who got the Shaker Heights [Ohio] police station. Man, that was a good demolition job."

It is a shared hatred of the police and the courts—as agents of established authority—that brought his organization's first members together. "Most of them have been f----- over by the pig and the courts," says Larry. "We've got people who are willing to walk into police stations with a satchel of explosives and detonate them just like that. Man, you could get all the members you wanted just by standing outside courtrooms and saying 'Sign up here for the revolution'."

DYNAMITE

His organization, he says, has 30 weapons, including an M–1 rifle, a shotgun, a .357 Magnum, a .30–06 rifle and a Browning automatic. On weekends, the members take their weapons and travel in several vehicles to camps where they train within a five-hour drive of Los Angeles. On three weekend trips, Larry says he tutored other members in demolition and had target practice with the M–1. He says they have 100 cases—2,500 sticks—of dynamite hidden away, but not at the camps. To get dynamite, he says, you have to steal it, or "dress up like a super-farmer and go into some little country town and buy it for blowing up stumps."

Before joining the California group several months ago, Larry says he visited a secret guerrilla camp so high in the Colorado mountains that it is obscured most of

the year by clouds. His tale of the camp plays like a vignette from one of Jean Luc Godard's more imaginative revolutionary fantasies—but Larry insists it is all true.

He got in touch with the mountain guerrillas, he says, by using another telephone number given him in Vietnam. After reaching a contact in Flagstaff, Ariz., he says, he was told to travel to a certain intersection, where he was met by a guide who emerged from a clump of trees. They hiked six hours before reaching the camp, a strung-out array of sleeping bags and tents pitched beneath pine trees. Larry estimates that there were fully 1,000 people in the camp—most of them, he says he was told, were college students there for summer training. The guerrillas, he says, practiced firing and demolition and even staged mock battles. Their rations included rabbit and venison cooked on skewers over open fires, fish and a few staples. Provisions were bought in several different towns, Larry says, to avoid arousing suspicion.

CAMP

About 100 guerrillas stay all year, he reports, burying their firewood in snow banks, cooking surreptitiously—living sparsely so as to escape detection. Whatever money they needed was brought in by student sympathizers. Most of the members of the permanent guerrilla group, Larry gathered, were wanted by the police.

He stayed, he says, only a day, although he was asked by the leader, "a Castro-looking dude smoking a cigar," to remain as a demolition teacher. But he couldn't stand the cold, and for that reason also passed up a similar camp in Montana and chose California instead. From talking to the mountain rebels, Larry says he concluded that there are as many as ten such camps at various spots around the country.

TAPE

I told Larry that some people simply wouldn't believe him, so he grudgingly agreed to submit to a lie detector test if I wanted it. To try to corroborate and flush out the story, I asked him to arrange for me to meet other members of his group. But fearing identification, they refused. However, I did get Larry to carry a tape recorder to last week's meeting, and to invite the unidentified leader to say anything he wished. Larry returned with this terse, harsh-voiced message on the tape:

"What we're doing, we're making things so f_____ uncomfortable people can't brush us off like fleas. We want freedom and peace, not half-truths and bull__. Small group? Man, others are everywhere. Watch out, maybe your best friend is out to overthrow a government. Naw, man, we're not f____ followers of some Communist organization. Man, you want a message for the people: do what you believe in, but don't believe in something you're going to hate. Freedom and peace shall follow."

Next day, Larry telephoned to say the organization was now fearful that he had become a security risk and had ordered him into temporary exile. He said he was splitting—he didn't say to where.

DAVID LAWRENCE—KIDNAPING PERILS RISING

Although governments may not like to talk about it, they are facing an increasing peril in the terrorism involving kidnapings of prominent officials and diplomats which have become commonplace.

No international conference has brought an answer, nor have individual governments in Latin America or on any continent found that terrorist activities can be stopped just by the paying of ransoms.

The detention of four American soldiers, seized by a Turkish "liberation" group, is one of the few incidents that has not been prolonged. But in another part of the world this was followed almost immediately by the kidnaping of the attorney general of Uruguay. The same tactic of terrorism appears in country after country.

It is recognized that terrorists usually are left-wingers and revolutionaries who try to capitalize on the discontent in their respective countries. The episodes emphasize the absence of any adequate police power to deal with the small groups which abduct well-known persons, particularly foreigners, and hold them for ransom.

It is often insisted that other members of the rebel organizations who have been previously imprisoned should be released as the price of letting the kidnaped individuals go free.

The trouble has emerged repeatedly in a number of countries in Latin America. While the demand for ransom has been for the most part resisted, there have been some instances where it has been paid.

One of the weaknesses in the situation is the unfamiliarity in many capitals of the world with systems of detection that could lead to the capture of the kidnapers. The major powers could be of help in training the law-enforcement agencies of the smaller nations, the governments of which may ultimately.

It is recognized that terrorists crumble unless the terrorists—really revolutionaries—are caught and punished.

Terrorism exists in various forms throughout the world. Bombings by dissident groups are reported nearly everywhere. In the United States, the damage from such crimes has been growing steadily. In 1970, there were 1,096 bombings, more than double the previous year.

The rise continues with 79 explosions in January, compared with 51 in the same month a year ago. Even the Capitol Building was struck on March 1. Security measures are being tightened, and the law-enforcement mechanism is rapidly being enlarged. The belief is that ways will be found eventually to detect many of the perpetrators of the bombings.

The subject has become one of major importance in every country. While the Organization of American States has discussed the problem, no constructive action has been taken. If terrorism continues and expands, the smaller nations will need the financial help of the larger countries in order to deal with such tactics.

Where social and economic conditions have produced unrest, there is every reason for more attention to be given to the reforms that will reduce the discontent which exists But in several countries the rebels are not seeking merely social and economic reform. They are bent on overthrowing governments or the "Establishment."

In the United States, a congressional committee has just been given a report from the General Services Administration which says that since 1969 there have been 51 actual or attempted bombings and 918 bombing threats at the 10,000 buildings in its jurisdiction. Approximately $8 million voted by Congress last year is being used to hire and train 1,777 additional guards, but this means only two guards per building. These facts indicate the problem of the government in furnishing security. It will require more guards, better technical devices and more personnel in the law-enforcement agencies themselves.

SENATE PANEL TOLD WHITE PANTHERS CONSIDERED KIDNAPING SPIRO AGNEW

WASHINGTON.—The White Panther Party considered kidnaping political leaders of the prominence of Vice President Spiro T. Agnew to gain release of jailed radicals, according to a policeman's testimony released Tuesday by a Senate subcommittee.

Michigan State Police Sgt. Clifford Murray said the kidnap plans were among several courses of action suggested to or considered by White Panther officers in an effort to secure release of their chairman from the Marquette, Mich., state prison.

John Sinclair Jr., co-founder and chairman of the party, is serving a 9½-to-10-year term for violating Michigan drug laws.

Murray disclosed the alleged plan in testimony last September before the Senate internal security subcommittee. The testimony was released Tuesday.

Murray attributed his information to "a confidential source who has furnished reliable information in the past."

"The recommendation included adopting the style of the Tupamaros of South America, involving the kidnaping of government officials to be traded against the release of 'political prisoners' in the United States," he said.

"This recommendation included the suggestion that Michigan congressmen could be traded for John Sinclair," the detective continued. "Prominent national figures such as Sen. Robert Griffin and Rep. Gerald Ford might be good for trading for Black Panther Party leaders such as Huey Newton and Bobby Seale.

"The recommendation included the suggestion that with someone of prominence of the vice president, Spiro Agnew, one 'could write his own ticket'," Murray said.

He quoted his source as saying Lawrence Plamondon, co-founder of the party and formerly on the FBI's list of most wanted fugitives, had suggested "during a riot was a good time to 'rip off banks' or to 'snatch (Michigan) Governor (William) Milliken.'"

The party is an all-white organization whose stand is similar to that of the Black Panthers.

DRUG EDUCATION FUNDS

Mr. HARTKE. Mr. President, Americans are waking up to the drug problem, but we are waking up at a time when all social and economic levels of our society are caught in the grip of heroin, hallucinogens, amphetamines, and barbituates.

The incidence of drug abuse is growing in alarming proportions, far outstripping the response of Government and private interests. Laws which make the possession of dangerous drugs illegal have not served to provide a solution, nor have we been successful in confiscating illegal narcotics which enter this country from abroad. It was to this latter point that I addressed myself upon the introduction last month of Senate Resolution 64 which urges the President to take all appropriate action to stop heroin from reaching the United States.

While I believe that much of the heroin problem would be solved if we took the type of concerted action recommended in Senate Resolution 64, I am equally convinced that there is another avenue which must be pursued with equal vigor—that of education.

In a talk delivered recently at Notre Dame University by Mr. H. Stephen Glenn, a program consultant in the Division of Continuing Education at Indiana University, the following statement appears:

I submit that teenage use and abuse of drugs is a type of learned behavior that is characteristic of American society in general! Indeed, there is reason to believe that a young person who uses drugs, rather than rejecting the values of society, may be conforming more closely to them than are his peers who do not use drugs!

What Mr. Glenn was referring to is the fact that we are a very drug-oriented society. We take pills to feel more relaxed, pills to help us sleep, and pills to keep us awake. There are literally thousands of preparations which make us more socially attractive.

It is through television and other mass media that the wonders of these drugs and preparations are made known to us all. Each of these forms of media, particularly television, plays an important role in the socialization process of young children. Through the media, and from his observations of family life, the child learns the importance and value of drugs. These facts were brought to light during the very informative hearings held in September 1970, by the distinguished chairman of the Consumer Subcommittee of the Committee on Commerce, Mr. Moss.

Because our children are learning to depend on drugs, it is vital that we educate them about their dangers. It is education which will provide the best means of drug abuse prevention.

In 1970, OEO funds were reprogramed to the Office of Education for the establishment of a National Action Committee for Drug Education, through which $3.2 million was made available to the States for the current fiscal year. Each State was to initiate a drug education program by training a team at the State level and then, through the efforts of that team, expand the program to reach local communities.

The program was to be an initial thrust which would gain increasing support and importance during subsequent years. Working in this direction, several States have developed cadres of trained personnel and have encouraged communities to look toward them for support.

Six million dollars has been requested for Office of Education programs in drug education for 1971–72; however, one-half of this money is to go to communities directly on a competitive basis. Therefore, after administrative overhead costs are deducted from the remaining $3 million, only $2.1 million is left for continuation of the State programs. This represents a 42-percent cutback over the previous year's funding and will result in the destruction of a number of very meaningful programs being developed by various State teams.

In my home State of Indiana, this cutback will mean that our drug education program will have only $42,000 in Federal funds compared to the $74,000 we had last year. After administrative costs are considered, there will be only $25,000 for support of a State team and funding of community training efforts. This is simply too little to do the job that is needed.

Many highly trained individuals will have to be released from State programs and little or no assistance can be offered to communities that are expecting help. This is particularly tragic in light of the past year's experience in drug education. Literally hundreds of individuals have voluntarily contributed time and money to insure the success of programs sponsored by the States.

The modest funding of State programs has served as seed money that has been more than matched by private individuals and organizations as well as by school authorities and local governments. The cutback in funding will put an end to most of this effort.

A more serious implication lies in the psychological impact of this cutback. The efforts of the State teams have aroused hope at the most basic levels of society. This hope will be dashed if the States are forced to discontinue most of the programs they have developed.

Mr. President, drug abuse is an individual problem. It occurs as the result of two factors: First, the availability of drugs, and second, the interaction between the individual and his environment. We can decrease the availability of narcotics by taking action to halt their flow into the United States. But only through education can we seek to provide our children with the rational information they need to resist the temptations of our drug-oriented society.

It is essential, therefore, that funding for drug education programs be made available at no less than their current level. This would enable a fulfillment of commitments already made and would allow for continuation of developmental programs in drug education at the State level.

OKLAHOMA NO. 1 IN MEDICAL SELF-HELP TRAINING

Mr. BELLMON. Mr. President, emergency medical assistance has saved many lives in circumstances where professional medical care is not readily available. In Oklahoma medical self-help courses are taught in high schools, colleges, Government agencies, industry, and civic clubs in order that individuals may prepare themselves to provide such assistance when the need arises.

According to Dr. R. Leroy Carpenter, Oklahoma Commissioner of Health, the goal for our State is to train one member of every family in this lifesaving program. Dr. Carpenter reports that since its inception in 1963, Oklahomans, under program direction of the State Department of Health, have taught approximately 300,000 persons.

Just last month in Oklahoma a person's life was saved by a graduate of the medical self-help course. This is ample reward in itself for the time, effort, and cost of conducting this program.

Oklahoma was cited recently for having attained the distinction of being No. 1 in the Nation in medical self-help training for the month of February 1971.

Dr. Carpenter and others who are responsible for this excellent record are to be congratulated. Also credit should go to the citizens of Oklahoma and other States who sacrifice their time and put forth the effort to acquire these lifesaving skills.

Mr. President, I ask unanimous consent that a letter of recognition from the Division of Emergency Health Service of the Public Health Service be printed in the RECORD as a tribute to this outstanding achievement.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Rockville, Md., April 5, 1971.

R. LE ROY CARPENTER, M.D.,
Commissioner of Health,
State Department of Health,
Oklahoma City, Okla.

DEAR DR. CARPENTER: As the enclosed report shows, Oklahoma led the Nation during February in the number of students graduated from Medical Self-Help Training courses. Also, for the same period, your State had the greatest number of graduates based on population. Congratulations to you and to your staff on this fine accomplishment. Through your efforts, close to three hundred thousand Oklahoma citizens have been taught to care for their health needs in emergencies.

We appreciate your continued interest in emergency health services, and we hope you will contact us if we can be of any assistance to you.

Sincerely yours,
HENRY C. HUNTLEY, M.D.,
Director, Division of Emergency Health Services.

REPORT ON TACTICAL FIGHTER PLANES

Mr. PROXMIRE. Mr. President, today, the Members of Congress for Peace Through Law issued its second report on military spending issues for 1971.

This report on the F–14 and F–15 tactical fighter planes was prepared by Senator VANCE HARTKE and Representative JONATHAN BINGHAM.

The report is very well done, has great merit and, if followed by the Pentagon and Congress, could result in the savings of billions of dollars.

Because of its great public interest and its high quality, I ask unanimous consent that the report be printed in the RECORD.

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

REPORT ON THE F–14 AND F–15 TACTICAL FIGHTERS

(By Senator VANCE HARTKE and Congressman JONATHAN BINGHAM)

RECOMMENDATIONS

1. Terminate immediately all further production of the "A" version of the Navy's F–14 due to cost uncertainties and delays in operational availability. The Administration has requested $806-million for procurement of 48 more F–14As in FY 1972. We recommend no further procurement funds be authorized or appropriated.

2. Termination further development and production of the Phoenix fleet defense missile due to high cost and insufficient capability for fleet defense against saturation attacks by decoyed surface-to-surface and air-to-surface missiles. The Administration has

requested $104-million for procurement of a classified number of these "terribly expensive" (Admiral Connelly) missiles. We recommend this entire procurement request be rejected and the Phoenix program terminated.

3. Authorize funds for purchase of an adequate number of F-4Ms (currently being sold to the British) or other advanced version of the F-4 to meet immediate needs for high performance air superiority aircraft until a more cost-effective new aircraft can be developed and made operational. Initially, this purchase should equal at least the planned FY 1972 purchase of F-14As—48 aircraft. The purchase price of the F-4M is approximately $6.5-million. We recommend, therefore, authorization of $312-million for this purpose.

4. Undertake immediate high-level studies to determine what further improvements could be made in the highly successful and flexible F-4 through design modifications at moderate cost to improve the capabilities of this aircraft to meet tactical air force requirements for the latter half of the 1970's and beyond.

5. Terminate further development of the F-14B and F-14C due to the low performance capabilities of these aircraft without the Phoenix missile relative to their high cost. The FY 1972 Administration request for the F-14B is $228-million. We recommend it be rejected and the contract terminated.

(An alternative to this course of action, in view of some evidence that the F-14B might prove cost-effective even without the Phoenix in performing missions other than fleet air defense, would be to continue R & D for the "B", but withhold any procurement unless and until the aircraft proved superior to the F-4M or other improved version of the F-4 based on, among other considerations, a "fly-off" competition. In effect, this would bring the F-14 program under a competitive "fly-before-buy" policy. If this alternative is followed, the full R & D request for the F-14 program for FY 1972 of $228-million should be approved, and the F-14 contract renegotiated to include the competitive "fly-before-buy" condition for procurement.)

6. Continue R & D on the Air Force's F-15 at requested (or slightly increased) levels despite evidence that the very high cost of this airplane may not be justifiable by its performance projections. At the same time, however, designs should be requested and funds authorized for development of a light, highly maneuverable fighter of the FX-X type (to meet the MIG-23 threat) that could be "brought in" at a cost significantly below that of the F-14. The Administration has requested $415-million for F-15 R & D. We recommend approval of that request. In addition, we recommend authorization of an appropriate sum (no more than $50-million in FY 1972) in RTD & E funds for Contract Definition and initial development of a lower-cost light fighter for possible use in combination with, or as a substitute for, the F-15.

7. Require Defense officials to provide Congress on a continuing basis with detailed tactical air force size, structure, and cost alternatives and rationale extending at least ten years into the future.

Pursuit of the recommendations of this report would effect immediate (FY 1972) savings ranging from $538-million to $776-million. Longer range savings, while difficult to calculate precisely, would certainly be many times these immediate savings, and could range in the neighborhood of $25-billion. Ten-year "systems costs" of the F-14 have been reliably estimated at between $20-billion and $30-billion. Accepting a compromise figure for full projected procurement (722 aircraft) and related costs of $25-billion, should an improved version of the F-4 be found sufficiently cost-effective to replace the F-14, the ten years savings could be as high as $12.5-billion. In addition, this would result in a saving of at least $1-billion, and perhaps as much as $4-billion, in Phoenix system costs.

Long-range system costs of the F-15 program are even more speculative than those relating to the F-14. However, savings resulting from total or substantial substitution of a light fighter for the planned purchase of 737 F-15's would produce savings near those effected in the case of the F-14.

TACTICAL AIR MISSIONS

Any combination of four major missions can be assigned to tactical aircraft. Although tactical aircraft are designed for use in conventional (non-nuclear) conflicts, they can also be used in tactical nuclear strikes.

1. *Close-Air Support.* Tactical aircraft provide close-support to troops engaged with enemy land forces. This mission is especially important in Europe where the Warsaw Pact has extensive armored forces. Close-support strikes prevent troops from massing, armored vehicles from breaking through lines, and friendly troops from being overrun. Large loiter and payload capabilities are important characteristics for aircraft used in close-support. In addition, survivability against ground fire is important.

2. *Interdiction.* Interdiction missions are of two kinds—battlefield interdiction and deep interdiction. When tactical aircraft strike supply concentrations, vehicles and lines of communication in the vicinity of the front, these attacks are called battlefield interdiction. Such attacks disrupt troop and armored column movement and prevent the enemy from stockpiling supplies near front lines. Deep interdiction missions, on the other hand, aim at reducing the flow of troops and supplies to the front by striking far behind enemy lines at communications and industrial facilities. These deep strikes have a less immediate effect on enemy troops at the front than close support or battlefield interdiction due to the availability of optional lines of communication and to the short repair-reconstitution times for roads, bridges, factories, etc. In addition, losses on deep interdiction strikes tend to be higher because of the higher density of enemy anti-aircraft missiles, artillery, and interceptors.

3. *Air Superiority.* Tactical fighters are employed to protect ground attacks by escorting strike aircraft, by flying protective cover (combat air patrol) or by sweeping the front before strike aircraft arrive. In view of the large number of interceptors in Pact and North Korean tactical air forces, this is likely to be our highest priority mission in the event of war. Air superiority missions require an aircraft with high concentration, low wing-loading (wing-loading is determined by the ratio of aircraft weight to wing area; wings must be large enough for stability in turns, but small enough to minimize drag), good control response and good visibility from the cockpit.

4. *Airbase Defense Interception.* Fighters are also used for point defense of airbases and infrastructure. Navy fighters fly fleet air defense missions to protect the carrier and its task force from enemy bombers and cruise missiles. Assuming the carrier survives, these same fighters must be able to fly air superiority missions, and particularly, to escort the carrier's attack aircraft against their targets. High speed dash, long loiter time, and a long-range missile/fire control system are important capabilities for successful performance of the fleet air defense mission.

TOTAL TACTICAL FORCE STRUCTURE

Secretary of Defense has announced that FY 1972 will be a period of "continued reduction" of our active fighter and attack forces, and that efforts are underway to find ways to "reorient (these) forces over the 1973–77 period" in order to achieve "more flexible tactical air forces in the future." As the following chart indicates, our total active fighter and attack forces will have dropped from about 5000 aircraft in 1970 to a projected 4020 by the close of FY 1972:

ACTIVE FIGHTER AND ATTACK AIRCRAFT (1970–72)

	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Total aircraft	5,000	4,600	4,020
Total wings	39	36	35
Navy wings	13	12	11
Air Force wings	23	21	21
Marine Corps wings	3	3	3

Sources: 1970–72 Defense Budget and Defense Program Statements, Clark M. Clifford and Melvin R. Laird.

No detailed reason or rationale for this reduction has been provided by the Department of Defense in terms of expected future military contingencies. In general, in fact, the Congress is provided with insufficient information on long-range projections of tactical aircraft needs, costs, and alternatives. We recommend that the Congress require such detailed information, including the implications of all proposed new aircraft on force size and structure, on a continuing basis.

The only apparent reason for the current reduction in total tactical air forces is the imminent modernization of these forces. This modernization is projected to be accomplished primarily by the planned introduction of the Navy's new F-14 fleet air defense and general purpose fighter.

We recognize the need for modernization and improvement of our tactical air force to meet expanded capabilities on the part of potential enemies. However, both the F-14 and F-15 will cost several times more than the aircraft they are scheduled to replace (primarily the F-4 Phantom). As far as we are able to determine, no lower-cost options for tactical air force modernization are currently under active consideration.

In our view, exclusive pursuit of high-cost options may require us in the future either to increase our expenditures on tactical air forces beyond desired or necessary budget restraints, or to purchase only an insufficient number of new aircraft in order to stay within such budgetary restraints. To avoid this dilemma, we favor keeping low-cost options for tactical air force modernization open as long as possible. A number of our specific recommendations point to such low-cost options.

THE NAVY F-14

In 1968, the Congress killed the ill-fated Navy F-111B and authorized in its place development of a new multi-mission fighter, the F-14. Designed to provide fleet air defense, air superiority and air-to-ground capability, the F-14 is anticipated to replace the F-4 Phantom as the Navy's chief tactical fighter by the mid-1970's.

Grumman Aerospace Corporation received the contract for development of the first version of the plane, the F-14A, in February of 1969. The F-14A makes maximum use of technology gained during the development and test program of the F-111B by incorporating the Pratt & Whitney TF-30/P-412 engine and the Phoenix air-to-air missile system originally intended for use in the F-111B. In addition, the avionics system of the F-111B has been redesigned for tandem seating and for fire control use of the existing Sparrow and Sidewinder missiles. The

airframe of the F–14A uses titanium as a weight-saving device in an attempt to optimize, to the extent other missions permit, maneuverability in "dogfight" situations. The F–14A also has the design capability to carry one or more weapons systems in varying combinations depending on its mission.

The second model in the F–14 series, the F–14B, is to be equipped with advanced technology, high thrust engines presently being developed by Pratt & Whitney for testing in June, 1972. Target date for operational "B" engines is December, 1973. F–14As are then to be retrofitted with "B" engines, supposedly at minimum cost since the F–14A airframe has been designed with the new engines in mind.

The F–14C, expected in the late 1970's, will have improved avionics. Even if the Navy and Marine Corps should somehow find the resources to replace over 1,000 F–4s with F–14s, the unit cost of the F–14 under the most optimistic assumptions, will be at least three times that of the F–4. Buys of fewer F–14s would mean still higher unit costs. To date, 38 "A"s have been procured. The Navy is requesting funds to procure 48 more in FY 1972, for a total of 86 aircraft.

Twelve of the "A"s already procured are test aircraft, the first of which crashed in its second test flight due to malfunction of the plane's primary and backup hydraulic systems. This will delay the operational date for the "A" by six months or more. The estimated earliest operational date is now regarded to be early 1974. The F–14B is projected to become operational in January, 1975, although some experts believe the "B" can be operational by the end of 1974 in view of reports that development of its new Pratt and Whitney engine is proceeding smoothly and slightly ahead of schedule.

As a result of the test complications, as well as generally rising costs, an increase in the cost of the F–14 has been widely rumored. Such an increase will necessitate either a renegotiation of the F–14 contract or purchase of fewer planes.

The latest "unit flyway" cost of the F–14 before the crash of the test model and the cost increase rumors was $11.5-million. More recent estimates have ranged as high as $15-million per copy.

Regardless of any other actions that may be taken on the F–14 program, the delays that have been encountered in development of the F–14A following the crash of the first test model, the uncertain but increasing cost of the aircraft, and the progress that is reportedly being made in readying the new Pratt and Whitney engine suggest that no more F–14As be purchased. The gap between the projected operational date of the F–14A and the estimated operational date of the first F–14B is now less than a year. This means that all F–14As will have to be refitted, at great expense, with new engines hardly more than a year after they are first flown.

The entire justification for the F–14A was to provide the Navy with a plane to meet the growing Soviet challenge several years before the F–14B would become operational. That rationale no longer exists. Furthermore, many of the performance characteristics of the F–14A are inferior both to the Soviet MIG–21 and such currently available Western aircraft as the F–4M which McDonnell-Douglas is selling to Great Britain. The Navy itself, for example, has predicted that the F–14A would have only about a 2% speed advantage over the Soviet MIG–21—hardly enough of a capability improvement to justify the $806-million requested to purchase more of the "AA"s in 1972.

We therefore recommend termination of the F–14A and the purchase of an appropriate number of F–4M's or other late versions of the F–4 to meet the immediate needs of the Navy for high performance fighters.

The Phoenix missile is a long-range, air-air defensive missile system. Six missiles can be mounted on each F–14. Development of the Phoenix began in December, 1962, with the letting of a contract to Hughes Aircraft Company. The program, at that time, was keyed to development of the first F–111B fleet squadron in February, 1969. With cancellation of the F–111B the Phoenix program was reoriented to the F–14As requirements and schedule.

The Navy reports that the Phoenix will be capable of destroying "multiple targets in a heavy electronic countermeasure environment under all weather conditions." Simultaneous launch against a classified number of targets is reported to be possible. But simultaneous firing in flight from the F–14 has not been tested, and there is continuing skepticism over whether the F–14 air frame is substantial enough to permit such firings.

Research and development firings of the Phoenix completed as of March, 1970, achieved 20 successes in 27 tests, and the Navy currently reports that final testing of the missile is now near completion.

The Phoenix, according to the Navy, will "provide the F–14 aircraft with its primary fleet air defense capability." Our analysis of the Phoenix program, however, suggests its capabilities are limited and that its limitations are strikingly similar to those which argue so persuasively, in our view, against deployment of an ABM system.

Like the ABM, the Phoenix seems incapable of accomplishing the mission assigned to it, even if it performs entirely up to expectations. While details of its operation are scarce, there is no evidence that it is capable of neutralizing any more than, at best, a small group of closely clustered targets. With that capability, carrier-based F–14s, each carrying six Phoenix missiles, might be able to defend against a moderately heavy enemy attack. A saturation attack, however, particularly one involving large numbers of heavy cruise missiles and accompanying enemy decoys, would surely penetrate Phoenix defenses. The carrier fleet, therefore, remains extremely vulnerable to determined attack, and no defense missile system of the Phoenix type can be depended upon realistically to erase that vulnerability.

The threat for which Phoenix might be effective—to protect carriers and accompanying ships from enemy bombers—simply has not materialized and does not now exist.

The cost of the Phoenix system is extremely heavy in both dollars and restrictions it imposed on the F–14 to perform missions other than fleet defense. Reliable estimates of the per unit cost of the Phoenix range from $200,000—to $800,000—about ten times that of the most sophisticated airborne missile we currenly possess, the Sparrow. Based on a compromise estimate of $400,000 per Phoenix, it would cost $2.4-million to outfit each F–14 with the Phoenix. If even half of the 722 F–14s the Navy proposes to buy in the foreseeable future are outfitted with the Phoenix, just the initial Phoenix procurement cost would be well over $800-million. The estimated cost of the Phoenix program just through 1977 is estimated at $1.502-billion.

The Navy proposes that to relieve F–14s of extra weight and drag should they unexpectedly encounter situations where close-in combat may occur, they would simply jettison the Phoenix components—a startling proposal in view of the extremely high cost of these missiles.

Most of the training of F–14 pilots will necessarily focus on the close-in combat contingency, which requires the most sophisticated skills on the part of the crew. In view of this emphasis in their training, F–14 pilots will consider themselves primarily "fighter pilots." There is already considerable evidence that fighter pilots tend to resent and distrust long-range missiles which cut down the close-in combat capability of their aircraft. F–14 pilots, therefore, must be expected to jettison the Phoenix with little prospect of a dogfight, raising further serious questions about the feasibility of maintaining the Phoenix system from a cost point of view.

The Navy has noted that the Phoenix missiles and the pallets on which they are carried can be removed, giving the F–14 the flexibility to fly with or without the extra weight of the missiles depending upon the immediate mission assigned. Indications are, however, that the process of removing and replacing the missile pallets may be considerably more complicated and time-consuming than originally anticipated, thereby reducing the airplane's general flight readiness, and increasing its service time and cost.

On the basis of these very basic problems, it is our conclusion that the Phoenix system, like the ABM, offers minimal dependable security payoffs—at extremely high cost, and that despite the considerable sums we already have invested in it, the sooner we abandon it the better. We therefore recommend determination of the Phoenix program at the first opportunity.

The dual mission capability of the F–14 has been consistently stressed by the Navy. Gradually, however, the fleet air defense mission of the aircraft seems to have been superceded by its air superiority role. This impression is gained from testimony by the Navy during hearings before various Congressional Committees. An undated Naval Air Systems Command memorandum states that "First, and perhaps foremost, the F–14 is being designed as a Navy fighter, to meet Navy needs, and operate in a Navy environment." Reliable trade journals have reported such a trend. Electronic News, for example, noted a "switch from emphasis on fleet air defense to air superiority."

The F–14, like the F111–B which it closely resembles, was largely designed around the Phoenix, with fleet air defense as its primary mission. Cancellation of the Phoenix, therefore, calls into question the advisability of completing the remainder of the F–14 series.

Relieved of the Phoenix and the fleet defense mission, the primary mission of the F–14 would presumably become air superiority—a mission which, as noted earlier, seems to have become predominant in the priorities of defense experts since the F–14 was designed. Whether the F–14B and C should be continued without the Phoenix hinges on the alternatives available to meet admitted immediate need for an improved air superiority fighter to counter the MIG–21 and, ultimately, the MIG–23 (Foxbat).

Our examination suggests that the F–4M, or an even more advanced F–4 that might emerge from development efforts between now and 1974 (when the F–14B is scheduled to become available), would be superior to the F–14B and C (stripped of the Phoenix) in carrying out the three remaining tactical aircraft missions, and that such an aircraft could be purchased at considerably less cost than the F–14.

The F–4M possesses engine thrust variously rated at 21,500 lbs. (Air Force and Space Digest) and 20,500 lbs. (manufacturer's rating). The Pratt-Whitney TF–30–P–12 turbofan engine being developed for the F–14B is estimated to provide 28,000 lbs. thrust. But the estimated top operating speed of the F–14B is Mach 2.5, while the F–14M is already believed to be operating in the Mach 2.5–2.8 range. In these important respects, the F–4M compares favorably with the F–14B, and has the advantage of being already operational and available at a cost about one-half that of the estimated cost of the F–14B.

We feel that these facts alone offer ample evidence that an adequate aircraft is available at lower cost than the F–14B, and that the F–14B and the rest of the F–14 program

should be terminated now in favor of the F–4M and further improvements on the F–4. We so recommend.

As an alternative to this recommendation, research and development on the F–14B could be continued in order that a "fly-off" between the F–14B and the most advanced version of the F–4 then available could be held to determine which plane the Navy would buy. This alternative is justified by the fact that, although the estimates of the performance of the F–14B are slightly inferior to those of the F–4M and its cost higher, the F–14B does offer some design improvements over the F–4M for closein combat, including better placement of engines for suvivability and better location of pilots (tandem) for visibility.

Whichever of these alternatives might be followed, a high-level study should be launched and development funds made available to determine what other modifications might be made in the F–4 to further improve its capabilities. The F–4 is the most successful and flexible aircraft ever developed by our Armed Forces, and there is some evidence that the Navy, in its determination to develop a fleet defense capability through the F–111 and then to combine fleet defense with air superiority in the F–14, may have seriously understated or ignored the potential of the F–4 to be modified at relatively low cost, thereby achieving even greater capability. Another look should be taken at the F–4 before any major procurement commitment is made on the F–14B.

THE AIR FORCE F–15

The Air Force F–15 is strikingly similar in design to the F–111. Like the F–14, it draws heavily upon the technology gained during the F–111's development. Although powered by the same Pratt & Whitney advanced technology engine designed for the F–14B, it will be some 12,000 pounds lighter. This difference in weight can be attributed to the single mission responsibility (air superiority) of the F–15 in contrast to the multi-mission duties imposed on the F–14. The F–15 will not carry the Phoenix missile or the missile's weighty avionics. Rather, it is anticipated that the F–15 will fulfill its air superiority role through sophisticated stand-off missile capability.

The design of the F–15 reportedly corrects major deficiencies on the F–4 design for close-in visual combat which were discovered through combat experience with MIG–21s in Southeast Asia. For example, it has improved wing loading, acceleration, thrust-to-weight, visibility, fuel, and handling qualities.

Despite recent changes in the development of the aircraft to reduce cost, the F–15 is now anticipated to "come in" at an even higher price than the F–14. Furthermore, valid questions remain about whether the F–15s dependence on "stand-off" capability is sufficient to make it a match for the "Foxbat." Should its "stand-off" weapons fail and should it be forced to close-in visual combat by an enemy aircraft such as the MIG–23, it is questionable whether the F–15 would have the speed and maneuverability to survive.

Nevertheless, a much better case can be made for a sophisticated "stand-off" capability in the F–15 than could be made for the "fleet air defense" capability in the F–14. Inclusion of the improved "stand-off" weapons and avionics has not added excessively to the weight of the aircraft. No effort has been made to make it a multiple-mission plane.

We therefore recommend continued funding for R & D on the F–15 at requested levels. We recommend, also, however, simultaneous development of a light, lower-cost version of the F–15 or an entirely new light fighter of the FX–X type. Such an alternative fighter should be designed for maximum speed and maneuverability at a cost between that of the F–4 and the F–15. A light fighter would provide a needed option to the F–15 in the event future budgetary restraints restrict the number of F–15s we can afford to buy, or in the event the "stand-off" capability of the F–15 proves inadequate to counter enemy fighters and greater emphasis on speed and agility is required.

A NATURE EDUCATION CENTER TO BE ESTABLISHED IN WISCONSIN

Mr. NELSON. Mr. President, a few days ago, the Schlitz Foundation announced that the foundation directors voted to make a gift of 185 acres of undeveloped land near Milwaukee on Lake Michigan to the National Audubon Society. This tract of beautiful woods and meadows where a herd of deer roam is, according to the Milwaukee Journal:

More diverse ecologically than any similar nature center in the country and has the great advantage of being in an urban setting of more than one million people.

The Audubon Society has established other nature centers around the country; 400 acres at Greenwich, Conn., 300 acres at Sharon, Conn., and a center of less than 100 acres at Dayton, Ohio. It has also helped develop many others which are operated by public and private groups.

The society is expected to use this magnificient area for schoolchildren and adult groups, but carefully controlled so that the natural setting and delicate balance of the ecology will not be disturbed.

In addition to the donation of this remarkable tract, the foundation will make a contribution of $1.2 million.

If the Audubon Society accepts the gifts, Wisconsin and the Nation will soon have another nature center as "a part of wild America set aside and interpreted for the enjoyment and edification of the people of a community."

I ask unanimous consent that an editorial and articles on the subject be printed in the RECORD.

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

[From the Milwaukee Journal, May 3, 1971]

MAGNIFICENT GIFT

What a magnificent gift to the Milwaukee area and all the Nation the Schlitz Foundation is making in its donation of the Nine Mile Farm to the National Audubon Society! The foundation, the Uihlein family particularly, and another anonymous donor have offered more than this 185 acres of beautiful woods and meadows; they assure the development and operation of what an Audubon official promises will be the Nation's finest nature education center.

The Nine Mile Farm in Bayside is the largest remaining undeveloped tract along Lake Michigan and in the Milwaukee area. It has a resident herd of more than a dozen deer, is considered more diverse ecologically than any similar nature center in the country and has the great advantage of being in an urban setting of more than a million people.

Under Audubon control, the center is assured of proper care and wise use to its fullest potential. Access will be open to schoolchildren, Scouts and other youth and adult groups, but will be carefully controlled so that tour groups limited in size will not endanger flora and fauna through overuse at any one time.

Official Audubon acceptance is expected later this month at the society's national convention being held, appropriately, in Milwaukee. The village of Bayside will need to grant enough variance from the tract's residential zoning to permit construction of an educational building and operation as a nature center. The County Board will need to exempt the area from its real estate taxes, $33,500 this year. These approvals should be eagerly voted.

[From the Milwaukee Journal, May 2, 1971]

9 MILE FARM OFFERED TO AUDUBON SOCIETY

(By Robert W. Wells)

The Nine Mile Farm in Bayside has been offered to the National Audubon Society for creation of what is predicted to be the nation's finest nature education center. A gift of $1.3 million will be made to finance preparation of the site and operation of the center.

Robert A. Uihlein Jr., president of the Schlitz Foundation, announced Saturday that the foundation directors had voted to present the 185 acre tract to the society for what would be called the Schlitz-Audubon Nature Center.

Members of the Uihlein family are providing $1.2 million of the $1.3 million grant that goes with the foundation's gift, with the rest from another contributor. All of the individuals involved made the gifts anonymously.

The tract, at 8566 N. Lake Dr., has an estimated value of over $1.5 million. It is the largest area of undeveloped land on Lake Michigan in the Milwaukee area.

"The foundation feels such a nature center would put this unspoiled tract to the best possible use, maintaining its natural beauty and wildlife population for common enjoyment," Uihlein said.

"Hundreds of thousands of people, young and old, would derive pleasure from it. In the hands of the Audubon group, we think, the Nine Mile Farm could become one of America's leading nature centers, bringing national attention to the area."

A spokesman for the Audubon Society said Saturday that a nature center there would be more diverse ecologically than any similar center elsewhere, with the added advantage of being close to a major city.

"It has wonderful possibilities," said Charles H. Callison, executive vice-president of the national society. "If the offer is accepted by the directors, we intend to make this the very best such center in the country.

"It will be unique from the standpoint of the opportunities it will provide for education because of its convenient location and its ecological diversity."

Although the society's board has indicated it is receptive to the offer, Callison said, formal action cannot be taken until the next meeting of the 30 directors. This will be held at the society's national convention May 20–24 at the Sheraton-Schroeder Hotel here.

The society now has a 400 acre nature center at Greenwich, Conn., one of 300 acres at Sharon, Conn., and a center of less than 100 acres at Dayton, Ohio, and has assisted in the development of about 100 others operated by various public and private agencies.

PUPILS WOULD BENEFIT

A society publication has defined a nature center as "a part of wild America set aside and interpreted for the enjoyment and edification of the people of a community."

Callison explained that such a center was used principally by school classes and other groups interested in learning about the natural environment as well as enjoying it.

Access to such centers is controlled. Provision is made for the individual who wants to walk the trails, but the number of visitors is limited to avoid the over-use that could ruin the center's natural advantages.

Callison said a private, nonprofit organization like the society was in a better position

to limit public access than a governmental agency would be.

PARKS' ASSETS DISAPPEAR

"In the national parks, the number of visitors is sometimes so great that they wear away the natural assets the parks were created to protect," he said. "A public agency finds it very hard to control the number because every visitor represents a vote."

Assuming that the society board accepts the gifts, Callison said, the nature center here could be opened by the summer of 1972 and operate the year around.

A visitors' center, including a meeting room or auditorium, would be built, along with parking facilities, nature trails and other facilities needed to make Nine Mile Farm into an open air laboratory for nature study.

STUDY MATERIAL PROVIDED

The staff would be headed by a director-naturalist, Callison said, and would include several other full time naturalists. Educational exhibits would be provided to serve as a kind of nature museum.

A group visiting such a center, Callison said, is met by a staff naturalist who suggests what the visitors should look for on the trails. He accompanies the group during its hike, but children are encouraged to make their own discoveries rather than simply looking where the naturalist points.

Study material is provided to teachers to prepare classes for the visit, Callison said, and additional written information is distributed for later discussion.

Special workshop sessions for teachers are held at the center to show them how to use the natural environment as a laboratory in their own communities.

The center is also designed for use by other groups, including garden clubs, Boy Scouts, Girl Scouts and a variety of organizations composed of either adults or children, Callison added.

NO MASS RECREATION

"But visitation is by appointment," he said. "The center will never be operated as a mass recreation area."

Last January, a general appraisal of the Nine Mile Farm's possibilities as a nature center was made by three Audubon officials, Joseph J. Shomon, director of the nature centers division; Duryea Morton, director of educational services, and Edward M. Brigham III, director of the northern midwest region.

"It is our considered judgment that the 185 acre farm . . . has very great potential as an Audubon center," they reported.

"No fewer than five habitats merge here: Lake Michigan, the lakeshore, midglacier flood plain, hardwood forest on the bluffs and upper lakeshore plain. These give the area attractive physical and biological diversity.

CALL LOCATION IDEAL

"The location is ideal from an educational standpoint. There are well over 180,000 students within an hour's bus ride, as well as thousands of teachers for whom workshops could be conducted. The Co-operative Educational Service Agency is a regional, locally oriented educational service ready to cooperate with the society on co-ordinating children's visits, teachers' workshops and adult education.

"None of us is aware of any existing nature center or environmental education center in a city with property located on a major lakeshore.

"This in itself makes the Nine Mile Farm unique and would give it national and even international significance."

The report indicated that an existing farmhouse could be improved and used as a caretaker's residence. Lumber salvaged in tearing down a barn and garage could be used in building a smaller replica of the existing barn to preserve the farm atmosphere, the report added.

It suggested that extra beams from the barn be used in the "interpretive building"—the visitors' center, which is expected to be built near the top of the bluff, overlooking the lake, east of the present terminus of Brown Deer Rd.

BOUGHT IN 1880S

Nine Mile Farm—so named because it was a nine mile buggy ride from the Jos. Schlitz Brewing Co.—was purchased in the 1880s by members of the Uihlein family.

In the early years, it was used mainly for family picnics. Brewery horses were sometimes pastured there, the meadows providing relief to hooves accustomed to cobblestone streets.

Sons of several of the six Uihlein brothers who took over operations of the brewery after the death of Joseph Schlitz planted many of the trees on the property. Those seedlings have grown into trees that are now 60 or more years old.

No Uihlein ever lived there, but many family memories are associated with the property. Robert Jr., recalled Saturday that he had heard stories from his father of how as a boy Robert Sr., camped on the bluff there.

USED FOR CAMPING

"Several kids and the family tutor, Gerhard Hubert Balg, who taught them German and other languages, drove out there from the city in a pony cart," Uihlein said. "They took tents and camped for several days. That was in 1893 when my father was 10."

The property has not been farmed for many years. Most of it is entirely as nature made it.

Included in the gift are such hidden assets as a resident deer herd—one family member, who has counted them, said there are 14—along with opossums, foxes, a variety of birds and other wildlife, such wild flowers as lady-slippers, rugged glacial ravines and both woods and open meadows.

In the early 1950s, when the brewery was owned entirely by Uihlein family members, Schlitz gave the farm to the foundation. The foundation, a charitable philanthropic organization, has given to hospital, welfare, recreational and cultural causes.

VALUE HAS SOARED

In recent years, with the Nine Mile Farm growing increasingly valuable, a variety of suggestions were made on what should be done with it.

There was a division of opinion among foundation directors as to whether the acreage should be donated to some appropriate group or sold, with the money used for other charitable purposes.

The decision was reached last week after Elvis J. Stahr, president of the National Audubon Society, and Morton presented an outline of their proposal to operate the farm as a nature center at a meeting of the foundation directors.

One requirement was that enough money be available to develop and operate the center according to the high standards desired by both the society and the foundation. Part of the $1.3 million contribution will provide an endowment fund for an annual operating budget of about $100,000.

OFFER IS CONDITIONAL

The offer is conditional on the society's operating the farm as a nature center in accord with "standards deemed appropriate by the Schlitz Foundation." If at any time during the next 20 years such standards are not met, the property reverts to the foundation.

Detailed plans for the center have not yet been worked out, but foundation spokesmen said it was expected that the trails would include pathways that could be used by persons in wheelchairs and that a nature trail for the blind would be constructed.

Assuming Audubon board approval of the offer, representatives of the society and the foundation will probably seek a zoning variance from the Bayside Village Board to permit construction of the necessary buildings and use of the site as a nature center. The farm is now zoned for one family dwellings, according to Atty. Edwin P. Wiley, representing several of the family members.

TAXES TOTAL $33,500

Wiley said that to obtain a tax exemption for the property, it would be necessary to get permission of the Milwaukee County Board. Last year, he said, the taxes totaled about $33,500, including $19,486 for schools, $11,442 to the state, county and metropolitan sewerage district, $1,297 for Milwaukee Area Technical College and $1,273 to Bayside.

More than a year ago, Kurt W. Bauer, executive director of the Southeastern Wisconsin Regional Planning Commission, indicated that the commission staff hoped the farm would be preserved as an outdoor educational laboratory.

"The loss of this high quality site in one of the primary environmental corridors of the region through development for intensive urban use would be tragic indeed, not only to the people of Milwaukee County but to all of southeastern Wisconsin," he added.

Rene Dubos, internationally known bacteriologist and a Pulitzer Prize author who is serving as an ecological consultant to the Schlitz brewery, is a member of a committee representing the Schlitz Foundation in planning for the center.

SAYS LITTLE IS LEFT

"It is important to save what little is left of the beautiful lakefront," he said Saturday. "That is almost too obvious to mention.

"But it has been my observation that when land like this is released to the public but not managed, not much has been done with it. So it was necessary not only to deed over the property but to do something to make it more meaningful to people.

"Enough management is needed to make people feel at ease but, on the other hand not so much as to lose the special quality."

Dubos said that so much of America's beautiful land had been lost that "to save some of it is very timely."

"We have to help people recapture an interest in the land," he said. "They need to see what this country used to be like and what it could be like.

"We must re-establish samples of each type of land and manage them in a way that they will retain their original natural characteristics."

[From the Milwaukee Journal, May 2, 1971]

NINE MILE FARM, AN ESCAPE FROM URBAN LIFE

(By Paul G. Hayes)

Nine Mile Farm, a walking tour disclosed Saturday, is an exhilarating assault on the senses, a sugar coated lesson in nature and a complete escape from the urbanization that encloses it on three sides.

That it has been preserved undeveloped in the midst of a sprawling city and in spite of the economic pressures and attitudes that force cities to sprawl is almost a miracle.

But that near miracle is small compared to the variety that has been imposed upon the 185 acre tract of land by the true miracles of glaciers, the sun, Lake Michigan's waves and winds, erosion and the 16,000 summers since the last glacier receded.

GREGG A JUDGE OF LAND

I walked over these miracles for two hours Saturday, and at the same time, talked them over with Howard Gregg, general manager of Milwaukee county parks.

I invited Gregg to join me on the tour because I needed his experience in judging a tract of land, and because I wanted to

share his knowledge of communities of plants and animals.

Gregg was waiting when I arrived at the entrance of the farm on Lake Dr., and each of us drove between the pines that border the lane to the farmhouse.

A couple of thrushes burst from the lane into the brush as a first sign that we had left the city, although the city still was only yards away.

"There's nothing like this left in Milwaukee County," Gregg said as we bent over a map he spread on the trunk of his car. "It's an ecological cross section of geology, botany and zoology, an outdoor laboratory."

COULDN'T SEE LAKE

From the contour map, we found that we were standing about 100 feet above the level of Lake Michigan, which was about a quarter mile to the east, but which could be neither seen nor heard from this point.

We walked from the cluster of buildings north and then east, crossing an expansive grass meadow that was slightly spongy from a moist spring, and we averted the shooting that came from a skeet range that has been a long-standing use of the property.

We came to the edge of the bluff—a prehistoric shore of Lake Michigan dating from the tortuous advances and retreats of the glaciers that drastically altered lake levels.

Yet, in 1971, the bluff stands 350 feet back from the lake, and 75 feet above another flat meadow that runs the length of the lakeshore. The bluff is entirely wooded but not yet leafed out.

Its trees include groves of black locust, and an occasional massive oak. Interspersed are aspen and birch. We picked our way down the steep bluff, mindful that underfoot were delicate clusters of hepatica, tiny blue, white, purple and pink blossoms.

NATIVE GROWTH ON BLUFF

"I understand that the place has been farmed and reforested so the native growth is on the bluff and in the ravines," Gregg said as we crossed the meadow, an intrusion that routed two flickers into the locusts.

The eastern edge of the lower meadow is bordered mainly by evergreens and an eight foot drop to the beach.

Moving through the border and down the bluff was to move from a background of muffled sound to noise, and from the composed landscape of meadow to that zone of violence that is the meeting place of lake and land.

The beach is a narrow strand, made even narrower by this year's high lake level, yet within its limits lie zones of its own, each zone with its own texture, each texture carefully laid down by the waves.

There is, of course, the skeletal row of driftwood, white, drying, broken, irregular, carved by sand and stacked by waves.

There were, on the beach, the noises of wind and wave and the crunch of pebbles underneath as we walked. Although Saturday was not blustery, it hinted of the glacial violence that left the legacy of the beach.

The glaciers wrenched huge granite blocks from the north where they were formed eons before, and they moved them slowly southward, grinding them together as they moved.

When the glaciers receded, their burden of rock was dropped on southern Wisconsin, and those boulders in the lake were further ground together by waves and smoothed by sand. The foreigners are the rounded beach pebbles that provide color on our beaches.

CHUNKS OF NATIVE ROCK

Interspersed are chunks of our native rock, mainly limestone put down in pre-glacier times by great salt seas that once covered the midcontinent. Less colorful, they tell more about our background, for they contain fossils of primitive life forms, crinoid and bryozoa.

There was another kind of violence evident on the beach, but it was of modern origin. Inevitably, there were fresh beer cans, left the night before by that most insulated and insensitive form of life that leaves beer cans behind.

"The people who come in here would have to come in with adult supervision and leadership," said Gregg. "You couldn't let people come in here and trample, and still preserve it as a nature center."

He said that turning the property over to an organization such as the Audubon Society to be operated as a nature center was the best possible way to preserve it.

"We can't quite have a nature center," he said of the county. "There's a question between public and private use and we have to open our places to the public. But they can be more positive about its control."

We left the beach through an opening in the low bluff on the northern boundary of Doctors Park and made our way once again across the lower meadow, pausing at copses of juniper and red osier dogwood, with its bright red bark.

Suddenly Gregg pointed. "Look at that cardinal on the top of the cedar," he said. "Oh, you beauty!"

The cardinal was perched on the very tip of a cedar tree about 25 feet high as precisely as a child might place the topmost ornament on a Christmas tree.

With the sun behind us and the blue sky behind the cardinal, the bird's redness blazed against the sky as though lighted from within. Then, in a burst of fire it flew away.

USE UNPAVED WALK

Rather than climb the steep bluff, we walked up an unpaved road to the higher meadow and then southward to one of the several ravines that cut back from the lake and branch into the meadow.

These are the wildest parts of Nine Mile Farm, and their sides are marked by the footprints of deer.

Here, too, is the greatest lesson in natural variety, for the north banks of the ravines, which receive the direct rays of the sun, grow a different community of plants than the south banks.

This was immediately apparent as we scrambled down one bank and up the other. The north bank had more grasses and at its depths were the yellow blossoms of what Gregg called dog's tooth violets.

The south bank was mossy and had the greatest abundance of hepatica that we had found. The boundary line was the bottom of the ravine, where erosion was being controlled by several concrete barriers.

Walking back through the woods to the farm buildings, Gregg noted a difference between Nine Mile Farm and county parks. "The down wood is lying where it falls," he said. "That's good, because it's nature's sequence of death and life and regeneration."

[From the Milwaukee Journal, May 3, 1971]

OFFER TO AUDUBON HAILED

(By James W. McCulla)

Rogers C. B. Morton, US secretary of the interior, Monday called the Schlitz Foundation's offer of the 185 acre Nine Mile Farm in Bayside as a nature education center a demonstration of "what the private sector of our society can accomplish, without governmental action, in preserving the American earth in its primitive state."

Morton, the former Maryland congressman who once headed the Republican National Committee, was one of several sopkesmen for national organizations concerned with the environment who applauded the gift announced Saturday by Robert A. Uihlein Jr., president of the foundation. Uihlein also is chairman and president of the Jos. Schlitz Brewing Co.

After prolonged debate over whether the tract should be turned over to private developers to enhance the tax base or be preserved in its natural state, Schlitz Foundation directors voted to offer it to the National Audubon Society.

ACCEPTANCE EXPECTED

Members of the Uihlein family will provide $1.2 million to help finance development needed for use as a nature study center. Another $100,000 has been given anonymously.

Audubon Society directors are expected to accept the land at the society's national convention here May 20 to 24. Morton is scheduled to speak at the convention. Last week Elvis J. Stahr, society president, outlined a proposal to foundation directors to operate the farm as a nature center. It would be the society's fourth in the country.

SPLENDID RESPONSE

Besides being an important place environmentally, the tract is extraordinarily unusual because of its size and location in a major metropolitan area. Such sites are rare in the country.

When informed of the gift, Morton recalled that President Nixon, in his February, 1970, message on the environment, "asked millions of volunteer citizens to ask themselves 'What can I—underscore I—do?'

"This action is a splendid response," Morton said. "As the president went on to say within that context '. . . With the aid of industry and private groups, and, above all, with the determined participation by individual citizens in every state and every community, we at last will succeed in restoring the kind of environment we want for ourselves and the kind that generations to come deserve to inherit."

Marion Clawson, director of land use and management studies for Resources for the Future, Inc., a prominent Washington based environmental preservation organization, termed the gift splendid.

A scarcity of money has hampered efforts throughout the United States to preserve large tracts of land in metropolitan areas, Clawson said. This is especially so near larger cities because of high land values and the pressure to get the land on tax rolls, he said.

Studies have shown that devoting a reasonable amount of metropolitan land to public use adds to the value of private land, Clawson said, by making the metropolitan area a more desirable place to live and providing a valuable educational resource.

Thomas W. Richards, president of The Nature Conservancy, Washington, also lauded the gift, saying: "We at the conservancy are most pleased to praise the Schlitz Foundation for showing its commitment to improving and preserving the natural environment.

"Additionally, we are most pleased that the proposed recipient of the unusual combination of habitats fronting Lake Michigan is the National Audubon Society. We work very closely with National Audubon at both local and national levels. The creation of a National Audubon model nature center in such proximity to a major metropolitan complex will bring new knowledge of the need to understand and protect our natural heritage.

"The people of Wisconsin where the conservancy has been involved in some 30 projects throughout the state, also are to be congratulated for seeking the preservation of this singular portion of the natural land."

Jonathan Ela, an official of the Sierra Club, San Francisco, called the farm a "magnificent and interesting tract of land."

CINCO DE MAYO

Mr. BAYH. Mr. President, I think it is appropriate for the Senate to take a few minutes to express congratulations and best wishes to the Republic of Mexico on occasion of their 109th anniversary of "el Cinco de Mayo," on May 5, 1971. May

5, a great day in the history of Mexico and a day in which we in this country and others throughout the world celebrate a great victory against the forces of repression and conquest.

After Mexico won independence from Spain in 1822, the nation entered an era of bloody and violent changes of government. European powers eager for expansion of their colonialist empires looked greedily upon this rich but struggling nation. In the early 1860's, Benito Juárez established a liberal government. The financial difficulties which he inherited lead to a refusal to acknowledge foreign debts contracted by his predecessors. This provided the pretext for intervention by Britain, France, and Spain who joined in the occupation of the Mexican port of Vera Cruz in October 1861. Having satisfied the purposes of their invasion, Britain and Spain withdrew from Mexico in the early part of 1862, leaving France to pursue its objective of increasing their influence in the affairs of the Americas.

About 6,000 French troops set out from Vera Cruz to what they thought would be an easy march to capture Mexico City. On May 5, 1862, they encountered a small but courageous band of Mexican patriots at Puebla, a strategic city between Vera Cruz and the Mexican Capital. When the French general reached Puebla he sent his men into the center of the Mexican positions, up the slopes of the Cerro de Guadalupe. The Mexicans under the brilliant leadership of Gen. Ignacio Zaragoza flung the French back to the coast. Their valor and heroism in the face of superior odds lead to the creation of Cinco de Mayo as a national holiday.

There are strong ties between this country and the great victory at Puebla. Gen. Ignacio Zaragoza, who led the Mexican Army was born in what is now Goliad, Tex. Even more important, is the almost 8 million Americans of Mexican descent who live in this country, most of whom foster a strong ethnic pride in the accomplishments and contributions of their forebearers.

In recognition of these ties, the city of Gary, Ind., last week celebrated Latin American History Week. I urge Senators to join me and the citizens of Gary, Ind., in extending to the Mexican people our sincere greetings and best wishes in memory of that great day—el Cinco de Mayo.

Mr. President, I ask unanimous consent that my letter to Mr. Tom Miranda be printed in the RECORD.

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

APRIL 30, 1971.

BILINGUAL EDUCATIONAL PROGRAM,
Care of Mr. Tom Miranda,
Gary, Ind.

DEAR FRIENDS: Congratulations and best wishes on the first celebration of Latin American History Week in Gary. It is indeed fitting that this week is centered on "El Cinco de Mayo", a great day in the history of Mexico, and a day in which we in this country celebrate as a great victory against the forces of repression and conquest. There are strong ties between this country and the brilliant victory at Puebla on May 5, 1872. General Ignacia Zaragoza, who so ably led the Mexican Army in this battle was born in what is now Goliad, Texas.

There are thousands of similar historical contributions which Latin Americans have made to help make this country great. Unfortunately, many of those incidents have been lost or forgotten or misplaced. Latin Americans get little credit in most of our history books of today. That is why what you are celebrating this week is so important to all of us. It is important not only because of the ethnic pride which it must foster within your own community, but in a larger perspective it is important to all of us, lest we forget your rich tradition of history, language, and culture that is woven into the fabric of our glorious nation.

Sincerely,

BIRCH BAYH,
U.S. Senator.

TESTIMONY BY JOHN W. GARDNER, CHAIRMAN, COMMON CAUSE

Mr. FULBRIGHT. Mr. President, Mr. John Gardner, Chairman of Common Cause and one of the most distinguished citizens of our country, presented a statement to the Committee on Foreign Relations this morning which is worthy of the attention of all Senators. I ask unanimous consent that it be printed in the RECORD.

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

TESTIMONY BY JOHN W. GARDNER, CHAIRMAN, COMMON CAUSE, BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, MAY 11, 1971

Mr. Chairman it is a great honor for me to appear before this Committee today. As you know, there have been times when I have been somewhat critical of the way in which the Congress functions. But I must give credit, in all sincerity, to the work of this Committee. It provided a forum for national debate on the Vietnam war at a time when there was no comparable forum.

The power and influence of Congress vis-à-vis the Executive Branch must be reasserted, and no one has stated the case for that reassertion more cogently, nor labored more diligently to that end, than the distinguished Chairman of this Committee. I believe that we are already seeing the beginnings of a shift. In recent decades the people have looked to the President for the great changes in national policy about which they cared more deeply, but they are now turning to Congress. When the historical record is written, I believe it will show that the rebirth of Congressional influence was most vividly foreshadowed by the vigorous and independent functioning of this Committee.

In my testimony today, I shall limit myself to the situation in which we find ourselves at this moment, and to those aspects that bear most directly on the decisions we must make now.

The most alarming feature of our present situation is that we are engaged in a war which a majority of the American people does not support.

In January of 1971, the Gallup Poll reported that 73 percent of Americans want all troops withdrawn from Vietnam before the end of this year.

In February, Gallup reported that Americans, by more than a 2 to 1 ratio, think the United States-supported invasion of Laos by the South Vietnamese would lengthen rather than shorten the war. This was at a time when the President was saying just the opposite.

Also in February, the Gallup Poll reported that 7 out of 10 persons interviewed believe the United States Government is not telling the American people all they should know about the Vietnam war.

In April the Harris Poll reported that 58 percent of the American people believe it is morally wrong for the United States to be fighting in Vietnam. (Only 29 percent believed it morally right; 13 percent were not sure.)

These are only a few of the many indications of a massive swing in public opinion. One need only recall the disciplined but eloquent demonstration by Vietnam Veterans in Washington to know that something unprecedented has happened in attitudes toward this war.

All Americans who oppose the war do not oppose it for the same reasons. Some believe the war is immoral. Some believe that it has been a disastrous mistake in both political and military terms, and that our deep entanglement in Southeast Asia has diverted us from more important national security objectives; they argue that the Soviet Union must be pleased to have us mired hopelessly in Indochina and neglecting our interests in other places. Others fear that if we toy long enough with the explosive danger of successive military adventures such as Cambodia and Laos, sooner or later we will stumble into the ultimate tragedy of nuclear war. Finally, there are those who believe that the war is progressively but inexorably destroying the social fabric that holds us together as one people.

The fact that American public opinion has turned against the war leaves us with a tragic and explosive contradiction on our hands—and our consciences. We continue to send our young people to fight and die in a war which many of them have always opposed, and in which we as adults no longer believe. That is social dynamite. In Vietnam one sees the consequences in the deterioration of discipline and morale among our military forces in Vietnam. At home one sees the consequences in bitterness, disillusionment and—as the polls show—a growing incapacity to believe or trust their own President.

No responsible American, however opposed he may be to the President's policy, can take comfort in the socially disintegrative consequences of that policy. Widespread disaffection, demoralization and contempt for the office of the President—these are dark omens for all of us.

But one must judge from the President's actions that this awesome fact of contemporary American life is somehow unreal to him. It is in evidence all around him, yet he seems to regard it as somehow less consequential than the abstraction of U.S. prestige in Indochina. He seems not to understand that it is more real, and potentially more disastrous, than any current military reality of the battlefield.

Quite aside from the question of whether he should be responsive to the opinion of the people, the fact of a massive loss of support severely limits his options. He must surely realize that given the present state of American opinion, he cannot risk military actions that would escalate the war.

The second striking feature of our situation is that the question of the President's legal and constitutional authority to carry on the war is in doubt. In 1965, the State Department asserted that the legal basis for the Administration's involvement in Southeast Asia was the Tonkin Gulf Resolution. In 1969 the Senate *repealed* the Tonkin Gulf Resolution by a large vote. Yet the war goes on.

The United States Constitution asserts that the power to determine when and where we go to war rests with Congress, not the President. While the President's powers to conduct a war in progress are broad indeed, it is clear that the Constitution envisages a sharing of the power to make war. We must return to the wisdom and balance of the

Constitution. Congress cannot allow continuance of a war from which it has explicitly withdrawn its authorizing support. It must enact into legislation the desire of the American people for a complete military withdrawal from Indochina and it should fix a date by which that process must be completed. Only this step can end American involvement in the war, free our prisoners, and permit the Vietnamese to determine their own future.

The third striking feature of our present situation is the exceedingly dangerous half-in, half-out posture in which we now find ourselves. The President has said we are no longer fighting the war to win. He has said total withdrawal is the goal. But he persists in prolonging the half-in, half-out situation.

As long as we retain U.S. forces in Indochina, we will be under constant pressure from the South Vietnamese Government to help them achieve military victory, and we will almost certainly respond to that pressure. But in the past, this has consistently resulted in widening and lengthening the war.

We are now in a good situation, militarily speaking, to announce a total withdrawal date with some dignity and even to gain credit for taking the initiative. As our troop levels drop, however, there is no guaranty that we will not find ourselves in a worsening military situation—in which the safety of our remaining forces are in jeopardy and in which further withdrawal will look like disorderly retreat.

The President has been consistently enigmatic concerning his intentions. He has said that total withdrawal is his goal, but he has never said when. He has promised further withdrawals of American troops but he has not predicted the rate beyond December of this year. He has said we wil remain until the South Vietnamese have a "reasonable chance to survive, and emphasizes that he has a pretty good idea of when that will be—but again he refuses to be specific.

Such ambiguity is very hard for intelligent Americans to stomach. They feel that they have an enormous stake in those future events over which the President has drawn a curtain of ambiguity. How many troops does he intend to leave in Vietnam? For how long? What will they be doing? As long as they are there in any capacity, on the ground or in helicopters hovering above the ground, or as military advisers, or as pilots bombing from aircraft carriers or bases in Thailand, there is no likelihood that we will get our prisoners back or end the war.

No thinking American can be comforted by the oft-repeated assurances of "realists" that the President is too smart a politician to let the war continue through 1972. (Senator Robert Griffin, fresh from a briefing by the President, said that "in a practical sense" the terminal date was Election Day of '72.) The idea that the President would coolly allow the killing to go on until his political purposes are served is just too shocking to contemplate.

No doubt some Americans sincerely believe that by our continued presence in Indochina, we will insure a post-war situation in that part of the world that will somehow be better than if we were not there. But the evidence that we can improve the situation by remaining there any longer is exceedingly tenuous. We have been there for many years. We have not been able to resolve the conflict, either by force or diplomacy, and we have added, intentionally or not, to the sum total of human suffering in that unhappy land. What is there in the record to suggest that if we are in there for months or years longer, things will somehow be better? We have trained the South Vietnamese forces for 17 years. There is nothing to indicate that their capacity for self-defense will be enhanced by a few more months or years of our help and training.

There is nothing sudden about a proposed total withdrawal. Surely, responsible South Vietnamese leaders must have seen it coming as early as March 1968, when President Johnson announced he was not a candidate for re-election. They must have known it even more clearly when Mr. Nixon campaigned in 1968 on the promise that he would end the war.

We have given 50,000 American lives, more than $100 billion and many years of intensive national effort. When we depart from South Vietnam we will leave behind over a million well-armed, well-trained South Vietnamese soldiers confronting an enemy with less than a quarter as many men under arms. We have discharged any commitment we may have had to South Vietnam. It is time for the South Vietnamese to shoulder responsibility for their own future, politically and militarily.

The issue of the release of our prisoners of war is, of course, central to any consideration of withdrawal. The President has said that a public announcement of total withdrawal would "throw away our principle bargaining counter to win the release of American prisoners of war." In reality, such an approach would not "throw away" our principle bargaining counter but would place it carefully on the table.

The necessary first step would be private negotiations with Hanoi. Our purpose would be to exchange our proposed announcement of total withdrawal by a specified date for return of our prisoners and a *de facto* ceasefire during withdrawal. If the agreement were reached and we made the public announcement, we would presumably phase troop withdrawals with prisoner releases so that the good faith of each side would be continuously demonstrated. Our total withdrawal would of course have to be contingent upon their adherence to the agreement.

Mr. Chairman, I have not attempted to cover all of the ground in this brief testimony. I have not touched upon the unspeakable human tragedies that we have witnessed. I have not dwelt at any length on the erosion of spirit that has occurred among our citizenry. I have not spoken of the grave domestic problems that must go unsolved until we extricate ourselves from this war.

But before I close I want to return to a theme I touched on at the opening of my testimony. I said earlier that we were already seeing the beginnings of a change in the role of Congress. You, Mr. Chairman, have called for it. It may be happening before our eyes.

Consider the House of Representatives. The House has in recent years avoided any serious examination of the Vietnam war issue. To this day, the elders in the House are unwilling to schedule hearings on the question.

But now something dramatic is afoot—and opponents of the war are so much in the habit of writing off the House that they are totally unaware of the turn of events. They had better wake up, because House action is essential for any legislated end to the war.

What has happened is that a few weeks ago a group of courageous and determined Congressmen, four Democrats and five Republicans, issued what they called "Statements of Purpose" calling for an end to the war and withdrawal of all troops by December 31, 1971. The Democratic statement was sponsored by Thomas "Tip" O'Neill (Massachusetts), Hugh Carey (New York), James Corman (California) and Danny Rostenkowski (Illinois).

The Republican statement was sponsored by Charles Mosher (Ohio), Lawrence Coughlin (Pennsylvania), Marvin Esch (Michigan), Gilbert Gude (Maryland), and Brad Morse (Massachusetts).

The sponsors wrote to each of their colleagues asking them to sign. Common Cause, which had worked with the sponsors from the beginning, also urged as many members as possible to sign.

To date, Mr. Chairman, there are 130 signatures—110 Democratic and 20 Republican. Bear in mind that if and when 128 Democrats sign they will constitute a majority of Democrats in the House. We are only 18 signatures away from that goal.

Mr. Chairman, considering the past record of House indifference to this issue, that is an astonishing development.

The ultimate purpose of the signatures of course is to create the climate of support that will eventually bring about a legislative result. That legislative result may be nearer than we think. There is some indication that one or more members of the House Armed Services Committee may offer an amendment to the Defense Authorization Bill calling for a terminal date. That amendment will be offered again when the Committee bill is reported to the floor.

If by that time the number of signatures on the Statements of Purpose has reached an impressive figure, the amendment might pass.

So we are moving toward a dramatic conclusion. I have emphasized the massive shift in public opinion. It is fitting that Congress should be the first to sense and respond to that opinion—not unthinkingly, not in panic, but with the care that befits a great deliberative body. We may see in the very near future, Mr. Chairman, a conclusive test of this issue that has arisen between the people and their President.

THE GENOCIDE CONVENTION DOES NOT ABRIDGE FREEDOM OF SPEECH

Mr. PROXMIRE. Mr. President, one reason for opposition to the Genocide Convention is the fear that article III(c), which states that "direct and public incitement to commit genocide" shall be a punishable act, would abridge the right of free speech guaranteed by the first amendment to the Constitution. The right of freedom of expression is basic to this Nation, and I would never advocate anything that would restrict it. The Genocide Convention in no way infringes on this right.

In the case of Terminello against Chicago, the Supreme Court held that the right of free speech was protected under the Constitution:

> Against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that arises far above public inconvenience, annoyance, or unrest.

There is no question that genocide is a serious substantive evil, and certainly it is much more than a public inconvenience. The public incitement of genocide would certainly represent a "clear and present danger" and would therefore be liable to suppression under this judgment.

This was not an isolated judgment. There is a whole body of decisions that establish the principle that incitement to criminal actions is not covered by the first amendment. In the case of Fox against Washington the Supreme Court upheld a statute of the State of Washington that, among other things, made punishable:

> Encouraging or inciting or having a tendendency to encourage or incite the commission of any crime, (or) breach of the peace . . .

In the case of Giboney against Empire Storage Co., the Court said:

It rarely has been suggested that the constitutional freedom for speech and press extends its immunity to speech or writing used as an integral part of conduct in violation of a valid criminal statute. We reject the contention now.

There is a difference between advocacy, which is not necessarily dangerous, and incitement which is. In a concurring opinion in Whitney against California, Mr. Justice Brandies said:

But even advocacy of violation, however, reprehensible morally, is not justification for denying free speech where advocacy falls short of incitement and there is nothing to indicate the advocacy would be immediately acted on.

Article V of the Convention states:

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

The precedents just cited have established that "direct and public incitement to commit genocide" is not protected under the first amendment. It is already punishable under U.S. law, and ratification of the Convention would in no way affect the rights of Americans as they now stand.

RELIEF OF SOVIET JEWS

Mr. BAYH. Mr. President, I wish to express my strong support for the bill for the relief of Soviet Jews, introduced by the Senator from New Jersey (Mr. CASE), which I cosponsored. The bill would grant special immigrant visas to 30,000 Soviet Jews and their families seeking admission to the United States to avoid religious persecution.

Last December, at the time of the Leningrad trials, I was among those who voiced their outrage at the harsh sentences, including two death penalties, initially handed down. After all, these people had acted not out of malicious motivation or out of the desire to embarrass or damage any nation. They acted only because they were being deprived of a basic human right—the right to leave one country and go to another.

Subsequently, their sentences were reduced. I then wrote Chairman Kosygin, expressing relief at those reductions but urging also that the Soviet Government "find ways to expedite and act favorably upon the request of those Jewish citizens who wish only to leave" the Soviet Union.

During March and April the number of Soviet Jews permitted to leave increased significantly. According to press reports it rose from less than 200 a month, to about 1,300 last month. Although this was a most welcome development, some observers speculated that it was largely related to a Soviet desire to cultivate favorable world public opinion during the period of the 24th Communist Party Congress in Moscow. Some said that once the Congress was over, the situation would return to what had been beforehand.

Unfortunately, there is fresh evidence that that prediction is about to come true. An article published in the New York Times of May 6 indicated that a special Moscow police commission established on March 1, to expedite the issuance of exit visas to Soviet Jews was about to be disbanded.

Even more ominous are reports that the trial of Jews charged with anti-Soviet activities which was postponed in January will shortly be resumed. These are individuals whose only apparent crime is a desire to practice their religion, to retain their identity as Jews and, in some instances, to leave the country.

I hope that these reports are unfounded. If not, I urge the Soviet leaders to reconsider. I urge the Soviet leadership not only to maintain but to expand the number of exit visas being granted to those Soviet Jews who want them. Such action, I believe, would have a most beneficial effect on attitudes in this country toward the Soviet Union. It could significantly contribute to a relaxation of tensions and improved relations.

Passage of the Case bill is a logical and essential extension of the attitude toward the persecution of Soviet Jewry so often heard in this Chamber. If we believe—and most of us do—that the Jews of the Soviet Union have suffered particular discrimination and oppression, then it is important that we act. If we believe—and most of us do—that the Soviet Government should permit those Jews who wish to leave the country to depart in peace, then they must have a place to go. Most of them will undoubtedly wish to live in the State of Israel. But if we are to be true to America's heritage as the haven for the persecuted, we must make a place for those who might seek refuge here.

THE AMERICAN SYSTEM OF MEDICAL CARE

Mr. SAXBE. Mr. President, I ask unanimous consent to have printed in the RECORD an exchange of letters which speak for themselves. I do not intend to elaborate on them at this point, except to say that I believe Dr. Tetirick's communication is an eloquent summation of a tremendously complex subject.

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

CENTRAL OHIO SURGICAL CLINIC, INC.,
Columbus, Ohio, May 4, 1971.

Hon. WILLIAM SAXBE,
United States Senator,
New Senate Office Building,
Washington, D.C.

DEAR BILL: The decibel level about your role in medical care has reached such proportions in Central Ohio that I feel constrained to write you a letter.

I was shocked, for instance, several weeks ago to see a proposal coming from one of the large community hospitals here in Columbus to form what I consider to be a totally negative, critical and ultimately damaging coalition of physicians which has been labelled "Council of Medical Staffs" and to see that proposal passed unanimously by this staff, except for one dissenting vote—my own. Defending you out here is getting to be a hazardous occupation—but then I have been defending Harvard out here for 20 years and that is equally hazardous, and it hasn't seemed to hurt me too much. There are several criticisms, however, that I wish to delineate which I think might be useful information to you.

The first is the criticism that the American system of medical care is inferior. I don't know if you have made this charge, but you are getting credit for it. The figures about infant mortality in the United States as compared to Sweden, etc., are so flimsy and the other figures that have been given are so easily challenged, that they make anyone subscribing to that view and using those figures appear to be deliberately misleading the American public. I don't think, and I don't believe you think, that American medicine is inferior to any other system in the world.

The second criticism is that doctors are being charged with raising their fees excessively over the past several years and these figures are not compared with similar rises for similar services, for example, the charges and wages of plumbers, carpenters, attorneys, United States Senators, etc. So again, when a set of figures is put forward that is easily challenged, it opens anyone using this argument to a charge of dishonesty. Again, I do not know that you have made this charge, but I guess what I want to say is that if you use any arguments containing statistical data, I would beg you to have these figures very carefully screened and evaluated by someone you trust so that they will hold up against attack.

A third criticism that is being levelled in a general way toward the proponents of any change in medical care and not specifically against yourself, is that these proponents are saying that there is something wrong with the character of the American physician, that he is greedy, lacking in sympathy for sick patients, particularly indigent sick patients, that he does not care about the prominent social issues of our day, and that he would rather let medical care suffer rather than see a gravy train he is on, destroyed. While this is, of course, true of the lunatic fringe in medicine, I know that you would agree with me that it is not true of the American physician in general and, again, what I am saying is if you do agree with me, I wish you would say so publicly.

There are some things grievously out of joint in our health care delivery. We need some adjustments and changes. Larger coalitions and more efficient operations are probably partially an answer. There are some other factors that should be ground into the computer as well. One of these is the tremendous siphoning effect of available medical talent that is occurring because of the revolution in American medicine. I don't think this factor has been given sufficient weight. Medical administrative posts are soaking up many talented doctors. The availability of funds for research and the intensity of that research is soaking up many talented doctors. The insurance industry is soaking up many talented doctors. The tax structure is making it more economic for physicians beyond a certain age and certain tax bracket to spend more of their time looking for tax shelters than providing medical service. The young physician, particularly those presently in medical school and in residency, have a new "quality of life outlook" which states that long hours at work and limited contact with family and other social activities is undesirable and to be avoided. The effect of this attitude is beginning to be felt and I think will have a considerable effect in the coming years. Pouring six or seven billion dollars additional Federal money into health care has further inflated the demand for physician's time beyond the supply.

I am not saying all of these factors are bad or uncontrollable or undesirable. I am

merely suggesting that any change must take these factors into consideration. It is still true that the private physician practicing on a fee for service basis, is the most efficient and hardest working unit in the entire health program.

I do not challenge your motives, just as I am sure you do not challenge the motives of physicians in general. I know that your motives are genuine and are dedicated to the improvement of health care. I know that any criticism that you might find necessary to level at the field of medicine is done because you feel there is a compelling human need to do so and that if you did not fulfill this responsibility, you would not be worth your salt as a United State Senator. I know from the tone of some of the things I hear, that you must receive a lot of hostile, unfair mail from defensive inadequate physicians who don't want to see anything changed. A good physician is like a good ball player. There are only so many, if there is going to be a ball game—and I assume there is—then he will be asked to play, and will be adequately rewarded for his efforts. We still need, however, good recruiting, good coaching and an occasional cheer from the crowd.

With best personal regards.

Very truly yours,

J. E. TETIRICK, M.D.

U.S. SENATE,
Washington, D.C., May 11, 1971.

J. E. TETIRICK, M.D.
Central Ohio Surgical Clinic, Inc.,
Columbia, Ohio

DEAR JACK: I thank you for your letter about our health care system and my role as a legislator in examining that system. Your letter vividly illustrates some of the more pressing problems in medicine today.

Because you, in such a sincere and forthright manner, replayed current criticisms of my opinions and because you asked me to publicly clarify my views, I am placing your letter and my reply in the Congressional Record.

As to the first criticism, I do not believe that the American system of medical care is inferior to that of other countries. On the contrary, I believe we have the highest quality medical care available in the world. My quarrel is not with the quality of care, but with the system that delivers that care. We are the richest nation in the world and yet we have many Americans, especially the isolated rural and urban poor, who receive minimal health care or no care at all. This should not be. We need more doctors; and we need more health professionals to assist those doctors; and more than anything else, we need to redistribute medical manpower to the best advantage of all Americans.

As to the second criticism, excessive doctors' fees, I would like to clarify my position. It is not doctors' fees alone that I have referred to in the past, but the total picture of health care costs: hospital charges, doctors' fees, laboratory fees, equipment, insurance, drugs, etc. Health care costs are inflating at twice the rate of general price increases. As to doctors' fees, I believe most medical men charge a reasonable fee for a specialized service. But there are some who are abusing the system by charging excessive amounts for routine work, by making a fortune out of Medicare, and lifting the costs for all. These few greedy ones blacken the name of the entire medical profession, which brings us to the third criticism.

I do not question the character of the American physician, nor do I accuse him of being greedy or insensitive. I know otherwise. It is my belief that most American physicians are men dedicated to giving quality medical care. I have a son who is a surgical resident in Boston, who shows much concern and dedication to the field. I am sure that the heart of American medical practice has a similar dedication.

Lastly, you put your finger on the real problem when you said: "Pouring six or seven billion dollars additional Federal money into health care has further inflated the demand for physicians' time beyond the supply." This *is* the problem—we have a medical system where supply can't meet demand, an overheated and overburdened system. You are right. That private physician operating on a fee-for-service basis is a hardworking, efficient unit, but he is so overworked that he can't begin to cope with the demand. We need more doctors, more health professionals of all types, and more paramedical personnel to relieve doctors of the more routine functions. In addition, we need to develop more efficient grouping of personnel in response to the great demand. And we need to provide incentives for medical professionals to practice in isolated areas and to build the facilities to serve them.

Let me say at this point that I am *not* irrevocably wed to any one health care proposal. I am, however, thoroughly committed to the concept—that we must strengthen, revamp, and revitalize our present health care system to meet the demands of the present and the future. This is why I cosponsored legislation which would reform the present system; not because I believe in every technical detail of the bill, but because I believe we must give the whole problem visibility. I want something to be done.

Again I thank you for your sincere appraisal and your enlightening ideas. We too need that "good coaching and an occasional cheer from the crowd." I appreciate yours.

Best personal regards.

Sincerely yours,

WILLIAM B. SAXBE,
U.S. Senator.

RUMANIANS CELEBRATE THE 10TH OF MAY

Mr. PROXMIRE. Mr. President, on May 9 throughout Rumania flags flew to commemorate the Soviet takeover of that country. But on May 10 a more festal banner flew in the hearts and minds of Rumanians around the world.

To these good people everywhere, the 10th of May marks 3 signal days in the history of their native land:

May 10, 1866, the Rumanian dynasty was founded.

May 10, 1877, Rumania proclaimed her independence from the Ottoman Empire, an act later confirmed by the Congress of Berlin.

May 10, 1881, by the will of the people, Charles I was crowned king.

In light of these events, it is no wonder that the 10th of May is a day of celebration for Rumanians.

I share the hope of Rumanians everywhere that soon these people may celebrate their national day in true freedom.

RELEASE PENDING APPEAL

Mr. BAYH. Mr. President, one of President Nixon's statements at his recent news conference should be of great interest to all of us who are concerned with the inequities of the present system of military justice. His comment casts doubt on the consistency and fairness of the current policy of refusing almost all military prisoners the right of release or limited restriction pending trial and appeal.

The President was asked why he had ordered Lieutenant Calley released from confinement pending appeal. He replied that he considered his decision proper because he "felt that Lieutenant Calley should not be sent to Leavenworth while waiting for the months and maybe a year or so that appeal would take." He added that in his judgment this was the "right thing to do" for a "man who has a long process of appeal before him."

I believe—as the President apparently believes—that a soldier who will not flee the jurisdiction, and who poses no danger to the community, should not be held in a stockade while the legality of his conviction is being decided in the appeals courts. But saying that Lieutenant Calley's release was correct does not answer the crucial question that the President's actions raised: What about all the other soldiers being held in confinement pending appeal?

Calley is not the only member of the military faced with the prospect of waiting months for his case to be resolved on appeal. For example, in the Fort Leavenworth Disciplinary Barracks alone nearly 1,500 men are confined. Of these men, fully 43 percent—almost half—are serving time in prison despite the fact that that there has been no final action on their appeals. At the time of a recent Army study, many of those so confined had been waiting for more than 6 months. This problem is not isolated to a single base. There are over 10,000 men confined in American military prisons and stockades around the world. More than half of those men have not had their guilt or innocence finally resolved.

If, as the President said, it was "not right" to force Lieutenant Calley to spend time in Leavenworth until the appeals process had been completed, I think it is also "not right" to force thousands of others to spend time in the stockade or jail pending appeal.

Of course, not everyone can or should be released pending appeal. In Federal courts, for example, prisoners are released pending appeal if they can show that there is no danger to the community and that they will not flee the jurisdiction. That is the right and proper policy to follow. For no one is guilty unless he has been properly convicted, in accordance with the law, and the legality of the conviction can be finally resolved only during the appeals process.

However, despite what one would gather from the President's comments, those convicted by Army courts-martial are not released simply because they face several months of delay on appeal. The Army, despite the President's comments, requires a showing that there be great likelihood of success on appeal as a condition of release. Denial of a petition for release is appealable to the Judge Advocate General, but no further. But Calley was released before anyone in the Army even had a chance to turn down his application. Following normal procedures, convicted soldiers are usually forced to languish in jail, despite the fact their convictions might ultimately be overturned.

I think this situation is deplorable. What is even worse, every year many soldiers complete their sentences before the military review is completed. To give

but one prominent example, all but one of the Presidio stockade "mutineers" had already completed serving his sentence to confinement by the time the military court of review reversed convictions for mutiny. If the President thinks it proper to release a man convicted by a military court of the murder of 22 civilians, what does he think about all those in similar situations who are refused release even though their infractions were much less serious?

What makes the situation even more unfortunate is that it is much easier to structure alternatives to incarceration pending appeal for soldiers than for civilians. It is difficult to make sure that a civilian released on bail will not flee the jurisdiction or pose a threat to the safety of the public. But in the military restrictive measures less onerous than commitment to prison—for example, confinement to quarters or restriction to the base—can easily be imposed and effectively enforced.

I believe that the President owes a duty to apply to all other convicted soldiers in jail awaiting appeal the same standard he applied to Calley. This standard should be made part of the Uniform Code of Military Justice, and should be applied across the board by all commanding officers. And if he is not willing to support a liberalization of the standards for release pending appeal that commanding officers are to apply, at the very least he should be willing to take action himself in any case presenting identical circumstances. He should state exactly what peculiar facts of Calley's case brought about his action so that others similarly situated could reasonably expect Presidential intervention.

TERROR AND BRUTALITY IN EAST PAKISTAN

Mr. SAXBE. Mr. President, on April 29 I had had printed in the CONGRESSIONAL RECORD a letter, dated April 17, from Dr. John E. Rohde of Hudson, Ohio. Dr. Rohde was stationed in East Pakistan as a physician under the U.S. AID program. He is one of the several hundred Americans evacuated from East Pakistan soon after civil war started there in late March.

In that letter, Dr. Rohde gives an eyewitness account of the terror and killing by the West Pakistan Army upon the unarmed, civil population of the city of Dacca in East Bengal. Dr. Rohde and his wife walked through the University of Dacca area only 4 days after military action started. They reported seeing the student dormitories of Dacca University shelled by army tanks and artillery. They saw evidence of the slaughter of young inmates of those dormitories. They saw the breaches in walls of those dormitories where tanks had broken through. They saw mass graves in which dead students were heaped together outside the halls where they had studied. Dr. Rohde sums up what he saw in the following words:

It is clear that the law of the jungle prevails in East Pakistan where the mass killing of unarmed civilians, the systematic elimination of the intelligentsia and the annihilation of the Hindu population is in progress.

It appears to me from Dr. Rohde's account and the accounts of other eyewitnesses that systematic and brutal killings on a scale unprecedented in recent times have been committed in East Bengal. And it is a matter of profound sorrow to me, as I believe it should be to Senators, that this brutality in large part has come with the arms provided to Pakistan by our country.

Dr. Rohde urges in his letter of April 17:

The U.S. must not continue to condone the military action with official silence.

He recognizes, he says, the inability of our Government to "oppose actively or intervene in this desperate oppression of the Bengalis" but he urges that I and my distinguished and honored colleagues in this House "seek and support condemnation by Congress and the President of the U.S. of the inhuman treatment being accorded these 75 million people of East Pakistan."

I am a cosponsor of Senate Concurrent Resolution 21, urging the suspension of our military assistance to Pakistan until the conflict is resolved. But as I have read and re-read, Dr. Rohde's account of the happenings in East Bengal, I have felt, increasingly, the force of his appeal that we here do something to help bring to an end the inhuman treatment to which the people of East Bengal have been subjected. We have a responsibility, an obligation to do something: we cannot condone this military action through our silence.

Foreign policy and foreign relations are difficult and complex matters; and those who bear the responsibility for their formulation and conduct in any country or government are capable of error. There is hardly an example of a flawless or all-successful foreign policy. Our foreign policymakers in the post-World War II era deserve credit for many things. But they also made mistakes and some of the worst were made in Asia. Our policy toward Pakistan has been a serious mistake. Here is why:

First, the decision in 1954 to arm Pakistan created an internal imbalance of forces in that country, which resulted in the military coup d'etat of 1958. Democracy has worked well enough in neighboring India and but for this tipping of the scales in favor of the military in Pakistan, it might well have worked in that country too.

Then, this dominance of the military led to the virtual subjugation and exploitation of East Pakistan, comprising 75 million people, by West Pakistan with a population of about 50 million. That is what lies at the root of the conflict between the people of the East and the rulers and the military of West Pakistan. This conflict may be another Vietnam, only much larger in size and spelling, perhaps, far greater dangers to Asia and the world.

Third, that policy alienated and antagonized, at least temporarily, a country which has all along been inclined to be among our well-meaning friends. India stands for humanist values, for liberty and freedom, and for democracy—goals and values which we ourselves cherish most. This policy led us into an alinement with Pakistan against India, a country which despite its present economic problems and other weaknesses is a force to reckon with in Asian affairs, and a potential great power on the world stage.

But let me confine myself to Pakistan. What did all our arms and economic aid accomplish in Pakistan? Almost 100 percent of the arms aid and something like 70 percent of our economic assistance was invested in West Pakistan, where only a minority of the Pakistanis live. Traditionally, more than half of Pakistan's export earnings came from East Bengal's jute and other agricultural products. And yet the lion's share of foreign imports financed by these earnings as well as foreign aid went to West Pakistan with East Bengal getting no more than 20 or 30 percent.

As a result, while West Pakistan made some progress, East Bengal only grew poorer since its independence as part of Pakistan in 1947. This was rendered possible by the fact that the people of East Pakistan had no share in the country's management which has been carried on arbitrarily by an unrepresentative military regime drawn from the West and supported with our military and economic assistance.

Small wonder, then, that after the first-ever elections to be held on the basis of universal franchise last year, the elected leaders of East Bengal led by Sheikh Mujibur Rahman demanded a large measure of autonomy, not separation or independence but autonomy, more especially autonomy in the management of East Pakistan's economic, commercial, and financial affairs.

I should remind my colleagues that during the negotiations preceding the military blitz of March 25, the demand of the East Bengalis was not independence but autonomy or self-rule in domestic matters, such as police and paramilitary forces, trade and commerce, taxation and economic investment, and the like. Behind the smokescreen of these negotiations, the strength of the largely Punjabi army from West Pakistan was increased, and its full force was unleashed on unarmed Bengalis in a manner and on a scale which Dr. Rohde and many other eyewitnesses have described as a veritable bloodbath, mass slaughter, and genocide.

I should like to have printed in the CONGRESSIONAL RECORD some dispatches on the subject. These articles tell at least a part of the story of what has gone on in East Bengal.

I know that the Pakistan Government's present line of defense is that what is happening in East Bengal is Pakistan's internal matter. What distresses me the more is that our own Government should choose to deploy the same line of argument in its response to questions from the Senate Foreign Relations Committee. As the New York Times said in its editorial of April 21—and if there is no objection, I should like to have the editorial reprinted in the CONGRESSIONAL RECORD—

It is a dangerously short-sighted policy to insist that the military slaughter of democratic leaders and repression of the ma-

jority in East Pakistan is strictly an internal matter.

Arms and ammunition supplied by us on a grant basis or concessional purchases are being used by one side in this conflict. Our economic assistance enables the Government of Pakistan to divert its own resources to the purchase of more arms to carry on this war. I believe emissaries from West Pakistan are here right now to ask for more arms and more economic aid. And yet they tell us that what is happening in East Bengal is an internal matter upon which we should not express our views.

In the circumstances, it appears to me that it is not enough for the Senate to demand suspension of military aid to Pakistan until this conflict is resolved. Under the existing arrangements, the majority of the people of Pakistan will continue to be deprived of the benefits of our economic assistance. Therefore, until such time as this conflict is resolved to the satisfaction of the elected leaders of East Bengal, our economic aid to Pakistan must be suspended. I strongly urge this, because while this conflict lasts, any economic aid we give to Pakistan will be used by West Pakistan authorities only to suppress the majority in East Bengal.

I am not advocating interference in Pakistan's internal affairs. I am advocating our disengagement from this conflict. Through the use of our arms and our economic assistance in this conflict, the Government of Pakistan has involved us in it as a partisan against the more populous part of Pakistan. We need to disengage ourselves from this conflict completely by stopping all military and economic assistance to Pakistan. We can consider resumption of assistance when circumstances reassure us that our assistance will reach where it is most needed.

The Government of Pakistan after expelling foreign correspondents on the eve of military action in East Pakistan, has invited half a dozen of them for a conducted tour of East Pakistan under a pall of heavy censorship. One of the privilege correspondents, Mr. Malcolm W. Brown, reported, in The New York Times of May 7:

From a helicopter flying over the eastern region of East Pakistan, vast destruction could be seen in towns and villages . . . A visit here is a visit to a city of desolation. . . . Apart from a handful of people at the market place who carefully saluted passing army jeeps, the city was virtually deserted.

He goes on:

At intervals along streets lined with ramshackle houses bodies have been buried in shallow graves and covered with piles of red bricks. Bodies covered with bricks are found even on the porches of houses which themselves are unoccupied and closed.

This is not the story of a minor internal matter of law and order. What these press dispatches indicate is a terrible massacre. It is a proper matter of international interest and world condemnation. Let the Senate condemn it; and let the Senate ask the administration to raise the matter in appropriate international forums such as the Economic and Social Council with a view to seeking redress of the grave violations of human rights involved.

If we condone the happenings in East Pakistan in silence, this tragedy will only be compounded. Refugees are streaming out of East Pakistan, and the Indian Government has announced that it is already host to some 2 million East Bengalis who have fled. In East Bengal itself, with the disruption of normal life and communications there, is the threat of famine; there also is the threat of the spread of cholera and typhoid and other epidemics.

Such calamities are no respectors of national boundaries and international frontiers. I do not see how the present Government of Pakistan is going to be able to deal with those threats with its resources depleted to bankruptcy by a war it cannot afford, and the majority of its population already alienated.

It is necessary that the pressure of international opinion be brought to bear upon that Government to create conditions in East Bengal in which the necessary relief can be provided to millions of people who have only known denial, exploitation and repression, and now, for no fault of theirs, face the threat of decimation by famine and epidemic.

I ask unanimous consent that the items to which I have referred be printed in the RECORD.

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

[From the New York Post, Mar. 30, 1971]

HOW ARMY TANKS BLASTED A CITY

(Associated Press photographer Michel Laurent was in Dacca, the capital of East Pakistan, when the Pakistani army cracked down on the Bengali independence movement. Newsmen were confined to their hotel. But Laurent evaded the ban and toured devastated areas of the city before being finally deported with other newsmen over the weekend.)

(By Michel Laurent)

DACCA, EAST PAKISTAN.—The Pakistani army attacked the Bengali independence movement in Dacca without warning Thursday night and took the people by surprise.

The army's American M24 tanks, artillery and infantry destroyed large parts of East Pakistan's largest city and provincial capital.

The chief targets were the university, the populous Old City where Sheik Mujibur Rahman and his Awami League were strongest, and the industrial areas on the outskirts of the city of 1.5 million people.

Perhaps 7,000 persons were killed in the provincial capital alone.

Touring the still burning battle areas Saturday and yesterday, one found the burned bodies of some students still in their dormitory beds.

The tanks had made direct hits on the dormitories.

A mass grave had been hastily filled in at the Jaggernath College; 200 students were reported killed in Iqbal Hall. About 20 bodies were still on the ground and in the dormitories.

Troops reportedly fired bazookas into the medical college hospital but the casualty toll there was not known.

Thousands fled the city with only what they could carry. Some pushed carts loaded with food and clothes. Only a few persons returned to government jobs despite the orders of the military regime.

[From the Chicago Sun-Times, Mar. 30, 1971]

EXCLUSIVE ON-THE-SPOT OF SLAUGHTER IN EAST PAKISTAN

(By Simon Dring)

DACCA, EAST PAKISTAN.—In the name of "God and a united Pakistan" Dacca is a crushed and frightened city.

After 24 hours of shelling by units of the Pakistan army as many as 7,000 people are dead, large areas of the city have been leveled, and East Pakistan's fight for independence has been put to an end.

Despite claims by President Agha Muhammad Yahya Kahn, head of Pakistan's military government, that the situation is calm, as late as Sunday thousands of people were fleeing to the countryside. The city streets were almost deserted and the slaughter was continuing in other parts of the province.

There was no doubt that the Army was in control of all the towns and major population centers and that resistance was minimal and apparently ineffective.

As of Sunday, people were still being shot at what appeared to be the slightest provocation, buildings were still being destroyed, and the military appeared to be more determined than ever to assert its control over the 73 million Bengalese in East Pakistan.

Although an accurate estimate of civilian casualties is impossible, reports filtering in from outlying areas, including Chittagong, Comilla and Jessore, put the figure, including Dacca, at about 15,000 dead.

DEATH, DESTRUCTION OBVIOUS

The extent of death and destruction in Dacca was obvious: Students dead in their beds, butchers in the markets killed behind their stalls, women and children burned to death in their houses, Pakistanis of Hindu religion shot en masse, bazaars and shopping areas razed by fire. By Sunday, the Pakistani flag flew over nearly every building in the city

Military casualties are not known but at least two soldiers have been wounded and one officer killed.

The Bengali uprising seemed to be over for the moment. Sheik Mujibur Rahman was seen being taken away by the army and nearly all the top members of his Awami League faction have also been arrested.

Leading political activists were arrested, others were killed and the offices of two newspapers that supported Mujib's independence movement were destroyed.

The first target of army tanks that rolled into Dacca Thursday night was the students.

An estimated three battalions of troops were used in the attack on Dacca—one armored, one artillery and one infantry. They started leaving the barracks shortly before 10 p.m.

By 11 p.m., firing had broken out, and the people who had started to hastily erect makeshift barricades—overturned cars, tree stumps, furniture, concrete piping—became early casualties as the troops rolled into town.

Mujib was warned that something was happening, but he refused to leave his house. "If I go into hiding they will burn the whole of Dacca to find me," he told an aide who escaped arrest.

The students were also warned, but those who were still around later said most thought they would only be arrested.

Led by American-supplied M-24 World War II tanks, one column of troops sped to Dacca University shortly after midnight. Troops took over the British Council library and used it as a fire base to shell nearby dormitory areas.

Caught by surprise, some 200 students were killed in Iqbal Hall, headquarters of the militantly antigovernment Students Union as shells slammed into the building and their rooms were sprayed with machinegun fire.

Two days later bodies were still smouldering in their burned-out rooms, others were scattered outside, more floated in a nearby lake, an art student lay sprawled across his easel, seven teachers died in their quarters and a family of 12 were gunned down as they hid in an outhouse.

The military removed many of the bodies, but the 30 bodies still there could never have accounted for all the blood in the corridors of Iqbal Hall.

At another hall the dead were buried by the soldiers in a hastily dug mass grave, then bulldozed over by tanks.

People living near the university were caught in the fire, too, and 200 yards of shantly houses running alongside a railway line were destroyed during the attack.

Army patrols also razed a nearby market area. The soldiers ran down between the stalls killing their owners as they slept. Two days later, when it was possible to get out and see all this, some of the men were still lying as though asleep, their blankets pulled up over their shoulders.

In the same district the Dacca Medical College received direct bazooka fire and a mosque was badly damaged.

As the university came under attack, columns of troops moved in on the Rajabag headquarters of the East Pakistan police on the other side of the city.

Tanks opened fire first, and then the troops moved in and leveled the men's sleeping quarters, firing incendiary rounds into the buildings.

It was not known, even by people living opposite, how many died but out of 1,100 police based there not many are believed to have escaped.

ARMORED CAR ARRIVES

As this was going on, other units had surrounded Mujib's house. When contacted shortly before 1 a.m. Friday, he said he was expecting an attack any minute and that he had sent everyone except his servants and a bodyguard away to safety.

A neighbor said that at 1:10 a.m. a tank, an armored car and trucks loaded with troops drove down the street firing over the house.

"Shiek you should come down," an officer called to Mujib in English as they stopped outside. He replied by stepping out on to his balcony and saying, "Yes, I am ready but there is no need to fire. All you need to have done is call me on the telephone and I would have come."

The officer then walked into the garden of the house and told Mujib: "You are arrested."

He was taken away along with three servants, an aide and his bodyguard, who was badly beaten when he started to insult the officer. One man was killed—a night watchman hiding behind the fence of the house next door.

By 2 a.m. fires were burning all over the city, troops had occupied the university and surrounding areas, were shooting at students still in hiding and were replacing Bengali independence flags with Pakistani national flags.

There was still heavy shelling in some areas, but the fighting was beginning to slacken.

Opposite the Intercontinental Hotel where foreign journalists were detained, a platoon of troops stormed the empty offices of The People newspaper, burning it down along with most houses in the area and killing a night watchman.

Shortly before dawn most firing had stopped and as the sun came up an eerie silence settled over the city, deserted and completely dead except for noise of the crows and the occasional convoy of troops or tanks rumbling by on mopping-up operations.

FIRED INTO ALL THE HOUSES

But the worst was yet to come. At midday Friday, again without warning, columns of troops poured into the old section of the city where more than a million people live in a sprawling maze of narrow winding streets.

For the next 11 hours they proceeded to systematically devastate large areas of the "Old Town" as it is called where Mujib had some of his strongest support of the people in Dacca.

"They suddenly appeared at the end of the street," said one old man, "then they drove down it firing into all the houses."

The lead unit was followed by soldiers carrying cans of gasoline. Those who tried to escape were shot. Those who stayed were burned alive. About 700 men, women and children died there that day between noon and 2 p.m.

The same was repeated in at least three other areas, all of them covering anything up to a half mile or more.

As they left, the soldiers took those dead they could away with them in trucks and moved on to their target. Police stations in the Old Town were also attacked.

"I am looking for my constables," a police inspector said on Saturday morning as he wandered through the ruins of one of the bazaars. "I have 240 in my district and so far I have only found 30 of them—all dead."

One of the biggest massacres of the entire operation in Dacca took place in the Hindi area of the Old Town. There the soldiers made the people come out of their houses and then shot them in groups.

This area, too, was eventually razed.

NEWSPAPER OFFICE A TARGET

Meanwhile, troops of the East Bengal regiment were being used in the suburbs to start moving out toward the industrial areas of the city—Tongi and Naranganj—both about 10 miles from the city center and both areas of leftist support for Mujib.

Firing continued in these areas until early Sunday morning, but the bulk of the operation in the city was completed by Friday night.

One of the last targets was the daily Bengali language paper, Ittefaq. More than 400 people had taken shelter in its offices when the fighting started.

At 4 p.m. Friday four tanks appeared in the road outside. A half hour later the building was an inferno. By Saturday morning only the charred remains of a lot of corpses huddled in back rooms were left.

As quickly as they appeared the troops disappeared off the streets. On Saturday morning the radio announced the curfew would be lifted from 7 a.m. until 4 p.m.

It then repeated the martial law regulations banning all political activity, announcing press censorship and ordering all government employes to report back for work and for all privately owned weapons to be handed in to authorities.

PANIC SETS IN

Magically the city returned to life Saturday and panic set in. By 10 a.m., with palls of black smoke still hanging over large areas of the Old Town and out in the distance toward the industrial areas, the streets were packed with people leaving town.

By car, in rickshaws but mostly on foot carrying their possessions with them, the people of Dacca were fleeing.

By midday they were on the move in the tens of thousands.

[From the Baltimore Sun, Apr. 4, 1971]

PAKISTAN IS EXTERMINATING THE BENGALIS

(By John E. Woodruff)

(Less than four months ago, the West Pakistan Army said it could not send soldiers and helicopters to East Bengal to save survivors of the cyclone that took hundreds of thousands of lives in the mouth of the Ganges. If troops and helicopters were moved from West Pakistan, India might attack, the Army said. By the time the Army Statement was issued, India was increasing its offers of relief aid for the cyclone victims.)

"DOMINION" NEWZEALAND DAILY

"Newzealand should quickly appeal to Pakistan to stop bloodshed. In all conscience scale of killing demands we do something.

"Reports filtering out of East Pakistan suggest slaughter to unprecedented degree as President Yahya Kahn army seeks to mend with savage indiscriminate force fracture that has sundered nations. . . . urgent need is to stop killing and get relief supplies in and Newzealand should say so."

Today, that same West Pakistan Army shows every sign of being prepared to send its last soldier to more populous East Bengal, if necessary, in an all-out effort to shoot to death the results of last December's elections.

No room remains for doubt as to the Punjabi-dominated Army's determination to go the whole distance.

For the only justification that could ever emerge for the grisly scenes of a week ago Thursday and Friday would be a total victory of bullets over the nonviolent attempts of the Bengalis to put in power the men they had elected in polling sanctioned by the Army.

NEWSMEN TOURED CARNAGE

Correspondents interned last week at the plush Dacca Intercontinental Hotel could see only fragments of what was taking place outside—a few soldiers shooting into civilian buildings, a machine-gun opening up on a dozen empty-handed youths, the Army setting fire to civilian business places.

But two European newsmen evaded the Army and stayed behind a few extra days and they managed to tour some of the carnage before they were found out and expelled.

Their reports have confirmed the worst fears of those who were only able to surmise the meaning of cannon reports and prolonged bursts of machine-gun and automatic-rifle fire coming from the new campus of Dacca University, where two burning buildings lighted the sky for hours with their flames.

SLUM RESIDENTS KILLED

Hundreds of students were burned up in their beds and hundreds more were buried in a mass grave, according to reports filed by the two newsmen who said they toured the scene.

They also confirmed previous reliable diplomatic reports that large stretches of bamboo slums were surrounded and set afire, their residents shot when they tried to flee.

The only bond between West Pakistan and East Bengal—other than the West Pakistan Army itself—is the Muslim faith, for which the divided country was created as a haven against Hindu-Muslim religious murders when India was partitioned.

Even today, the Army exercises its authority in the name of "the Islamic state of Pakistan." Yet burning a human being, alive or dead, is unequivocally forbidden by the Mohammedan faith. It is also a favorite crime charged to Hindus by West Pakistani Muslims.

Such attacks upon fellow Muslims in the name of an Islamic state can be vindicated, even in the eyes of other Mohammedan countries from which West Pakistan is apparently already seeking aid, only by a total military victory. And any military victory will require growing, not diminishing, bloodshed as the Bengalis—unified to a man for the first time in decades—struggle to resist.

Clues as to how cooly the West Pakistanis had calculated their plan to shoot and burn

the Bengalis into submission are provided by the personal actions of some West Pakistani politicans at the Hotel Intercontinental on the night the holocaust started.

[From the London Times, Apr. 2, 1971]

POLITICAL AND INTELLECTUAL LEADERS BEING WIPED OUT IN WAR OF GENOCIDE

(By Louis Heren)

The Pakistan Army is alleged to have waged a war of genocide in East Pakistan. The objective is said to be the elimination of the political and intellectual leadership, and it might well have been achieved.

Old religious enmities are also said to have been revived. Thousands of Hindus are alleged to have been slaughtered by Muslim troops.

This and other charges were made in London yesterday by a young man who left Dacca earlier this week after spending the past two years there. For many reasons his name cannot be revealed, but I know him to be a level-headed and responsible man.

He confirmed that Shaikh Mujibur Rahman, the East Bengal leader, escaped the carnage, but 11 members of his bodyguard were killed.

The Shaikh was arrested by troops last Thursday, held in the Adamju school for two days, and then flown to West Pakistan. He is believed to be held in Multan.

According to this informant, a systematic pattern of physical and psychological destruction became apparent even during the first night of fighting on March 25. Soon after, it became clear that certain groups had been selected to be the victims of completely unrestrained brutality.

These included Awami League leaders, students (who are the most radical members of the League), professors and their families, and any Hindu who could be found.

The Army commanders had apparently concluded that the students were the nucleus of a future Bengali independence movement. The professors represented the East Pakistan intelligentsia, vital for the administration of a future independent Bengal.

The reason for killing the Awami League leaders was self-evident. As for the Hindus, my informant is convinced that the troops were led to believe that they were the malign force behind the secessionist movement.

No single observer could possibly have observed all that went on during the five days of fighting, but what follows was actually seen.

At the University of Dacca, the residential dormitory Jangarnath Hall, was reserved for Hindu students. Tank tracks led to the wall of the compound, which had been blasted down.

Outside the building there was a fresh mass grave. Inside blood streamed from every room which had also been looted. There were bodies of six savagely-killed men in the servants' quarters near by.

In the apartments of the faculty staff, children were seen shot dead in their beds. The dead bodies of what appeared to be the entire family of a senior professor, were found in another apartment.

Outside were seen the bodies of students still clutching lathis, or bamboo staves, in their hands. There were bloody footprints on the central staircase, and splotches of blood trickled down the outside wall of the building.

In two of the old city's largest bazaars, one entirely Hindu and the other predominantly so, the stench of dead and burning bodies was so overpowering that the survivors walked about with cloths over their noses. At least seven or eight bodies were seen in the rubble of ruined buildings and on refuse dumps.

In one house, my informant saw the still-warm corpse of a man who had been shot to death minutes before. It was surrounded by his wailing wives.

This is what was actually seen. What follows is an account of what happened during the five days of the fighting. Parts of it are reports received from friends before he left Dacca.

The Army moved in, in force, to occupy key points of the town shortly before midnight on March 25. President Yahya Khan had departed for Karachi only a few hours before, and the assumption was that the troops acted on his personal instructions.

According to official spokesmen, the Army had been warned of a plot to barricade all the approaches to the cantonment shortly after the President's departure. Barricades had certainly gone up throughout the city, and from midnight until noon the next day, Dacca echoed with the sounds of firing from heavy artillery, heavy machine-guns and other automatic weapons.

Throughout the night, there was the glare of large fires and tracer bullets.

By dawn, a large pall of smoke covered much of the city and drifted slowly northwards towards the wealthy suburb of Gulshan. Fires were also seen in the Bihari area, the scene of communal friction earlier in the month.

A "shoot to kill" curfew was imposed upon the city on March 26. Soldiers were seen firing with automatic weapons at the house of Colonel Osmani, a retired Bengal Army officer.

Shooting and fires continued through the night, but less violently, and the curfew was relaxed for five hours on Saturday March 27.

During a walk through the newer part of the city, destroyed barricades and squatters' huts were seen everywhere.

In the older part of the city, near the police lines, there was complete destruction everywhere. It was understood that the only strong resistance to the Army took place here, with the help of policemen and troops of the East Pakistan Rifles. They were said to have been massacred for their temerity.

Refugees were already beginning to leave the city. Most of them carried only a small bundle of clothes.

The curfew was again lifted on Sunday to allow families to buy food, but the New Market was almost completely destroyed.

At the Ramna racecourse, the two small villages and shrines of Hindu herdsmen were burnt and utterly destroyed. Many bodies were seen in the rubble, and the few remaining villagers were dazed and terrified.

The conclusion drawn was that East Pakistan would be without political and intellectual leadership for at least a decade, and perhaps a generation.

WORSE THAN IN HITLER'S GERMANY

London, March 31: A Pakistani law student said yesterday that he saw Pakistani troops shooting women and children in Dacca "like boys playing with toy guns."

"It is genocide and a massacre. People are being butchered. It is worse than what happened in Hitler's Germany. Hitler didn't kill his own people."

The student, Mr. Shamsul Alam, flew from the smouldering East Pakistani capital to London via Amsterdam.

Mr. Alam, 31, former President of the Pakistan Youth Federation in Britain, claimed that he was carrying a message from the Awami League leader, Sheikh Mujibur Rahman appealing to the British public.

Describing the chaos in Dacca, Mr. Alam said: "The military set the houses on fire and when the people ran out they shot them. In the streets there were tanks and armoured cars and I could hear sten guns, machine guns, rifles and cannon fire. They were firing aimlessly, no matter whether at women or children.

"On the way to the airport, I saw about 100 decomposing bodies collected together and the birds were eating them."

Mr. Alam said one-third of the staff at Dacca University were dead and students were killed in their beds. He estimated 1,000 East Pakistan police officers were "butchered with sten guns."

Sheikh Mujibur Rahman, he said, had asked him to tell Britain "and the whole world of the terrible situation the Bengalis are facing."

[From The New York Times, Apr. 21, 1971]

AN INTERNAL MATTER?

Washington is following a dangerously short-slighted policy in continuing to insist that the Pakistani military government's slaughter of democratically elected leaders and repression of the majority of its population in East Pakistan is strictly "an internal matter." Although the army appears to have the Bengali uprising under control for the moment, the bloodbath in "Bangla Desh" has immediate and long-run implications that the world community cannot afford to ignore.

The immediate international concern must be for the human suffering in East Pakistan. The ruthless slaughter of resistors and innocent civilians, especially members of potential leadership groups, appears to be continuing. Moreover, the disruption of economic and social life caused by the fighting is bound to create widespread hardship over a prolonged period. There is ample evidence to justify a strong plea by the world community for an immediate end to the bloodshed and for the admission of international relief agencies into East Pakistan.

The Pakistan Government itself has made this conflict an international issue by attempting to place the blame for Bengali resistance on neighboring India. If deep-rooted—and now profoundly aggravated—Bengali grievances are allowed to fester, mounting tensions between India and Pakistan could explode into a war that might quickly involve one or more of the major powers. The United Nations Security Council and its member states have not only the right but the responsibility to do all that is in their power to try to forestall such a development.

A particularly heavy burden of responsibility falls on the United States Government since Washington's arms provide the principal muscle of West Pakistan's military power and American economic aid will become increasingly crucial for the Pakistani Government's survival. Washington has the leverage to support democratic and peaceful development in Pakistan. Continued blind backing for the military regime in Islamabad can only lead to disaster for this country's substantial interests on the Indian subcontinent.

[From the New York Times, May 8, 1971]

COPTER VIEW OF EAST PAKISTAN: VAST DESTRUCTION BUT NO FIGHTING

(By Malcolm W. Brown)

MYMENSINGH, PAKISTAN—From a helicopter flying over the eastern region of East Pakistan, vast destruction could be seen in towns and villages but no evidence of continuing fighting.

There is virtually no battle damage, however, in the city of Mymensingh, which was captured by Government soldiers from separatist Bengali troops in a one-day battle April 15. But a visit here is a visit to a city of desolation.

Apart from a handful of people at the market place, who carefully saluted passing army jeeps, the city was virtually deserted.

GRAVES IN THE STREETS

At intervals along streets lined with ramshackle houses bodies have been buried in shallow graves and covered with piles of red bricks. Bodies covered with bricks are found

even on the porches of houses, which themselves are unoccupied and closed.

Authorities said that of a heavily armed Bengali insurgent group of about 1,000, nearly all had been killed in the fighting. The insurgents were said to have been well entrenched and armed with anti-aircraft machine guns, mortars and rocket launchers, largely of Indian origin.

Officials also said that, before the Government soldiers took the city, the Bengalis had killed at least 1,000 Bihari or non-Bengali residents. Army officials introduced correspondents to people who said there had been a slaughter of Bihari residents by the dominant Bengali group led by members of the Awami League, the political party that was outlawed by the central Government soon after the military action began in East Pakistan on March 25.

["There were 5,000 non-Bengalis where I lived and now there are 25 survivors," The Associated Press quoted the assistant postmaster as having said.]

Officers from West Pakistan commanding the forces occupying this region decline to disclose overall casualty figures in Mymensingh District, which is described as the most populous single district in all south Asia. Such figures, in any case, may not be known.

"There were so many bodies here," one officer said, "it was impossible to identify them or bury them."

He said they had to be thrown into the Brahuaputra River, a tributary of the Ganges For the last two months, it is said, swarms of vultures have been gathering in the area.

The main loss of life here apparently occurred in the fields and fruit groves outside Mymgensingh, and in clust of huts that had been burned to the ground.

In Dacca, capital of East Pakistan, correspondents were shown three prisoners said to have been captured from the ranks of infiltrating Indian forces inside Pakistan.

ARMY CONTROLS TOWNS

The three men said that they had been sent to Indian border posts and had removed their unit badges before crossing the frontier. Pakistani authorities said that they had captured five Indian border guards in all, one of them wounded.

There seems little question at this point that the army is in full control of all major towns of East Pakistan, most of which have been evacuated by at least half the residents.

Army officials said that pockets of resistance continue. They said that attempts had been made to blow up bridges and other lines of communication but that search-and-destroy operations with helicopter support were rapidly neutralizing these.

TACTICS EMPLOYED AGAINST DEMONSTRATORS

Mr. BAYH. Mr. President, the controversy concerning the procedures used by police and other local and Federal officials in arresting, detaining, and processing persons taken into custody during last week's antiwar demonstrations continues unabated.

I was not in sympathy with the tactics employed by last week's demonstrators. I believe such tactics led us away from rather than toward the goal of ending our involvement in Vietnam. I am sympathetic to the problems faced by the police and other local and Federal officials in discharging their obligations to maintain order and prevent disruption of traffic during massive demonstrations and civil disobedience. I do not believe that any citizen has a constitutional right to shut down his government. I firmly believe that it is only right and proper to arrest and prosecute those who violate the law. However, I was deply disturbed by those instances in which the arbitrary suspension of constitutional guarantees of the rights of individuals was evident. Wholly innocent citizens were arrested without probable cause and detained along with those actively engaged in illegal activity. Subsequently, many were coerced into submitting to being fingerprinted and photographed and required to help create fraudulent arrest records as a condition for release on bail. I will not retrace here the many specific examples of these violators of constitutional guarantees published in the press or brought personally to my attention. But I would like to deal with some rather fundamental and disturbing questions raised by the events of last week.

Mr. President, I was particularly struck by a paragraph in the Washington Post of May 6. It said:

In the Nixon Administration's first formal response to criticism of the mass arrest procedure, an assistant attorney general told a North Carolina audience that the circumstances were extraordinary Monday, justifying suspension of normal law enforcement standards.

Mr. President, in Germany in the 1930's, in Greece in the 1960's, in country after country that has evolved into a police state, the first step came when constitutional liberties and guarantees were dispensed with because of "extraordinary circumstances." Almost invariably this was done in the name of preserving order and maintaining the safety of the public.

As I observed earlier, I was not and am not in sympathy with the tactics employed by last week's demonstrators. But I am firmly convinced that the real test of whether we believe in the Constitution and its guarantees of the rights of individuals comes when the rights of those with whom we are not in sympathy are being violated. It is then that we must exercise the greatest care that we do not waver in our support of the constitutional rights of all our citizens. All of us might do well to remember the comments of Pastor Niemoller a quarter of a century ago in Germany when he said:

They came after the Jews. And I was not a Jew. So I did not object.

Then they came after the Catholics. And I was not a Catholic. So I did not object.

Then they came after the trade unionists. I was not a trade unionist. So I did not object.

Then they came after me. And there was no one left to object.

Mr. President, we must object to flagrant and arbitrary suspension of constitutional guarantees experienced here last week. We must object because history has shown that oppression very frequently has innocent origins. As the great Justice Louis D. Brandeis once observed:

The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning, but without understanding.

Admittedly the circumstances last week were "extraordinary" and I feel certain that most of those who made the decisions to arbitrarily suspend constitutional guarantees to deal with it were well meaning.

But what they should have understood and what all of us must understand is that the true test of exactly what our Constitution and its guarantees are worth comes when we are faced with "extraordinary circumstances." If under such circumstances our government, local, State, or Federal, can simply conveniently overlook the necessity to comply with the Constitution then we are well on our way to having a Constitution that is worthless as a guarantee of justice.

A year ago, in a letter to Representative GERALD FORD, President Nixon made a rather significant observation concerning a basic principle of constitutional law, an observation with which I wholly agree. He wrote:

A basic principle of constitutional law is that there are not trivial or less important provisions of the Constitution. There are no constitutional corners that may safely be cut in the service of a good cause. The Constitution is indivisible. It must be read as a whole. No provision of it, none of the great guarantees of the Bill of Rights is secure if we are willing to say that any provision can be dealt with lightly in order to achieve one or another immediate end. Neither high purpose or expediency is a good excuse. We damage respect for law, we feed cynical attitudes toward law, whenever we ride roughshod over any law, let alone any constitutional provision, because we are impatient to achieve our purposes.

Mr. President, the trouble with principles and with constitutions is that they are much easier to talk about than they are to live up to.

STEEL PRICE INCREASE

Mr. PROXMIRE. Mr. President, the steel industry has announced a 6.25-percent price rise on sheet and strip items which cover about one-third of all steel shipments. It is the type of steel used primarily in automobiles and household appliances, and constitutes the largest single category of steel products.

It is obvious that this increase will reverberate through the price structure of our economy and add fuel to the already rampant inflation. At a hearing last week, Prof. Aaron Gordon, eminent professor of economics and an expert on economic statistics, questioned the administration's frequent predictions that inflation would diminish and said there is a probability of intensified inflation durng the rest of the year. The steel increase helps to insure it.

And what has the administration done in the face of this threat? They have feebly expressed "disappointment" but make very clear that it does not plan to take any further action. The Council of Economic Advisers takes the position that they expected it and that, therefore, nothing can be done or should be done.

In an editorial this morning, the New York Times says:

The vapidity of the Administration's program for curbing the wage-price spiral has never been more dismayingly evident than in its approach to the steel industry.

Mr. President, the continued failure of the administration to adopt an effective

wage-price policy along the lines set forth countless times by the Joint Economic Committee is an ominous failure of policy responsibility by the administration.

President Nixon recently expressed dismay over the fact that America's share of world steel production dropped from 50 to 20 percent in the last two decades. I urge him to ponder the fact that the steel industry has traditionally reacted to reduced demand growth by raising prices—exactly the opposite of traditional economic conduct. Higher prices force a lower rate of operation which generally is accompanied by a lower increase in productivity. Such price increases serve to generate a vicious circle of stagnancy which is further abetted by a traditionally weak modernization policy in the steel industry. No wonder that foreign competition is cutting into their market heavily. How can the U.S. steel industry compete if it falls behind in productivity?

What makes it worse is the possibility that the steel industry will try to perpetrate another increase later this summer after the wage negotiations. The industry has already tried to justify the present increase on the basis of past wage rises.

Mr. President, unless President Nixon immediately adopts stronger policies, and specifically an effective wage price program, this country will suffer an intensification of inflation even with the 6-percent unemployment that will prevail for most or all of this year.

I ask unanimous consent that the New York Times editorial be printed in the RECORD.

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

CONFUSION IN STEEL

The vapidity of the Administration's program for curbing the wage-price spiral has never been more dismayingly evident than in its approach to the steel industry. Even now, with the dollar in acute trouble in world money markets and with the wholesale price index signaling another upsurge in domestic inflation, the White House has thrown a mantle of total confusion over developments in this most basic of American industries.

Last January, when Bethlehem Steel announced a 12 per cent increase in structural steel prices, President Nixon made plain his extreme displeasure and hinted that he might retaliate by letting more foreign steel into this country. Action by United States Steel to trim the increase to 6.8 per cent ended that confrontation.

Now United States Steel has taken the lead in a price rise averaging 6.25 per cent on the types of steel used to make automobiles, appliances and other consumer goods. This time the White House says it is "disappointed" but emphasizes that it doesn't plan to seek a rollback. The Council of Economic Advisers shrugs off the increase as merely an extension of the round that began with higher prices for construction steel. A spokesman says the council's real concern is over the danger of another jump in steel prices after the industry's crucial wage negotiations this summer.

And what is the Administration's contribution to a moderate settlement in those talks? More confusion. In mid-April, after holding aloof from pattern-setting negotiations in the can industry, the President's economic advisers issued an "inflation alert" in which they warned that extension of the can settlement to steel would undermine that industry's ability to compete with foreign steelmakers and sharply cut job opportunities in domestic mills.

In a news conference last weekened the President underscored this warning by declaring that America's share of world steel production had dropped from 50 per cent to 20 per cent in the last two decades and that the industry would lose its ability to compete if the forthcoming labor agreement did not reflect "competitive realities."

The very next day reports came out of Washington that some of the President's closest advisers were resigned to a steel settlement as high as the one in the can industry. "Anyone who thinks the settlement in steel will be less than the can settlement is out of his mind," was the crisp summary one high official gave of the White House attitude.

Union leaders, already under intense rank-and-file pressure, are bound to take the new price increases in steel and the absence of any inclination by the Administration to institute a comprehensive incomes policy as a green light for wage increases far in excess of productivity. The inevitable result will be more inflation, a further weakening of the dollar's international standing and more trouble for American steelmakers and steelworkers in withstanding overseas competition.

THE NEED TO APPOINT FEMALE PAGES

Mr. BAYH. Mr. President, I wish to express my wholehearted support for the resolution expressing the sense of the Senate that girls should be allowed to serve as Senate pages. We discussed a similar issue last year, during the debate on the proposed equal rights amendment. While the measure ultimately was defeated by the addition of extraneous amendments, the quality of debate was high. I hope that this year, as before, the Senate will pay serious attention to the need to insure equal rights and opportunities for both men and women.

Today, the question of equal rights for men and women is again before us. The resolution should not require prolonged debate. We are not being asked to determine constitutional law. To me the issue is simple: Admission of female pages would reinforce the desire of this Chamber to be as representative as possible—to discard old myths when they have been proven false and discriminatory.

During a time of citizen concern over the broad questions of civil, legal, and human rights this body must continue to demonstrate good faith in support of these rights. And there is no good reason not to do so by admitting female pages.

Of course, some are concerned that page duties are physically too strenuous or that the hours are irregular. While these concerns are sincerely voiced, they are not decisive. For the fact is that girls have been employed during equally irregular hours in the Senate mail rooms performing tasks which are physically more demanding than those of pages. Clear precedent has already been established by this body.

Finally, page duty is an education as well as a job opportunity—and equal educational opportunity has long been a theme of congressional legislation.

We are all aware that the work of a Senate page is hard, exhausting, and sometimes tedious. But we must not forget that it is also one of the finest opportunities for a student to gain a practical and intimate understanding of representative Government. All of us at some time or another have pleaded with a group of young people to be more realistic or pragmatic in the demands they place upon Congress. I have often wished that I could share with these young people—both men and women—a firsthand understanding of Congress and its intricacies. Appointing a Senate page is one way to do so.

I believe we should adopt this resolution and expand the privilege of serving as a page to women as well as men. For they are all citizens and future opinion makers.

STATEMENT BY SENATOR ERVIN BEFORE HOUSE SUBCOMMITTEE ON EMPLOYEE PRIVACY AND S. 1438

Mr. ERVIN. Mr. President, today I testified before the House Subcommittee on Employee Benefits which is holding hearings on employee privacy legislation such as S. 1438, which I introduced in the Senate. The bill was passed by overwhelming votes of the Senate in the last two Congresses. It is now cosponsored by 51 Senators.

I told the House subcommittee that the privacy and constitutional rights of employees and applicants for employment in the executive branch require the protection of a law such as S. 1438 would provide.

There has been a serious need for such a law for many years. With the recent growth of the Federal Government and the unprecedented extension of its powers, its attitudes toward its employees will affect the lives and privacy of more Americans than ever before in our history.

There are some outrageous invasions of individual privacy and violations of rights which take place today. Many of them are sanctioned by Government and powerful private economic interests.

The individual, even a Member of Congress, has few enough chances to challenge or halt many of these. I believe my privacy bill offers every Member of Congress an immediate chance to halt some of the privacy invasions. Fifty-one Members of the Senate have cosponsored the bill as S. 1438 this year. In the last Congress, the Senate passed it by unanimous consent. In the 90th Congress, the Senate passed it with a 79-to-4 vote, and, counting absentees, with the total approval of 90 Members.

The bipartisan support for the bill is illustrated in its continuous sponsorship by Democrats and Republicans of all persuasions. In policy statements during the last presidential campaign, the candidates of both major political parties strongly supported new protections for the constitutional rights of Federal employees and guarantees against un-

warranted invasions of their personal privacy. The Democratic candidate wisely promised legislation based on the findings of the Senate Constitutional Rights Subcommittee and other congressional committees.

Platforms of both major parties acknowledged the privacy problem. In its platform, the Republican Party stated:

"The increasing government intrusion into the privacy of its employees and of citizens in general is intolerable. All such snooping, meddling and pressure by the federal government on its employees and other citizens will be stopped and such employees, whether or not union members, will be provided a prompt and fair method of settling their grievances.

Time is running out for fulfillment of these campaign promises. I would like to see this administration remove the blinders it inherited, and give this employee privacy bill top priority on its list of "must-have" laws.

I first introduced a similar bill in 1966 when it became apparent that executive branch politics were working to deprive people who worked for government of basic rights which belonged to them under the first amendment to the Constitution.

They were being compelled to reveal things about themselves which under the merit system, the Government had no business asking. They were told to fill in computer-punched cards with their race, and national origin, added to their names and social security numbers.

On pain of losing their jobs, employees were told at all grade levels to respond to broad inquiries about the way they handled their personal and family finances, and how their relatives spent their own money.

On pain of not getting a job, or a promotion, or a clearance, people were being subjected to extensive questions about their religious beliefs and practices, such as whether they believed in God, or the second coming of Christ, or how often they read the Bible.

They were subjected to questions about personal family relationships, such as whether or not they loved their mother or hated their father, and whether or not they enjoyed "sweet and peaceful family relationships."

They were solicited for responses to questions about their sexual attitudes and conduct, such as whether or not they "petted," how often they had intercourse and with whom, whether or not they took birth control pills, whether they dreamed about sex matters, and many other intimate details which were none of the business of Government to demand from its employees and applicants.

I know of nothing in the Constitution which authorizes Federal officials to use economic sanctions to make such inquiries of citizens, regardless of the stated purpose. Such inquiries cropped up time and time again with different justifications from officials. National security, emotional stability, mental health, ethical and moral conduct were among the reasons given. I believe a study of the reasons for the first amendment and fifth amendment and of the Supreme Court decisions on them will demonstrate that such questions are unauthorized for the purpose and that they have no substantial relevance to the purpose of Government. Yet such outrageous inquiries were and are put to people by questionnaires, interviews, and lie-detector machines.

We found that the Government was pursuing some other inquiries and investigations which were none of its business. In the interest of furthering administration equal employment goals, its beautification program and other social, political, and economic plans, employees were told in regulations, and verbally, to go out and use their own time to lobby for open housing legislation and municipal ordinances on civil rights, to work in ghettos, paint fences, buy grass seed, support the Urban League and the NAACP, and to engage in many other suggested community activities.

They were then told to report back to their supervisors what they had done. When one large group of employees asked what would happen if they did not do such things, they were told they would be considered uncooperative and that their personnel files would reflect their attitudes.

Under our Constitution, it seemed to me that a man can certainly decide for himself whether he wants to be politically or socially active in his community. If he wants to be silent and do nothing at all, that is his business. There is nothing in the Constitution saying that just because he works for Government he should have to report to his supervisor that he prefers to go fishing on Saturday instead of demonstrating for a Government-supported cause.

Yet, apparently, this is the word passed from the White House by its civil rights Executive order to the Civil Service Commission and down to the department and agency officials all over the country.

Apparently, too, things have not changed all that much. The Subcommittee on Constitutional Rights received complaints that some employees were "urged" to take part in Veterans Day activities to show their support for the administration.

A recent press release issued by the Civil Service Commission—and I have it here—states that "a new program to facilitate voluntary service by Federal employees has been launched by the Civil Service Commission Chairman in support of the President's program to strengthen voluntary activity in the United States." It further stated:

Based on experience in a model developed in the Washington area by the Civil Service Commission, Chairman Hampton has urged Federal Executive Boards and Federal Executive Associations throughout the country to develop similar methods for matching the volunteer needs in the community with the skills of Federal employees willing to volunteer their services. He suggested that appropriate Federal officials in local communities contact local Health and Welfare Councils and explore with them the needs for volunteer service and then get the word to Federal employees in the area about the services needed. He further suggested the establishment of a separate office manned by volunteers which would list the volunteer openings and match them against the Federal employees who indicated a willingness to serve.

The experimental project in the Washington area has been highly successful. In a period of 3 months, approximately 300 Federal employees accepted volunteer assignments from 109 different voluntary agencies. These were in urban service centers, community schools, hospitals, and playgrounds and included, among other things, tutoring, teaching arts and drama, community action, services to handicapped, sports and recreation, and services to children. The Federal employees came from 60 different Federal agencies.

Expanding this idea to other communities will give the charitable agencies much needed voluntary manpower, Chairman Hampton said. Federal Executive Boards are located in 25 large metropolitan areas. . . . Extension of the Washington model to other communities was carried out in cooperation with the Office of Voluntary Action, the staff arm of the Cabinet Committee on Voluntary Action established by President Nixon last May.

It is too soon to tell how this new Commission program will work out, but it seems they would have learned the lessons of the past. They have also failed to recognize the truth I learned in the infantry from World War I: that a request from a superior is equivalent to a command.

One example of the implementation of such a program came to my attention through Mr. Griner of the American Federation of Government Employees. Defense Supply Agency employees at Rough and Ready Island in California were given a "Community Relations Questionnaire" which asked whether the employee is a member of service groups, such as Kiwanis, Rotary, and others; whether he is a member of educational, civil, or similar community committees, such as chambers of commerce, and others; whether he is a member of professional associations or organizations and which ones; and whether he has membership in local PTA's and churches. I concluded from this that the agency had some "Rough and Ready" policies.

The questionnaire states at the bottom that it is "required to be returned to your supervisor not later than the close of business December 3, 1970."

I sent a letter inquiring about any departmental directives authorizing such questionnaires and received a reply from the staff director of civilian personnel telling the subcommittee that "the participation of Defense Supply Agency employees, as individuals, in community activities is recognized as an important factor in sustaining mutual acceptance, respect, cooperation and an appreciation by the agency personnel and community affected by their operations." He said that the questionnaire resulted from a "well intentioned but imperfectly communicated desire by the public affairs officer to gage the approximate extent of community activities based upon information voluntarily provided by employees." He further stated:

The questionnaire was distributed with verbal instructions that its completion was voluntary on the part of the employee, whereas the questionnaire itself stated it was required to be turned in.

It seems that in a recent communication to the Secretary of Defense, General Hedlund had identified as a management challenge "learning to recognize and understand growing individualism and activism in today's society as these relate to personnel management." The General's word had become an order.

When he heard these complaints, this personnel officer attempted to perform his duty. He issued a directive telling supervisors to be careful about their expression of interest in non-work matters and to encourage their staffs always "to be concerned with preventing such misunderstandings by limiting employee inquiries, written or oral, to matters clearly connected with the employee's work."

It is hard for me to see how personnel officers and supervisors can follow this rule of reason when their political superiors have made it clear they are to do just the opposite. There is no way to avoid such wholesale inquiries into the employee's private life as long as the Government makes clear its desire that he go out and support programs and policies which it endorses.

We also found that employees were ordered to attend meetings called or sponsored by their agencies or supervisors in order to guide their thinking on sociological and political issues which had nothing to do with their jobs.

With one complaint of such attempted indoctrination of employees at a Federal installation, a civil servant enclosed a memorandum taken from a bulletin board stating the time, place, and date of a lecture by a sociology professor on the subject of the importance of racial integration. Attendance was to be voluntary but the notice stated that a record would be made of those attending or not attending.

To my mind, such programs constituted official intimidation of citizens to conform their thinking on public issues to those of the administration.

I found nothing in the Constitution which authorized officials of the employee's department to require attendance at such brain-washing sessions held under the auspices of the Government. Nor were they authorized under the Constitution to take note of attendance at such Government-sponsored or Government-endorsed meetings and lectures.

Here again, there is no sign that things have changed very much in the Federal Service. For example, our subcommittee has received many employee complaints about the sensitivity-sessions they are required to attend to change their "cultural attitudes and behavior" on racial issues, equal rights for women and the role of minority groups. I am told this is being done under the equal employment order issued by President Johnson to promote civil rights in Government. In these out-of-town meetings run by psychologists and other behavioral scientists, people are subjected to emotionally charged situations deliberately staged to manipulate and provoke human emotions in sensitive matters of the intellect and personality.

The reports received from employees and other Members of Congress about the way HEW programs were operating were so disturbing that I asked Secretary Richardson to investigate the matter and suspend the sessions pending his report. I also asked him to answer some simple questions so I and other Members could advise employees of their rights, since these people could get no answers from their supervisors.

That was on March 19, and to date, the subcommittee has received no reply from the Department.

In relaying these complaints, I also informed the Secretary:

It has become clear from the complaints by responsible employees, from reports by acknowledged experts in the fields of labor-management relations and from psychiatrists, psychologists and specialists in human relations, as well as from my own studies of this matter, that this program goes far beyond the needs of personnel training in any department or agency of government.

On the basis of my own investigation, I am convinced that the scope of this program and the techniques used in some of the sessions amount to economic coercion of the individual to submit to official attempts to control his thoughts and emotions in ways completely uncalled for in the employment relationship. However useful such techniques may be for treating psychiatric problems in private practice on a voluntary basis, it is not the business of government to inflict them on its employees.

The Subcommittee study has amply demonstrated the need for more governmental recognition of the constitutional rights which employees possess as citizens. No one, therefore, can fault a management training program to teach better understanding of management duties and to develop the ability to deal with the human relations aspect of a job. However, there are well-established methods of instilling and teaching the principles and personnel techniques involved in such duties. It is tyranny over the mind of the grossest sort to subject employees to a probe of their psyches, to provoke or even require disclosure of their intimate attitudes and beliefs.

Even the soundest professional supporters of such techniques have emphasized the need for voluntary, enthusiastic participation by the individual. From the reports received by the Subcommittee, it appears that there is not even a gesture toward voluntarism in the government programs. Rather, employees have been ordered to leave their homes and families at some hardship and live for a period in seclusion with fellow employees and supervisors, while being subject to psychological encounter sessions. People who protest have been given the option of refusing to obey an order or of requesting an exemption on psychiatric or emotional grounds.

An Agriculture employee writes:

During our two and a half day session on Civil Rights, we were subjected to hearing lectures, speeches, stories, songs or what have you which in many instances were full of foul language even to the point of being vulgar (morally crude, offensive, earthy, profane) and obscene (disgusting to the senses, repulsive).

Other employees of that Department wrote about being required to watch films and to listen to tape recordings of speeches by Dick Gregory and other civil rights activists stressing how whites were hated and what these people were going to do about it. Clearly, such sessions intrude on First Amendment freedoms, and just as clearly, as these letters demonstrate, they are counterproductive for the administration's purposes.

The subcommittee has received numerous complaints from employees of other departments describing encounter sessions.

There are many other ways Government attempts to intimidate the private thoughts and behavior of people who work for it.

One of the most serious, however, is the economic coercion of those citizens to invest their money in U.S. savings bonds, or to donate to charitable causes. Congress has received many reports of blacklisting, reprisals, threats of loss of security clearances, and other official adverse actions because employees wanted to make their own decisions about how they donated or invested their earnings. It is a long, unpleasant, and often unproductive route for employees to appeal such actions or for Congress to investigate them. The many cases received by the subcommittee proved the need for a plain statement in the law that such coercion of a person's freedom of thought and action is prohibited.

ENFORCEMENT MACHINERY

On the basis of complaints on these and many other privacy invasions, it was clear to me and the cosponsors of this proposal that the law fails fully to protect the rights of the citizen who works for Government. It is sometimes impossible for him to challenge unconstitutional governmental programs or unconstitutional demands on him for information. He is without the legal statutory right to have counsel or someone else with him if he wishes in sessions which may result in disciplinary actions. He is denied or inhibited from pursuing any administrative remedies. He is refused access to the courts under laws and judicial decisions which would leave such programs to the discretion of the executive branch.

So in addition to simple prohibitions on unconstitutional actions of Government, my bill also establishes certain enforcement machinery which includes a right to counsel in certain cases, a board on employee rights where an applicant or employee may obtain a hearing and action on complaints arising under this act; and it affords access to the Federal District Court in cases arising under this act.

This bill to protect employee privacy has had widespread public and editorial support throughout the Nation as well as support from employee unions and organizations. In fact, with few exceptions, the only people who seem against it are those whose power would be limited by it.

Despite the widespread public and congressional support, one would have thought that with this bill I sought to introduce the bubonic plague into the Federal service rather than the rule of law. Officials in the previous administration fought this simple proposal with every resource at its command. They conjured up incredible legal ghosts in an attempt to influence the uninformed or

intimidate the faint of heart. However much they vowed to alter administrative machinery or to change governmental attitudes, it was clear that they had closed their eyes and their minds to the real need for laws on the books to protect the first amendment rights of citizens.

I do not think anyone should be misled about the purpose of this bill. To hear some describe it, all of the ills which beset the Federal service will be cured by passage of the bill. Others have seized on it as the embodiment of all of the forces of Beelzebub.

It should be understood that my proposal does no more and no less than what it states in plain English, so that every political executive in the Federal Government will have notice of the constitutional limits of his power in certain specified matters. It leaves untouched the vast investigatory apparatus of the Government. It leaves untouched the many conflict-of-interest laws, the ethical conduct codes and all the other laws under which employees are investigated by the Civil Service Commission, the FBI, and by their departments, for determining their fitness for duty or their violation of the criminal laws or the violation of orders relating to their jobs.

During the 5 years we have worked with the bill in the Constitutional Rights Subcommittee, it has been subjected to careful refinement and amendment to meet any legitimate objections. These are listed in the Judiciary Committee report of the 91st Congress, No. 91–873.

In the version passed by the Senate last year and which I have reintroduced, the Federal Bureau of Investigation is exempted and there are certain carefully drawn exceptions for the two security agencies, the Central Intelligence Agency and the National Security Agency. These exceptions in S. 782 of last year were in addition to those contained in the bill which first passed the Senate in 1967 as S. 1035.

My sponsorship of this legislation does not imply a belief that there should be a law on everything the executive branch should not do to its employees. There are many things done in the name of worthy purposes which are foolish, tyrannical, repressive, or self-defeating. But they do not necessarily violate the Constitution. Nor can Congress legislate against all manner of fools and their follies.

It can and should legislate to protect the freedom of the mind which is guaranteed all citizens under the first amendment whether they work for Government or not.

Individuals should know that they have a legal remedy when economic coercion is used to compel them to speak, think, or act against their will in favor of Government causes, or about personal matters which are none of the business of Government.

The need for such a remedy is underlined by the directives I have seen recently prohibiting employees from contacting personnel offices and supervisors who could take action on problems.

It is underlined by the written and verbal "gag rules" ordering employees not to tell Congress about their problems and, in some cases, even not to contact Members of Congress without reporting it to their supervisors.

Nor can employee unions and organizations completely protect against such complaints, although within their limited resources, they have been increasingly active in protecting privacy. In this connection I am reminded of the union concern in the last Congress when a Pentagon personnel official warned unions against going to the press or to Congress with their grievances. Furthermore, not all employees and applicants are members of unions nor should they be required to join to assure their first amendment right to privacy.

Nor does the remedy rest with the Civil Service Commission. Their attitude toward privacy is revealed by their response to my inquiry about piped-in music. After receiving complaints about this subject, I asked the Commission what grievance channels were available to employees who resented having to work by piped-in music, some of it raucous hillbilly or jazz. Without expressing any opinion on the matter, I asked whether any rules existed whereby an agency could involve its employees in the decision about whether to use it, and in the choice of music. The Commission sent me a long letter arguing that the Supreme Court has held there is no constitutional right to be free of music on buses and that people had to get used to the sounds of daily living, whether they are in the city or the country.

Undreamed of privacy invasions are being made possible or furthered by great computer systems, by the new technology with all its sophisticated devices and instruments. Some of these raise constitutional issues. Some do not.

The time has come, I believe, for Congress to consider establishing a tribunal independent of the Civil Service Commission, to hear and judge the many complaints of violation of privacy rights of employees.

The Civil Service Commission was created to be the handmaiden of the Chief Executive and to pursue his mandates in the general management of the Federal service. Its staff have an unbelievable burden to carry to assure the responsible and efficient operation of the Federal service. Too often, any constitutional rights employees possess have been administered and implemented by the Commission, and the energy and zeal behind them has come from the good will and good faith of Commission members dependent on staffing, time and resources. The impetus for their enforcement often stems from political pressure with help from the courts.

We live in a government of laws, not of men. The constitutional rights of citizens even those who work for the Federal Government, should depend on laws, not Executive orders; on the application of due process of law, not on the grace of the Civil Service Commission.

This is not a new idea, but one which may have new urgency with the new employee problems. I think it bears exploration.

But I do not see the establishment of such a body or any other new laws as alternatives to the passage of the employee privacy legislation before the House and the Senate.

I therefore urge the immediate enactment of that legislation, unencumbered, undiluted, and in the form passed by the Senate in the last Congress and as reflected in S. 1438 of this Congress.

WELFARE REFORM

Mr. PACKWOOD. Mr. President, welfare reform has been listed as this administration's No. 1 legislative goal. Although we here in the Senate disagree among ourselves on the shape of reforms that are needed, I think we too are unanimous in recognizing that some type of welfare reform is desperately and urgently needed.

Before any constructive proposals can be put forth, we first must examine the nature and source of the problems, both from the point of view of the welfare recipient, the taxpayer, and the welfare administrator. Additionally, we must carefully consider the varying needs and standards from one State or area to another. New York's needs and solutions will not be identical to Oregon's, and California's will probably differ from Maine's. It seems to me that geographical and economic diversity must be kept closely in mind as we begin to examine the specifics of the various welfare reform proposals before us.

The Oregon House of Representatives has recently completed a task force study on welfare in Oregon and has issued a very thoughtful and constructive report. In view of the relevance of this subject, I ask unanimous consent that the task force report be printed in the RECORD. I commend it to Senators for their consideration.

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

HOUSE TASK FORCE ON WELFARE 1971 REPORT TO THE 56TH LEGISLATIVE ASSEMBLY

MEMBERS OF THE HOUSE TASK FORCE ON WELFARE

Representative Anthony Meeker, Chairman.
Representative George F. Cole.
Representative Leigh Johnson.
Representative Richard Magruder.
Representative Gordon Macpherson.
Charles McKeen, Administrative Assistant.
Margo Blue, Secretary to the Committee.
Interns: Gail Jeffries, John Houser, Allen Shibuya, Rush Yeates.

INTRODUCTION

Welfare programs were instituted in the United States as an emergency measure in the 1930's to aid those who were "ill-housed, ill-clothed, and ill fed" as a result of massive unemployment and a decaying economy. Today, nearly 40 years after its inception, public assistance has strayed far from its original purpose. It has become a mammoth, uncoordinated bureaucracy providing permanent income rather than *emergency* income for people in need.

In 1970, there were 72,443 applications for public assistance in Oregon compared with 43,543 two years earlier. In 1970, welfare assistance was given to 50,331, or 69.47 percent of those applying compared with 26,543, or 61.04 percent, in 1968. *In two years the number accepted for public welfare in Oregon nearly doubled.*

In the Aid-to-Dependent-Children category, the increase was even more dramatic.

From 1968 to 1970, applications for ADC soared from 14,887 to 38,554. The number accepted jumped 10,850 to 29,074. *In two years the number accepted for ADC in Oregon nearly tripled.*

The huge increase in caseloads and the resulting increase in the cost of public assistance called for action by the Oregon Legislature. Robert F. Smith, Speaker of the House of Representatives, appointed the House Task Force on Welfare to examine the increased caseload and related problems prior to the beginning of the 1971 Legislature.

Speaker Smith expressed the concern of many Oregonians when he said, "Welfare has finally revealed itself to be a colossal, expensive and wasteful failure." To get a fresh look at the welfare problem in Oregon, he appointed legislators who had no previous involvement in welfare problems.

This report is the product of nearly two months' work which involved public hearings and meetings throughout the state. The Task Force listened to citizens who wanted to comment about the welfare problem and interviewed local, state and federal officials who work with the welfare program.

Welfare has been accurately described as one of the most complex problems of state government. After listening to hours of testimony and conducting many interviews, the Task Force agreed that time limitations did not permit a complete and thorough study. Accordingly, we recommend the creation of a Legislative Interim Committee on Welfare to give close scrutiny to the administration of all public welfare policies and programs. The Task Force discovered a vexing lack of administrative backbone in the areas which we examined. We feel that the Legislature would be remiss in neglecting the opportunity to authorize a comprehensive examination of the administration of all of Oregon's public welfare programs and policies.

On the basis of its studies, the Task Force believes that some immediate changes must be made to solve obvious problems. This report attempts to list the most important changes needed.

THE CHARGE

Speaker Smith, in his letter to Task Force Chairman Anthony Meeker, instructed the group to look into these specific areas:

1. The caseload increase.
2. The breakdown of our social order.
3. The impact of the federal government and its regulations.
4. Views of the members of the Oregon Congressional delegation.
5. The attitude of the Public Welfare Division and its employees.
6. Open-ended budgets.
7. Welfare fraud.
8. Can we move to a "willingness to work" program?

The following report seeks to answer the questions raised by Speaker Smith in this charge.

THE CASELOAD INCREASE

There is a multitude of interdependent reasons for the increase in caseload. The Task Force agrees the most important reasons to be:

1. Increased unemployment.
2. Increased cost of living.
3. An open-ended budget as a result of actions of the 1969 Legislature.
4. Federal welfare policy changes and a liberal interpretation of these changes by the Public Welfare Division.
5. U.S. Supreme Court decisions, such as the elimination of the durational residence requirement.
6. Lack of policy direction by the administration of public welfare in Oregon and a lack of leadership in defining tight eligibility requirement.
7. The complete reliance on the declaratory statement for eligibility determination and an attitude of "don't question" the recipient.
8. The acceleration of social attitudes which have created an acceptance of public welfare.

These are some of the factors in the rapid and fantastic increase. Taking these factors into consideration, this Task Force is making several recommendations to the Legislature and the Public Welfare Division concerning a restriction on future costs.

THE BREAKDOWN OF OUR SOCIAL ORDER

One reason for our welfare problems is a breakdown of our social order.

We are seeing early marriages with the wife pregnant at the time of the ceremony. Often the husband deserts her after a short time, leaving the mother by herself with a child. She is untrained to get a job and unable to support herself. She and her child go on welfare.

The Task Force has heard repeated complaints about Oregon's inefficient child support laws, or at least the lack of enforcement of child support laws. The Task Force believes adequate enforcement of child support laws would substantially reduce the Aid-to-Dependent-Children caseload.

The Task Force recommends that there be a more vigorous enforcement effort to require fathers who desert their families to provide for their support. No divorce should be granted by the Court with jurisdiction until it can be assured that adequate support will be paid to the children. Further, the courts should make greater use of jail sentences in dealing with contempt proceedings arising out of non-support cases. The judicial system in Oregon must recognize its responsibilities in assisting the state to solve this problem.

The Public Welfare Division has been authorized to provide recipients with information concerning birth control methods and family planning. In addition, the Division has been authorized to assume the costs for contraceptive devices, sterilization and abortion.

The Task Force study revealed that these programs have seldom been utilized. Contraceptive devices have been made available on a prescription basis. Information about contraceptive and birth control methods have not been provided as directed.

The Task Force recommends that county welfare offices encourage the use of contraceptives for welfare recipients. In addition, information on these programs must be made readily available to all recipients.

The Task Force also recommends that the Public Welfare Division seek a utilization of programs providing the means for medical assistance of those women requesting abortions and those individuals requesting sterilization.

During the last decade, elderly citizens in Oregon have suffered greatly because of inflation. Some have been forced to surrender their homes, apply for welfare, and eventually move to nursing homes. These senior citizens comprise a small part of the welfare rolls, and the majority of them seek welfare only as a court of last resort. We believe that the rapid increase in property taxes has decayed the limited incomes of senior citizens and forced many of them onto the welfare rolls.

To help alleviate this situation, the Task Force recommends that the 1971 Legislature provide substantial property tax relief to those citizens age 65 and older.

In addition, the Task Force recommends that the Public Welfare Division place the highest priority on those programs designed to assist the elderly, the blind and the disabled. Such programs should be readily available, and should be fully explained to those who may be eligible.

THE IMPACT OF THE FEDERAL GOVERNMENT

The federal government pays more than half of the cost of Oregon's public welfare program, and there is no question that the regulations of the federal welfare agencies are binding on this state. Unfortunately, not one session of Congress has adjourned without some legal changes in the public assistance titles to the Social Security Act which provide the state with welfare money.

The state could ignore the federally-matched programs and have its own limited welfare operation, but this would be unwise. Oregon's limited resources could not provide for those in need. It is virtually impossible to operate an adequate welfare program and spend less than we do now with our 43.2 percent, or $190.2 million, share of the total cost. The constant stream of changes in welfare rules and regulations, in effect, has blackmailed Oregon into accepting federal dictates in order to obtain federal aid.

While federal regulations have been a problem, Oregon, in the words of a Health, Education and Welfare official, "has done an outstanding job in following our rules." In fact, conferences between state officials and federal officials have been conducted to determine the "exact" intention of federal regulations.

The Task Force believes that the State Public Welfare Division has adopted a liberal interpretation and administration of some federal dictates to the states. We believe that the first allegiance of the Public Welfare Division must be to the State of Oregon and its citizens—not to the U.S. Department of Health, Education and Welfare.

Instead of useless and time-consuming conferences, the state should develop priorities and policies to serve the best interests of Oregon and Oregonians. The state must act on this basis until the federal agency brings a non-compliance suit or court injunction.

The policies and plans of Oregon's public welfare program should not be submitted to the federal government for approval.

The Task Force believes that criticism of the federal earnings disregard program as a factor in the caseload increase is over-stated, and that it would serve the state's best interests to have recipients seek employment under this program. Earnings disregard legislation has received considerable criticism on the basis that it prolongs the length of time a person remains on the welfare rolls.

While there have been abuses in this program, the Task Force believes it has been too greatly maligned. We believe the program can be beneficial if properly administered.

There have been instances where welfare recipients, under earnings disregard legislation, receive more money than a non-recipient doing exactly the same work. For instance, a beginning clerk in an Oregon county welfare office, who is a welfare recipient, is given a starting salary of $367 per month. However, when public assistance and other allowances are added, this individual receives a total of $558 per month. The recipient also receives abundant food valued at approximately $50 per month plus extensive medical, optical and dental expenses as well as physician and hospital charges.

On the other side of the coin, a chief clerk in that same office, who has reached the top of the scale after working for 18 years on the same job, receives a top salary of only $543 per month, with no medical care or other fringe benefits.

The salary taken home by that chief clerk does not compare very favorably with the take-home pay and fringe benefits available to the welfare aide trainee.

This type of situation is not equitable, and administrative limitations are in order. However, it is not reasonable to junk earnings disregard because of these inequitable cases. It is reasonable to limit—or seek to eliminate—such cases, and encourage recipient use of the program.

To assist in eliminating such abuses, the Task Force recommends that the Legislature memorialize Congress seeking permission to establish maximum limits for earnings which can be disregarded in setting grants.

One of the most frustrating issues to confront the Task Force is the disregard of the income of stepfathers in determining the eligibility of children under the Aid-to-Dependent-Children program. A federal ruling requires Oregon to pay full welfare grants to stepchildren regardless of the stepfather's income. This requirement is based upon the fact that Oregon does not have a stepfather responsibility law. The Task Force learned of several cases where stepfathers earning as much as $1,000 per month are not required to assume the financial responsibility for their stepchildren.

The Task Force, because of the shortage of time and because legal technicalities are involved, did not draft a stepfather responsibility law.

However, the Task Force recommends that the 1971 Oregon Legislature develop a stepfather responsibility law.

In a further attempt to guarantee that stepfathers meet the responsibilities they have assumed, the Task Force believes that all welfare stepfather cases must receive a thorough audit. Such an audit would reveal which stepfathers own—or are purchasing—the family home. Ownership or purchase of the home by the stepfather should disqualify the recipient from a shelter grant. A proper audit would also reveal which stepfathers are claiming their stepchildren as deductions on their income tax. A claim for deduction should disqualify the eligibility for a grant.

The Task Force believes that there must be an immediate tightening of the administration of policy regarding stepfather responsibility to children on the ADC program.

The last major revisions to the Social Security Act provided changes to the Aid-to-Dependent-Children-Unemployed program. Prior to the revisions, the program was open to any unemployed parent. The amendments restricted the eligibility of unemployed persons in two ways:

1. No family is eligible for the federal matching grant if the family is currently receiving unemployment compensation.

2. An unemployed father is eligible provided he meets certain employment conditions within the last 13 calendar quarters.

When the federal law was changed, Oregon had a number of fathers on the ADC–UN program who became ineligible for the federal match of 58 percent. The state has continued to carry these cases under the category of Aid-to-Dependent-Children-Unemployed, Non-matchable. This means the program is being totally funded with Oregon General Fund dollars.

The Public Welfare Division budget for 1971–1973 indicates there will be an estimated 3,617 of these persons during the biennium resulting in an expenditure in excess of $4 million.

The Task Force recommends that ADC–UN-Non-matchable persons be transferred to the General Assistance program.

CONGRESSIONAL VIEWS

These are the replies which the Task Force received from Oregon's Congressional delegation.

Senator Mark O. Hatfield: "I have for some time advocated federal assumption of all costs of welfare and complete welfare reform. this would free at least $7 billion this year if the federal government took over the cost. With Oregon facing a $19 million deficit on welfare costs, it seems to me it is most urgent that the federalizing of the program can be done this year.

"It is my hope that Chairman Mills of Ways and Means will soon be acting on his plan to work on a comprehensive welfare reform bill (using the President's Family Assistance Act as a base) combined with a program to have the federal government pay the total costs. I believe the Congress may look with favor on this inasmuch as there is opposition to the revenue sharing idea."

Senator Robert W. Packwood: "Our welfare system is in desperate need of a complete overhaul. Nothing this country has ever undertaken has been a more monstrous failure than welfare, and it is encouraging that the Nixon Administration has finally taken the necessary steps to formulate and implement some reforms.

"The Administration's Family Assistance Program which was approved last year by the House, but not the Senate, would restructure our welfare laws through an integrated system of work incentive, work training requirements, and a basic income floor. This program has a dual objective of eliminating the existing abuses of welfare while insuring a minimum level of support for those in need.

"Changes embodied in the Family Assistance Program are very complex and far reaching, involving tremendous allocations of federal dollars. A number of details are yet to be worked out to insure that the program will achieve its intended purpose."

Congressman John Dellenback: "Providing public assistance through Public Welfare has not been successful. President Nixon and his staff have offered an alternative through the Family Assistance Plan. Several Congressmen have also offered alternative plans. The Ways and Means Committee is presently studying these proposals in hopes of adopting a program as soon as possible. Action must be taken to assist Oregon in her finances dilemma."

Congressman Wendell Wyatt: "My strong view is that the President's welfare program should be given a decent chance. I would particularly favor setting up four divergent geographical and economic areas and trying the program for a year or two in these areas to see if in fact the incentives to get off welfare and go to work do work. I voted for the program last year, but I did so with considerable apprehension.

"Of course, if Congress is going to make the rules on welfare the federal government should pay the costs. It is most unsound to have one branch of government proposing obligations and forcing another branch to bear the financial burden, and that is substantially what we have now. However, as a practical matter, the cost involved would be almost prohibitive so far as the federal government is concerned at this particular moment. That is why I think it is important to give the President's welfare program a thorough try and if this doesn't work, then we certainly must find something better than the present system which is so unsatisfactory to the recipients, to the welfare workers and certainly to the taxpayers."

Congressman Al Ullman: "As you know, my colleagues on the Ways and Means Committee and I are now considering HR 1 which involves amendments to the Social Security Act and the Administrative Family Assistance Plan. This week the committee requested that the Administration review the FAP program and tighten up several obvious loopholes.

"Certainly, there is general agreement that the present welfare system is inadequate, and that a major overhaul is necessary if it is to work. However, the FAP program, by adding millions of new people to the rolls, would only further add to the total burden and represent a long step in the wrong direction.

"I am now drafting an alternative program to FAP. The beginning to real welfare reform, in my judgment, is through a greatly expanded program of adequate child care, fully paid by the federal government, so that hundreds of thousands of welfare mothers can be free to go to work. We must also create a much more meaningful job training and placement program in both the public and private sectors, again fully paid by the federal government, to ensure that those who want to work will have a real job waiting for them.

"The federal government must assume more of both the responsibility and the cost. Day care for children must be the next major step forward in educational and social reform in this country. We must consolidate the many overlapping and often inefficient federal programs for job training and aiding the poor, and tie them directly to welfare needs. Such a program would allow for the rehabilitation of the women and men in the national working force. Through meaningful rehabilitation, rather than expanded handouts, we can find solutions to a broad spectrum of social and economic problems."

THE PUBLIC WELFARE DIVISION AND ITS EMPLOYEES

The Legislature has been repeatedly told that an increase in the number of caseworkers and administrative personnel in the Public Welfare Division would result in more and more welfare recipients moving toward independent living. These claims have been false. However, they might have been true if all members of the public welfare staff believed in the philosophy that the prime objective of the public welfare program is to move persons toward self-sufficiency. To our dismay, we discovered that social workers are neither educated nor trained to believe that such an objective is desirable. There is an appalling lack of strong policy direction and leadership to stress that public welfare possesses the responsibility to assist recipients in becoming self-sufficient.

A prominent faculty member of one of Oregon's major schools of social work was introduced to the Task Force as an "expert" in the field. The testimony presented by this faculty member revealed an attitude in opposition to the objective of self-sufficiency. Further, the testimony contained misleading and, on occasion, erroneous information as supportive evidence. The Task Force finds it unconscionable that such attitudes and distortions are being presented as fact to the students of schools of social work.

The Task Force recommends that strong and positive action be taken immediately by the Public Welfare Division to guarantee that all staff members operate with the understanding that the interests of welfare recipients and Oregon taxpayers will be best served by an aggressive policy of moving recipients off of welfare programs.

The Task Force learned that the caseload size—rather than administrative or management ability—is the sole criteria for determining the salary level for county public welfare administrators. A County Administrator 4 administers services in a county having caseloads requiring 30 to 74 staff members. An Administrator 5 is responsible for caseloads requiring 75 to 200 staff members.

The Task Force was told that county administrators have no control over the number of staff allocated. This is determined at the state level, and the allocation of staff is made by the state's Personnel Section. This allocation is based upon the caseload size in each county.

It appears that this system provides a built-in incentive for administrators to increase—rather than decrease—the case-load size. Conversely, this system seems to penalize the administrator who can effectively

operate the welfare program with a smaller number of employees.

The Task Force recommends a complete re-evaluation of the policies followed in the promotion and placement of personnel. The Task Force believes strongly that the promotion and salary level should not be based upon caseload size.

Late in the 1967–1969 biennium, the Public Welfare Division began to move toward a program which separates eligibility and services. Under the new system, "assistance" workers are responsible for eligibility determination, and "service" workers are responsible for the provision of services. This system has created confusion and animosity. It appears to have contributed to a marked decline in employee morale.

In the early stages of the plan, it was decided that assistance workers would not require the experience and education which would be required of service workers. Service workers were classified as Social Worker 2, which requires a master's degree in social work in addition to two years' experience. The assistance worker, on the other hand, was required to have a high school diploma and three years' clerical or interviewing experience. The salary scales are presently $566 to $722 for assistance workers, and $722 to $922 for service workers.

The structured differences between the service worker and the assistance worker have developed into a separation and insulation of service workers from the responsibilities of eligibility and budget control. The Task Force received testimony that some social workers ignore violations of eligibility standards. One service worker told the Task Force that service workers could not be expected to be conversant with all eligibility requirements.

The Governor's budget for 1971–1973 calls for the same staffing standards approved by the 1969 Legislature. Under these standards, state assistance workers should process 70 applications a month for all programs except General Assistance, where they are required to process 90 applications a month. Service workers are required to provide services to 85 percent of the ADC caseload and are required to handle 85 cases per worker. The present budget also recommends a supervisor ratio of one supervisor to 6 or 7 workers. In addition, staffing standards for the Public Welfare Division require one clerical position for each professional position.

A staff addition of 435 people at a cost of $1.5 million would be required if the 1971 Legislature approves the standards contained in the proposed budget.

The Task Force agrees that assistance workers presently responsible for as many as 265 cases are carrying too heavy a load. However, the standards for service workers and supervisory ratios are unrealistic and should be re-evaluated. In addition, we could find no basis for the clerical-professional position ratio, and the Task Force cannot rationalize this level of clerical support to service activity.

The Task Force recommends that the 1971 Legislature budget on the basis of one clerical position for each two service positions.

There would be little—or no—need for additional staff within the Public Welfare Division if these changes are implemented.

Accordingly, the Task Force recommends that there be little or no increase in the number of Public Welfare Division employees. In addition, the supervisor ratio should be larger than 1-to-6 or 1-to-7.

OPEN-ENDED BUDGET

During the 1960's, the public welfare budget adopted by the Legislature has been closed. The Welfare Division was authorized to spend only those amounts which were appropriated by the Legislature.

During that period, the administration of the program was under the control of the State Public Welfare Commission. When the Commission was confronted with financial problems, it was required to make administrative changes to live within the budgeted amount. The Commission solved these financial problems through reductions in welfare grants. The 1969 Legislature abolished the Public Welfare Commission and designated the Public Welfare Division as an independent state agency under the direct control of the Governor. In addition, the budget approved by the 1969 Legislature provided for additional appropriations to the Public Welfare Division through the State Emergency Board.

When the state faced a fiscal crisis because of soaring caseloads in 1969–1970, the Governor, with the approval of the Emergency Board, took executive action to provide more money for the Public Welfare Division. Liquor prices were increased, a freeze was placed on state employment, construction programs were postponed and other operations were curtailed to provide additional funds for welfare.

The Task Force has determined that administrative steps which should have been taken to reduce overexpenditures early in the biennium were ignored by the Public Welfare Division, thus heightening the fiscal crisis. The Public Welfare Division has finally responded during the past few months by taking effective administrative steps to reduce expenditures and caseload. County administrators, at the direction of the Division, have curtailed burgeoning caseloads through administrative procedures.

As an example, 43,794 welfare checks were provided on March 1. This is a reduction of 175 in the number of checks provided February 1. In addition, there was a reduction of 295 in the number of checks provided to ADC recipients. This represents the first time in three years when there has been a reduction from February to March. In 1970, the number of checks from February to March increased by more than 1,200.

Public Welfare Division personnel credit this reduction to administrative steps "providing alternatives to receiving assistance." This is the stance which should be assumed at all times when considering requests for assistance.

After the experience of this biennium, the Task Force agrees unanimously that an open-ended budget is poor public policy.

The Task Force recommends that the Public Welfare Division be given specific directions to limit expenditures to the amount appropriated by the 1971 Legislature.

WELFARE FRAUD

Early in its investigation, the Task Force received numerous reports of error, ineligibility and overpayment, all of which contribute to the impression of fraud which is held by the general public. The image of fraud has been compounded by a lack of imagination and insight by the administration in attempting to control those who are clever enough to beat the system and cheat the taxpayers as well as their fellow recipients. The lack of adequate investigation procedures to discover fraud and ineligibility has prevented reliable statistics from being compiled.

Welfare officials told the Task Force they "feel" that the level of welfare fraud in the state is less than three percent. The head of the investigative staff has placed the level at eight percent.

No one knows the true depth of the problem, and investigations which might have shed light on this area have not been conducted.

We know that neighboring states have found ineligibility rates running in excess of 20 percent. Spot checks have revealed even higher ineligibility rates. Welfare officials in neighboring states told the Task Force that the extent of the problem in their states has not yet been discovered.

The Task Force would not be surprised to discover that fraud, ineligibility and overpayment are involved in 15 to 20 percent of the caseload. This would involve some 20,000 recipients.

The investigative unit of the Public Welfare Division found fraud, ineligibility and overpayment involved in 39.5 percent of the referrals it received for investigation. Currently, the unit is laboring under a backlog of more than 700 referrals. The unit is able to handle less than half of the referrals it receives each month.

This backlog will continue to grow, and the seriousness of the problem will remain hidden as long as the status quo is maintained. In addition, fewer than half of the cases which should be investigated are referred to the investigative unit.

The Task Force recommends that the investigative unit staff be doubled in order to dissolve the current backlog of cases.

Further, all public welfare employees should be trained to recognize possible fraud, and to immediately refer these cases to the investigative unit.

The Welfare Division maintains a quality control unit which investigates the eligibility of those who apply for welfare. The control unit determines whether or not the recipient is receiving a grant in the proper amount. At present, this unit investigates 2.5 percent of the welfare cases.

During the past year, the quality control unit has discovered substantial errors involving overpayment, underpayment and ineligibility. For the months of October, November and December of 1970, the control unit discovered overpayment, underpayment or ineligibility in 3.5 percent of the cases investigated. This involved erroneous expenditure of $159,840.

The Task Force recommends that the Public Welfare Division check a larger percentage of the total caseload and, further, that the results of the check be utilized as an administrative tool to reduce the number of those who are trying to beat or cheat the system.

The Welfare Fraud Unit in the State Department of Justice was authorized by the State Emergency Board in 1969 to replace civil fraud enforcement activities with criminal prosecutions. This action was based upon the grounds that civil recovery of most welfare fraud was a fruitless endeavor. It was felt that it was important to establish a creditable criminal deterrent.

During its first nine months of operation, the unit has referred 78 cases for prosecution. These referrals resulted in 78 indictments and 27 convictions. The indictments represented fraud involving $232,452. Check frauds were involved in 77 percent of these cases. Most of these frauds involved checks being stolen from mailboxes, or recipients having other persons cash their check and then claiming that the checks had been lost or stolen.

At the present time, the unit has a backlog of 303 cases, with the staff working overtime to prevent an even larger backlog.

The Task Force recommends an expansion of the Welfare Fraud Unit in the State Department of Justice.

WILLINGNESS TO WORK

A question frequently asked is: Why aren't welfare recipients put to work? Many Oregonians believe that jobs should be provided for welfare recipients, particularly jobs involving environmental projects.

Oregon at one time administered a successful community work and training program which provided jobs for welfare recipients. The jobs involved the building and maintenance of county parks. However, Congressional action forced abandonment of this program.

The Task Force believes it is not only desirable—but essential—to provide employment for those who seek assistance and to

base Oregon's public welfare program partly on the basis of the willingness to work. The Task Force believes such a program is possible.

The Task Force recommends that state agencies and departments be required to immediately identify those positions which could be filled by able-bodied welfare recipients.

There are hundreds of positions in governmental agencies which do not require specialized education or training or advanced job skills. Such positions include janitorial and maintenance work, housekeeping jobs in state institutions, filing, typing, highway maintenance and work in state parks and recreation areas.

Many welfare recipients—perhaps the majority—would be blocked from accepting these positions because of an inability to pass the written Civil Service examination required by state government.

However, the inability to pass a written examination would in no way impair the ability of a recipient to satisfactorily perform the job in question.

Accordingly, the Task Force strongly recommends that the Legislature give serious consideration to allowing a waiver of the requirement for written examinations for those positions which are identified by state government agencies and departments.

Further, the Task Force recommends that state agencies and departments be directed by the Legislature to place the highest priority on the hiring of welfare recipients to positions for which they qualify.

The Task Force also believes the Legislature should encourage city and county governments to pursue the same policy in the hiring of governmental employees.

The Task Force is of the opinion that pursuit of this policy would result in the hiring of many hundreds of persons who are presently receiving welfare.

By accomplishing this, we would assist individuals to become self-sufficient, we would help them restore their self-respect and self-confidence, and we would be providing the taxpayers of this state with a tangible return on their sizeable investment.

This program would underscore our belief that every attempt must be made by every sector of our society and economy to restore welfare recipients to independent living.

This program would place the full resources of state government behind this philosophy, and hopefully the private sector would follow this example by placing a high priority on the hiring of competent welfare recipients.

One opportunity for a community work project is contained in the provisions of Category 3 of the Federal Work Incentive (WIN) program. Numerous reasons have been given by the Public Welfare Division for its failure to adopt Category 3 of the WIN program. Our study reveals that the only barrier to implementation of such a program is administrative in nature, in that close coordination would be required between the Employment Division and the Public Welfare Division. We believe that such cooperation should be mandatory.

The Task Force was pleased with the adoption and progress in Clackamas County of a pilot program under Category 3 of WIN.

The Task Force recommends that more programs under Category 3 of WIN be established.

Another possibility in providing work opportunities for welfare recipients is the "case aide" program initiated by the 1969 Legislature. While the Public Welfare Division demonstrated little enthusiasm for this concept—and while the Division appeared to stall in implementing its provisions—the Task Force believes the case aide program was successful in that recipients were encouraged to become self-supporting. The Public Welfare Division indicated there were training problems associated with this program, but the Task Force believes these problems can be effectively combatted if the Division will adopt a different attitude.

The Task Force recommends that the Case Aide program be retained and expanded.

The Task Force strongly recommends that the Public Welfare Division institute a program to encourage the employment of ADC women to operate child-care centers in their own homes for the children of other ADC women.

The state implies that ADC women are competent at child care by allowing them custody of their children. If this is the case, the point can be made that these same ADC women are fit to care for the children of other ADC women.

The operation of small neighborhood child-care centers in private homes would eliminate the necessity of the expenditure of large amounts of public money for the construction of child-care facilities.

The Task Force believes that one ADC recipient could care for her own child or children, as well as the children of several other ADC women. This would eliminate the constant refrain that ADC women cannot find employment because they must remain at home to care for their children.

A vigorous pursuit of this policy would require ADC recipients to fish or cut bait on the question of employment, and, hopefully, would move the vast majority of them back into a contributory role in our economy and in our society.

SUMMARY OF TASK FORCE RECOMMENDATIONS

The breakdown of our social order

The Task Force recommends:

That there be a more vigorous enforcement effort to require fathers who desert their families to provide for their support. No divorce should be granted by the Court with jurisdiction until it can be assured that adequate support will be paid to the children. Further, the courts should make greater use of jail sentences in dealing with contempt proceedings arising out of non-support cases. The judicial system in Oregon must recognize its responsibilities in assisting the state to solve this problem.

That county welfare offices encourage the use of contraceptives for welfare recipients. In addition, information on these programs must be made readily available to all recipients.

That the Public Welfare Division seek a utilization of programs providing the means for medical assistance of those women requesting abortions and those individuals requesting sterilization.

That the 1971 Legislature provide substantial property tax relief to those citizens age 65 and older.

That the Public Welfare Division place the highest priority on those programs designed to assist the elderly, the blind and the disabled. Such programs should be readily available, and should be fully explained to those who may be eligible.

The impact of the Federal Government

The Task Force recommends:

That the first allegiance of the Public Welfare Division must be to the State of Oregon and its citizens—not to the U.S. Department of Health, Education and Welfare.

That the Legislature memorialize Congress seeking permission to establish maximum limits for earnings which can be disregarded in setting grants.

That the 1971 Oregon Legislature develop a stepfather responsibility law.

An immediate tightening of the administration of policy regarding stepfather responsibility to children on the ADC program.

That ADC-UN-Non-matchable persons be transferred to the General Assistance program.

The Public Welfare Division and its employees

The Task Force recommends:

That strong and positive action be taken immediately by the Public Welfare Division to guarantee that all staff members operate with the understanding that the interests of welfare recipients and Oregon taxpayers will be best served by an aggressive policy of moving recipients off of welfare programs.

A complete re-evaluation of the policies followed in the promotion and placement of personnel. The Task Force believes strongly that the promotion and salary level should not be based upon caseload size.

That the 1971 Legislature budget on the basis of one clerical position for each three service positions.

That there be little or no increase in the number of Public Welfare Division employees. In addition, the supervisor ratio should be larger than 1-to-6 or 1-to-7.

Open-ended budget

The Task Force recommends:

That the Public Welfare Division be given specific directions to limit expenditures to the amount appropriated by the 1971 Legislature.

Welfare fraud

The Task Force recommends:

That the investigative unit staff be doubled in order to dissolve the current backlog of cases.

That the Public Welfare Division check a larger percentage of the total caseload and, further, that the results of the check be utilized as an administrative tool to reduce the number of those who are trying to beat or cheat the system.

An expansion of the Welfare Fraud Unit in the State Department of Justice.

Willingness to work

The Task Force recommends:

That state agencies and departments be required to immediately identify those positions which could be filled by able-bodied welfare recipients.

That the Legislature give serious consideration to allowing a waiver of the requirement for written examinations for those positions which are identified by state government agencies and departments.

That state agencies and departments be directed by the Legislature to place the highest priority on the hiring of welfare recipients to positions for which they qualify.

That more programs under Category 3 of WIN be established.

That the Case Aide program be retained and expanded.

That the Public Welfare Division institute a program to encourage the employment of ADC women to operate child-care centers in their own homes for the children of other ADC women.

HEALTH CRISIS

Mr. HARRIS. Mr. President, on March 18, 1971, I held an important public hearing in Oklahoma City, Okla., on the subject of the health crisis facing American Indians. The testimony I received was shocking, and I believe that Senators and relevant committees can benefit from a consideration of it. Accordingly, I ask unanimous consent that the second additional portion of that testimony be printed in the RECORD.

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

TESTIMONY ON INDIAN HEALTH CRISIS
LUNCH BREAK

Senator HARRIS. I appreciate all of you being back here again for the afternoon session and we'll get started now with our regular agenda. I was very impressed with the number of people who were here this morning and again this afternoon, and with the testimony that we heard. I said this morning we will take the testimony we hear today—I'll take it before the Senate Interior Appropriations Subcommittee which meets this coming Monday, as well as furnish it to all of the other members of the Senate and have it printed in the *Congressional Record* to strengthen my hand in trying to improve the funding and support for Indian Health. I think what we heard this morning reemphasizes that it is a terrible outrage that these conditions continue to exist amidst the richest, most medically knowledgeable country in the world. This should be helpful to me in trying to express the outrage that all of us ought to feel about the conditions which we have heard about this morning. First of all I want to call on Mrs. Martha Grass. Is she here? Mrs. Grass is from Marland, Oklahoma. We're pleased you're here and we're pleased to hear from you at this time.

Mrs. MARTHA GRASS. First of all I want to thank the Senator here for the privilege of Indians getting together to speak up on our needs and our different problems. As Indian raised a way back you can always remember that we've been awfully late in getting some of these things accomplished—some of these needs that we so much need to do something about. Yes, we have elected a President and he has cabinet members, and we have elected congressmen to do many of these things for us, and we go and just dismiss them from our minds thinking we are going to be taken care of. Now we've waited too long for these changes to be made in behalf of our Indian race. Our Indian race has suffered many things, many have suffered.

There is no other race that has suffered as much as the American Indian has suffered. Especially in health—we just live for a short time, any way, in this world of ours; but many of us are poor, many of us are disadvantaged and we have to suffer with our lives while we are here. Because of these sicknesses, because of these diseases and all of these—some children are born disadvantaged because of poor facilities and the doctors—we don't have professional doctors in these hospitals. This life of ours and this health of ours—we cannot buy it. No money can buy us good health. No money can put you back in good health and your energetic place so you can enjoy this life. That's why it behooves each and everyone of us to make some kind of stand and get in unity—forget about our problems and forget about our clans and all these kinds of things. Let's get in unity and work for this kind of cause. The Senator here can't do anything by himself. We ought to back him up. We should back him up. These are our needs and he has to go and maybe spend hours of sleepless night worrying about our needs. We Indian people sometimes neglect our own selves because we do not ask for these things. It's there; the funds are up there; I've been up there and I know. A lot of you can go up there if you want to and are interested enough in these needs we're talking about. If we don't ask for them, how can we expect to get them? You've got to make some kind of effort and try to get them. And don't think just because somebody pats you on the back and says we'll see about it and let you know about it, don't come home and say "why, I went to Washington and I went to this office and that office and I spoke about it and they're going to change things." By golly, I'm going to tell you something. This isn't going to happen, unless you are there every chance that you can and just bug them to death about it. This has got to be done. That's the reason why a lot of times people get cornered with problems. They will do these things. Well, I would even march for these things. I would be ashamed to admit that we needed these things. And I know a lot of you are energetic. You can get anywhere you want to go. But you've got to go to these places and ask for these things if you expect to get some of these things done. We can't just go to these interns in these hospitals. Sure they can learn from our bodies everything that is wrong with us but we won't gain our health back. Since last December I don't know how many cemeteries we use to go to, the Pawnees, Osages, go to their cemeteries and see how many new graves there are now. That's bad. Every week one of these tribes is having a funeral—a funeral—maybe two or three funerals going on because of some of these poor Indians went to these hospitals hoping to get well. But you know what, those interns are going to get their degree, but some of our loved ones are going to be 6 feet under because we just sit back and take it and hope someone else is going to do these things for us. Nobody is going to do this thing for us. We're going to have to do it ourselves, make some kind of effort, take it upon our own shoulder and do something about these things. These are some of things I brought here. Everything has been said already but we need professional doctors in these hospitals if we're going to keep them and besides that we need modern facilities—some of those obsolete things we need to throw out because many of the new doctors don't even know how to use them anymore.

They are so old and they're just collecting dust. We need to have the new things like the rest of them are having. Things are changing. People are going up to the moon. Here we are American Indians barely coming in the back, just barely sailing along. We can be up there if we want to be. It's up to each and everyone of us, every tribe, every individual, and you people that are calling yourselves tribal leaders we depend upon you to do these things for us. Sometimes when we don't get these things we blame you and we hold you responsible for some of our neglected needs because you're supposed to be in the position to speak to these officers, such as your health representatives: Some of you are PHR's. I hear about you but I've never met a lot of you. I don't even know who you are. You don't service us like you are supposed to. Even in localities we have failures because people don't get out and do it like they should. Some of them have so many hours to do this work and after that so many hours they are going to go home and rest no matter how sick you are. You can just go ahead and suffer in your bed or die. And some of us have to get sick on Tuesdays and Thursdays—you better not get sick in between there because you won't get any help because those are the clinic days. If you get sick between there you might as well forget it. Just take your own aspirin because that's all you're going to get anyway. Now I went to Chilocco Indian School last week and the rest of those kids are in bed up there. I have some children up there. My children were allergic to something going around up there, a professional doctor told me. But do you know what those children are getting—everyone of them are getting aspirins up there, and they're running a very high fever up there. I thought while I was there, I'll bet there are parents who don't know their children are running a high fever up there. Well, they said we had a flu outbreak here. Well they're not even giving them any shots or anything. The little boys and girls are just laying there suffering with their sicknesses. These are some of the problems we're all going through. If I can get around and go see about some of these things I'm sure the rest of you can. So that's the reason why we are playing right into our government's hands when we don't do anything about what we could do something about. If you just sit back and be silent you'll be treated that way. If you've got a position you had better exercise it to the best of your ability and get some of these changes for us. And another thing there are many children born with birth defects, and when they go to school they say they are slow learners; they are people with retarded mental conditions. Well, whose fault is it? Maybe the mother went through pre-natal care but on her delivery date no doctor could help her. And these children must suffer all their lives. We know some of these children who are in wheel chairs because of these kinds of conditions. Now these are some of the things that have actually happened, and there's another thing here I want to talk with you about. Whether our children go in for cancer, for tuberculosis,—no matter what, they're going to get the same kind of pills for that.

It gets where they give the same pill to everybody. They don't even take a blood specimen, urine specimen to see what the individual's needs are, because these pills sometimes agitates the sickness and cause you to go to your grave. If you don't watch it you'll get there before you know it. You'd better start asking questions. Ask what kind of pill you are taking. Ask what is wrong with you. I know of a case now where this fine young man that is 40 years old is waiting on the grave. He called me and he said that I want you to know I have been to the hospital every day—every day—and when they take an X-ray of me they never tell me what is wrong with me. They gave me some more pills and told me to go home and doctor myself. What's the use of having these doctors and nurses and hospitals—what little we've got—if they give you pills and tell you to go home and doctor yourself. This boy will not go back to the hospital any more because he said he was just going to sit at home and sit and wait until he dies. Now these are sad stories. I never made these up. There's a lady that was in the hospital in Ponca City; she went to Claremore; she went to Pawnee; they sent her back to Pawnee; and she called me saying she wanted someone to come and talk to her about her health. Her feet had stuck together. She was so afflicted and they had turned black. Now these are terrible things this lady has gone through and she has lost half of her weight. Now these things are happening to the Indians every day. Whether you people know it or not—the reason I know it is because I like people—I like people. When I hear someone is sick in bed I gather something and go marching over and visit them. This is how I know. There are some needs, real bad needs in Indian health. We have invalids at home that need field nurses—maybe we have field nurses—I don't know. These hospitals sometimes have them but they never show their faces in these homes and go to the places where there are invalids, or sick people, or sick babies, persons with bad colds, the flu just laying on their backs. Now they're running around and don't know what to do with this kind of kid. We have so many needs here I just get mad when I think of them because sometimes I go check up on them and we do have them. We do have those kinds of representatives here.

Now the next thing I want to talk about is the insurance. When I got on OIO and worked for them a few months they gave me an insurance policy—Blue Cross-Blue Shield. While I was working my children stayed well. But as soon as I quit work my children got sick and I took them to the doctors and they just gave them medicine and they just got worse and I was afraid I'd lose the whole family then, because one would get better and then the other would be worse. I just went from one bed to the other and

played doctor and nurse to the family. Now I went back and reinstated for my insurance and it came back alive again. Now I'm taking them back to a professional doctor again and now in two days my children were back in good health. They lost many days in school before this and they got so far behind they were ashamed to go back, but I wrote them notes for their teachers so they would accept them back in school. Now they are working night and day trying to catch up in school. These are some of the reasons why we have to have these changes made. We need something done. When I, Martha Grass, walk in to the doctors I want them to know what's wrong with my children. I'm diabetic and I want them to check for diabetes, the heart, the kidneys, the bad feet and everything else. Everytime I go to the Indian hospitals I have to start all over again with the doctors telling about my own health problems. Everytime I go there are so many changes. Everytime I come I ask why there are so many changes around here. Nobody can buy their health. I've just got one life to live in this world, and I want to be happy and enjoy this life just like everybody else. Senator, if there is any area that I know about the Indian people it is that they are poor and they can't afford to pay anyway. Some kind of insurance is needed and should be provided for the neediest ones. We sure would appreciate it. That way we don't have to go and be practiced upon. Right now we're just guinea pigs, real live guinea pigs. They don't care whether we get well or not. It really scares me anymore. There are really going to be more around like me whether I'm here or not. We've got to make these changes for the generation to come. It's up to us. We've been denied too long already and that's why we need to maintain unity in the Indian race and quit fighting and work together with the help of our Senator. He's got to be our mouthpiece. He's going to be our mouthpiece up there and he has a whole lot of colleagues that he's going to have to reach their ears and their hearts so these changes can be made for the Indians. You know this country has a lot; it's the richest country there is and we shouldn't have to beg for something that was ours to begin with. God made it that way. But now we are just begging for this little bit and that little bit. We ought to be in there fighting. Get on that warpath. Try to get these things back. Ask for them, pressure them. That's the only way I get by and that's what you are going to have to do and you tribal leaders and what ever there is don't be afraid of your jobs. Just do things for the people you are representing, and then I'm sure there will be a lot of satisfied Indians and we're going to push you and help you. I'll go march with you; I'll do that much. I can do that better than anything else. Senator, thank you for this privilege very much.

Senator HARRIS. Thank you. I want to now call on Mr. Floyd Harjo, Vice Chief of the Seminole Tribe and Terry Walker, Chief of the Seminole Tribe. Are they here? Yes. We're glad you're here and we would be pleased to hear what you have to say.

Mr. FLOYD HARJO. Senator, and my Indian people, I'm going to make mine brief here because looking over the schedule here why I see some better speakers to come. I'm yielding part of my time to my Chief, Terry Walker. Now I know we are all in one agreement after listening this morning to speakers that we do have problems. Now recently I visited one of the finest hospitals in the United States and that was at Phoenix, Arizona. I went through the entire building, the basement to the top, and I don't think I've ever seen a non-Indian hospital that was as well equipped as this one was. Now after listening to all these speakers this morning I can see that we are all in agreement that there is a great need for changes in our hospitals—that is, bringing them up to date with modern equipment, and if we could have this done for us I believe we could keep more certified doctors. It seems like most of our doctors have been staying about a year in our unit moving on to other areas because of this old equipment. We need this equipment updated. And, Senator, I think of the most needed things right now looks like that we need these new hospitals and it might take some time. I don't know how long it takes to get this through. They told me eight years, so I don't know. It might be a good time to even start today and think about that in three or four years we might get some of these old hospitals replaced with new buildings and modern equipment. And, again, at the present time, that we might solve our needs due to our increase in population. Senator, I know we need funds to take care of these services but right now I believe we need more contract services that we can take care of our problems. In the meantime we need to initiate some move to get the new buildings and modern equipment for our future health problems that are facing us today. Thank you.

Senator HARRIS. Thank you, Floyd. Now Chief Terry Walker of the Seminole Tribe.

Chief TERRY WALKER. Thank you, Senator. Of all the talks we have had today I don't think if it was all put together, the appropriations the Senator has tried to put over will not be enough. Actually we ought to have $150 million. The reason I say that is just like the hospitals they're talking about now. Now I'm from the Shawnee area and that sanitarium they used to have was shut down 10 to 15 years ago. And we've had nothing to replace it since—only just a clinic. They call it a clinic. But still we have to drive at least an hour and a half to the nearest hospital to the west. And then three hours to the southeast and about two and a half to three hours driving to the northeast. That's the closest hospital we have. And the other hospital that we do have, you have to have money to get in. Right at the present time—I got a call yesterday—there is a boy in one of these hospitals—I think it is St. Anthony Hospital—he has been operated on and he just got to walk yesterday. They told him that they have to have ready cash, about $600, before he can get out of there. So I imagine he will spend the rest of his life in a hospital. So that's the case like we're running into today. If you don't have the money, out you go, or you don't even enter. So some of the things that we have talked about, some of the things we have discussed so far, are things that are not just a joke. We would like to see it come to reality. And so for the peoples of Oklahoma, we do not have hospitals. Just two weeks ago today I came here from Phoenix, Arizona. They have a hospital there—we don't have a hospital in the state of Oklahoma, regardless of who owns it, nothing like what they have in Arizona. Now we have to be recognized as a reservation Indian before we can get any appropriation whatsoever. The way they look at us in Washington, I think the Senator knows about that, like we're just one big happy family down here in the State of Oklahoma. But the troubles—they laugh on us if we have any troubles at all. We try to dump them in their laps. No. It's just one big happy family in Oklahoma.

Now I notice here where Senator Harris has tried to appropriate an increase from $120 million to $137.5 million. That should be raised to about $150 million or more than that. Because I noticed when I was reading the other night that the state appropriates just as much money for the fowls and animals of this country trying to preserve the game. They get more money than we do. We were not worth as much as this. Ducks and teels are flying around. And then another thing I noticed too that the part appropriated has always been cut down. But anything else—we can send somebody up to the moon—that's in billions, not millions. But if all the Indians in the United States and Alaska said, Mr. President, we want to go to the moon to live there, it wouldn't be 30 days before they would have us off the globe of the United States. That's the way it is. But when it comes to taking care of us—as the old man said that spoke to us earlier—he said we have Indian medicine man. All right let's go back to our Indian medicine man. I think they could do just as good as the lady spoke a while ago. We have been taken as guinea pigs for the government doctors for many years. If we are guinea pigs, why don't they appropriate money for it so that we can be healthy enough for them to demonstrate on us. And the medicines and the drugs that we get, I have wondered many a times, where does that come from. It probably came from World War I. We don't know. So those are the things we are after. Now I'm sick and tired of getting that needle for it's like ten penny nails sticking in your arm whenever they shoot you with it. It's obsolete, it's dull, it's rusty. Those are the things we want. We are humans just like anybody else. Did you ever stop to think—I just wonder if you ever stopped to think that if you take a multimillionnaire on one side and a pauper on the other side, both dead, that body is worth just as much as the other. It is no good to anybody. But we want more than that. We are here for health to be taken care of, we are here asking for these things—we're not joking. We're here for all the people, all the Indians throughout the United States and Alaska. First we want hospitals. Next we want some doctors and nurses to take care of us. Then after that we don't want these old worn out sheets like the old man said a while ago that they put on top of him to get warm, we want to be taken care of like a human being. Now there is plenty more I'd like to say but anyway that is about all that I'm going to say. The hospitals that we do have now are obsolete. The United States government would not go in there and even put their jaws in there to be taken care of in the hospitals we have today. Thank you.

Senator HARRIS. I want to call now on Mr. Leroy Logan of the Osage Nation Organization.

LEROY LOGAN. Senator, I'm very glad to be here at this meeting today and all of my Indian people. I come in behalf of the Osage Nation Organization which is composed of Osage people with one-fourth degree of blood. The shareholders were represented this morning—shareholders of the Osage mineral estate—by Mr. Tinker; you heard his remarks. So I'm here on behalf of the Osage Indian people. And we have organized since we are without representation as Indian people, and we still believe that the Congress and the Administration recognizes us in our legal status as Indians. So due to that we want to be represented at every opportunity of importance. So that's why I'm here in regard to this meeting on Indian health. Well, it's rather new to our Osage Indians as well as the shareholders because it is just recently that we were eligible to participate in the services that are provided to the Indian Health Service, now known as the United States Public Health Service. So, it has just been in recent years; so, it is kind of new to us and it makes us, the Osage members, feel to a degree that we have imposed more hardship on our neighboring tribes because when we were made eligible to participate through the economic conditions of our tribe and through our medical state, we became eligible to participate in these programs. When that time came we also brought—I might also add here that there are 2300 Osages here that have a degree of blood one-fourth or more—and when we became eligible we brought along our shareholders who are permitted to be enrolled on our tribal rolls. And so we brought along a group of people, a total of 8,000 peo-

ple. So, where these monies and appropriations are appropriated by the Congress for these Indians, we feel like we have caused a lot of people who aren't Indians or of Indian blood to become eligible. So we feel bad in that sense. So we're in favor of the appropriations that are provided for Indians. As Indians they should go to the members of the various tribes who have a degree of blood of one-fourth or more. So we would like to go on record at this time to be in favor of that. In regard to the urban problems that have developed we are in favor of the Congress appropriating these health facilities for the people in the urban areas, but again we would say that it should be provided for those who have one-fourth or more degree of Indian blood.

So that is our reason for organizing and we want to get our people, Indian people, back among the Indian people, that provides services for our Indian people. We want to take our place along with those people now and in the days to come. And a lot of things have been brought up about the different hospitals and the various services in the hospitals, and we all know. I've been confined to the Claremore Indian Hospital. I went to the Pawnee Hospital, and as I said, I don't blame those people but I noticed the reluctance to make me feel that I was welcome to these facilities, which is not anything new to me being an Osage Indian because I have been discriminated against, exploited and all these years since our contact with the French traders. So, we're used to that—I am—personally, I'm used to these things and since I did have to use these facilities and they are stated for Indians so I felt like I should have received a better feeling. I was there for six months, I might add, at Claremore, and I got the feeling that Cherokee people felt that hospital was theirs. No doubt they furnished the land for the hospital, but Indian services are provided so I felt like that I was eligible for those services too, which I received, and which I might add, as far as the doctors were concerned, the doctors gave me what attention and what knowledge they had. I was sent there for consultation with the surgeon there. He took over my case and he didn't have to amputate my leg. He did a great service which I'll never forget. So at that time the doctors in the hospital asked me if I participated in Indian affairs and I told him that I did to some degree and among our times with our people, and I had been doing that for a number of years. So they asked me if I ever had an opportunity to say anything on behalf of the hospital that one of the most important things we could ask for was larger appropriations for the hospital. So we could give these services that I've heard a lot of people complain about today and that is what this doctor asked me that I might do at the proper time. So I felt like I would like to be here although it's unhandy for me to get around. So because of a lot of good friends and relatives I am able to be here today. I'm glad to meet you again, Senator, and hope to see you again and want to thank you for what you're doing for our Indian people. I thank you and I want to say that if there is anything I can do to help in this matter to help obtain these appropriations, I would like for the Congress and the man that has the position to appropriate this money for our Indian health, I know that my Indian people will remember this in future generations. We're looking toward being here for a long, long time so we want these facilities improved. It has been said here and we agree with all these things and the only thing we would want to stress is that we think that these things belong to the Indians who have a degree of blood of one-fourth or more. Thank you, Senator.

Senator HARRIS. Sam Hider of Jay.

SAM HIDER. Mr. Senator, fellow American Indians, before I proceed I want you to relax.

Today, Mr. Senator, the American Indians have needs pertaining to health. From the speeches already we have heard—I am not going to give statistics—because my Assistant Chief and Mr. Stopp and Mr. Walker have already given theirs and I fully concur what they have said and all others on the need of Indian health. I sent out questionnaires to all sections of eastern Oklahoma and all the answers I received were mostly complaints. We've already had too many complaints so therefore I am not going to bring them out, too many. But the need is tremendous among the American Indian healthwise. And to me this is a bad situation. In these United States of America, the greatest nation, the richest nation, the most cultured nation, so therefore the need arises in our American Indian communities, reservations, or wherever you may live—the need exists there—every tribe. And we should not be in a position where we need help. We should not be getting down on our knees. Instead the big boys in Washington and I know our friend here has battled for us and he's going to battle for us again—we ought to make it known to those people that they have broken the promises they made to the American Indian. All right I'm going to read here. The Vice President of the United States Mr. Agnew, last week made a talk in Kansas City—perhaps some of you heard it—he said the American Indians must have the right to govern their lands and their resources. The Federal Government must continue to provide financial support. Continuing the lives you lead on this are your lives. The Federal Government has obligations to provide financial support but you should establish the priorities. But I believe the priority should be a health program for Indians. When he closed he said the administration also would press for legislation to give the Indians control of their health care. So, as I have read this I want to make that as a basis and that I want to tell here our Senator, then I'm going to quote Biblical scripture. You know we have read many, many times where it says Knock, it shall be opened; Ask, and you shall receive; Seek, and you shall find. There we have it.

All right we need to work together as Indians, regardless of our tribe. I appreciate this lady—forget about the isms—tribalism, Indianism. Let's stand up as American Indians and demand our rights. Let us make ourselves heard. Not by demonstration. There are better ways. The facts, the figures, which are correct, and if they do not believe our figures we invite them to come to our reservation or our urban homes or wherever we live, all of his colleagues and others to come as the late Senator did back in 1960. He came to Oaks, Oklahoma and saw the needs there. There is a little town, Oaks, and within 30 miles in every direction about 75 percent of the people who live there are Indians or Indian descent and they have no health facility there whatsoever. There has never been anyting done for those Indians yet. And we're fighting for it. So, all of the Indians—that's not the only place—in other places we have the same problem and situation. The Administration which has already said we will support financially and all of those that are in power in Washington, D.C., in the past and still continuing to forget their obligation as I stated it. We should remind them; we should as Indians hang together because we've been hanging separate for too long now. We need to back up our Senator; we need to back up our Oklahoma delegation in Washington, D.C. and the only way that we're going to do it is by letting ourselves be heard. By letters, by telephone or telegrams—in all due respect to the women voters—they have the power—they can do a lot more than a lot of us men. Did you know that? So I was told one time when I was trying to advertise a revival meeting. It didn't go over. Someone said, just tell a woman and she'll broadcast it. There are souls of men involved in this need. We have little tots. If we do not build the bridges strong and powerful enough for them to cross over American Indians are sunk. It is up to you. It is up to us to fight the battle and Senator Harris, we want you to know that the battlecry is health and whatever you say to those politicians in Washington, D.C., make it clear that we are ready to fight for our rights. We need doctors—and we should put it this way—we need doctors who will stay instead of just fluctuating every six months. We need nurses; we need transportation. Not very long ago I worked with the Cookson Hills Community Action, as well as being a preacher for 40 years—and I'm just a young kid yet—I met a family in Butts, Oklahoma, the lady said I lost a son not very long ago of dropsy and she said I tried to get someone to take him to the hospital but I could not find a soul that would provide transportation. And I said that there are some people who would do this; she said, "Where are they? Where are they?" Of course, after the boy passed away and then the white people in the community came and helped her out.

That is just one problem in our communities all over the state of Oklahoma and I know I'm safe in saying that it exists in Alaska as well. So, we need to work together. Mr. Harris, we believe in you. You may not hear too much from Indians but you've got a squaw. And if I know the American Indians, they are going to fight for their rights as well as the men. If your colleagues don't understand your problem or our problems invite them to come as the Senator did, that is Kennedy, and I'll be glad to take him or them to a place where a litle boy whose foot is rotting away right now because he will not go to this hospital. He said I will not go because if I go they will send me off. They will just cut my leg off. And I know another man who said I will not go because if I go they'll just send me out and then bring me back in a box. So we do need health facilities and we must make ourselves known and fight for our rights on this—our rights on this. We do not want to be rich but why ask for $150 million when there are billions and billions of dollars that are appropriated for foreign causes. When we American Indians right here—we have been here all of these years and years and years. Beloved, let's just work together for the cause that our boys and girls may receive their dental care; that our old aged people will have a place to stay to make their homes. You know so many of them are neglected even so right now. They need a place where our young men and young women can find a place in society and be accepted as a true American, beloved, we have not been forgotten fully—and I'm going to close with this—because our young men have reached the age they get greetings from the President of the United States to go into the service. When April 15 rolls around they're going to see to it that you have filed your income tax. They have not forgotten us, but when a community of Indians out here like near where I live in Jay, Oklahoma, one white woman had married an Indian man just took hepatitis two weeks ago. She went to the hospital. They took her to the hospital. The doctor said do you have insurance? No, I do not. Do you have workman's compensation or some money coming in? No, I do not. Do you have property? No, I do not. We cannot accept you. That is the word everywhere across our United States of America. The American Indian needs medical attention and thank you brother Harris, and we know you are going to battle for us and you will know we are behind you. Thank you very much.

Senator HARRIS. I want to call on Overton James now who is the Governor of the Chick-

asaw Tribe. Welcome, Overton, and we'd be pleased to hear from you at this time.

OVERTON JAMES. Senator Harris, my Indian friends I am privileged to be here this afternoon and to discuss some of the needs we have in the Tishomingo Service Unit and, my comments will be directed toward the Chickasaw Nation at Tishomingo.

The Chickasaw people are farther removed from an Indian Health Hospital than any other Tribe in Oklahoma. Approximately 140 miles from Talihina and about 130 from Lawton.

We now have a clinic located in Tishomingo which serves, primarily the Chickasaw Tribe, however there are several other Tribes living in the area being served, mainly Choctaws and Mississippi Choctaws.

The Tishomingo Health Center, which is the Service Unit headquarters, is currently staffed by: one Medical Officer; a Public Health Nurse (serving as the Clinic Nurse); a Pharmacist, who also does minor laboratory work and serves as Administrative Assistant; a Clerk; and a Sanitary Engineer, who supervises the sanitary facilities construction activities in the Tishomingo Service Unit.

The Tishomingo Health Center was initiated in late Fiscal Year 1967 and established as a Service Unit in Fiscal Year 1969. Since its inception, response to services has been marked and there has been an expanding clinic patient load at both the base facility and the single field clinic, so that at the present time there is a need to markedly strengthen services in order to preserve their integrity. The single doctor has examined as many as 70 patients in one day at the Tishomingo Clinic and regularly has a patient load of 40–50 each day the Clinic is open. A major increase in staffing and related resources is necessary in order to support current and projected clinical services and projected comprehensive health services.

The Chickasaw Tribe feels that to adequately serve the approximately 10,000 people living within the Service Unit area, additional staff is needed, along with the necessary drugs, other medical and general supplies, travel expense and equipment necessary to support the increased activities which would be generated by the additional staff and increasing workload. Currently, clinics can be held at Tishomingo only twice weekly, with the staff conducting remote field clinics twice weekly at Coalgate, Oklahoma, and services on the fifth day at Cater Seminary in Ardmore, Oklahoma. Presently, there are no dental services at this facility. Limited dental services are secured through contract dental funds.

Dental care is an area of great concern to our Indian people. The Indian Health Service is the only major source of dental care available to us. We feel very strongly that the addition of a dental unit at the Tishomingo Health Center is an urgent need. The dental unit would be able to meet a great amount of the immediate dental needs of the Indian people. However, just as important, a preventive dental program could be initiated as a vital part of long range plans for meeting our health needs.

Transportation is probably one of the greatest problems of our Indian people who are in need of medical care. They are unable to afford the automobiles needed to travel the long distances involved in reaching the established facilities now in operation. Also, there is limited or no public transportation available. With additional staff and supporting resources, the Tishomingo Health Center would be operated on a full time basis. New part time clinics would be opened in outlying areas of the Service Unit. Some possible locations of future field clinics would be Ardmore, Sulphur, Byng, and Ada, Oklahoma. Establishing all or some of the above clinics could be accomplished with the additional staff we are requesting and would be the first step in overcoming the lack of delivery of services because they would be more accessible and would partially overcome the transportation problem.

Present resources are meeting only about 10–20 percent of the needs of those patients who would seek care if adequate facilities were available.

The Chickasaw Tribe believes that the following additional personnel and other resources (see Attachment) would be a major step in the delivery of comprehensive *quality* health care to the Indians within the target area of the Tishomingo Service Unit.

TISHOMINGO SERVICE UNIT
(CHICKASAW NATION)
Tishomingo Health Center

Staff:	
Physician	$10,000
Registered nurses	7,000
Nursing assistants	3,000
Health record clerks	5,000
Laboratory technicians	6,000
Administrative officer	7,000
Subtotal	40,000
Dental officer	10,000
Dental assistants	6,000
Subtotal	16,000
Travel:	
Field medical services	4,500
Dental	500
Subtotal	5,000
Rent-communications-utilities:	
Field medical services	2,000
Supplies-drugs, equipment	12,000
Field medical services	3,000
Dental	22,000
Subtotal	25,000
Total—Field medical services	61,500
Dental	38,500
Grand total	100,000

CONTINUATION OF TESTIMONY

Senator HARRIS. I want to call now on Tennie Little Jim of Norman.

Mrs. TENNIE LITTLE JIM. I'm glad to be here this afternoon and all I've got to say won't take up too much time. Just like you all say I think we've got to stick together to get something done and I'm so thankful the Senator is trying to help us, and I know if we help him he'll help us. I'm glad he's no respecter of persons either because he's not just trying to help just one tribe but he is trying to help everyone of us, and I'm just so thankful. I think that several of us are trying to represent us at Shawnee, and it is right that we don't have what we should have at that clinic. We could have lots of things but like the rest of them we just don't get anything. You can't get too much for people, and I'm thankful and sure he can help us. You know he's my neighbor; he does not live too far from me. Thank you, Senator.

Senator HARRIS. Thank you so much. Now I would like to call on Juanita Learned of Oklahoma City, who is treasurer of the Cheyenne-Arapaho Tribe.

Juanita Learned. I'm Juanita Learned of Oklahoma City. I'm one of these so called urban Indians, and I also have the distinction of being married to a white man so I know what some of the problems are that a lot of Indian women have gone through by marrying a non-Indian, and I'll give you a sample of one of the things that has happened to me. My little girl—she is 12 years old now—was very, very sick. She had an appendicitis attack, and I had never gone to the Public Health Service for anything and so I thought, well, since I had been told I was eligible to participate just recently that I would take advantage of this. I contacted the Public Health Service in Oklahoma City and they said, Juanita, I'm sorry, you're just a little bit too late. We don't have any funds. They said if you would like you can go down to Lawton—you know where Lawton is—it isn't just next door. I was real concerned about my little girl, so I went home and told my husband I was going to take advantage of this Indian Health Service. He said I think you better think about that a little while because our poor child could die before you got her down there and I'm not sure she would have the best services and physicians. I am in the position I can pay for it. So I took my little girl to the hospital and the doctor said that you're real lucky you got her in here because we need to take her immediately to surgery. If you had taken her down to Lawton you wouldn't have had a little girl. So this kind of got me, because I started thinking about it. You know we've talked about transportation, about it being hard for a lot of Indians who aren't fortunate enough to have transportation to go to Lawton or any of the Indian hospitals. I did want to bring that out because it hit kind of close to home since it concerned my family. I've always been interested in Indians and one of the things that has always been a bother to me is that you don't go to these dances and dance, you know. I don't come back with the fact that it makes me any less an Indian. While you're dancing around I try to do things that will be of benefit not just to the Arapaho Tribe or the Cheyenne Indians. I have been very active in our Clinton Service Unit at Clinton, Oklahoma, and after hearing about these other places I feel they're trying to do a good job with what they have to work with. It really isn't much when you come right down to it. But we do service at the Clinton Service Unit, Watonga, Canton, El Reno, Geary, Kingfisher, Hammond, Concho, and on the average day about 25 and not 70 as Overton James mentioned a while ago so I guess we're kind of fortunate in that respect. But we do have these clinic hours—we have two clinic days in Canton and I have been in there and have seen people who have been waiting there for a long period of time and you have to get your name in or otherwise you're not seen. I think this is kind of bad because I feel that if we had more money for a lot of our health services that a lot of our people would be better off. And we talked about uniting as Indians which I think is real good if it could work.

But a lot of times even when you're of the same tribe you can't get together but I think if each tribe through their Indian leadership would send a resolution all along the same line of supporting just like Mr. Terry Walker has mentioned—not just 137 Indians but 150 and maybe even 200 Indians. And they're always asking about Indian input. I have been to a lot of tribal meetings—that's how come I know so many and see these same old faces all the time. But going to these meetings they always ask about Indian input and I think this is the time and the place where we should have Indian input. They're always saying, well, you know, ask for it and we'll see what we can do about it. So I was real happy to hear the Senator say exactly what he's going to do with the information he's getting here today because I think a lot of Indians like I said before we write down resolutions, we write down something we would like to see done. But that is the last you hear from them. I feel this is the time and this is the place to get together and unite as Indians with Indian people and forget our petty jealousies among one another and our tribe being better than your tribe and everything and work together and I think that by doing so we'll have a stronger point and the wants and needs of our Indian people will get

across to the ones they need to get to. I was in Washington yesterday and I talked to one of the Congressmen who is on the Appropriations Committee and he was very, very interested in behalf of the Indians so I think this is the time that we should push together because he stated to us yesterday that health services—he knew how bad they were—but they don't know what we want until we tell them what we want. So I think this is the time as I have said before that we should work together and try to get across to our Senator—I know he'll speak for us—and a lot of people are saying, "Is he running again or is he just politicking?" I don't think so when he comes to Indian health. He really is concerned and I think we should all be happy that he's taking this time out to come down here to Oklahoma and to talk to us. It's his job and he's doing it. Thank you, Senator.

Senator HARRIS. I want to call now on Elmer Manatowa, Jr. of Cushing, the Principal Chief of the Sac and Fox Business Committee and ask him to be backed up at the same time by Daniel Jennings, who is Executive Director of the Sac and Fox Tribe of Oklahoma.

DANIEL C. JENNINGS. Senator, Mr. Elmer Manatowa sends his regrets. He is unable to attend. I would like to recognize, though, one of our Business Committee members, Mrs. Mary McCormick, our Secretary-Treasurer, would you stand please, Mary. We also have in attendance quite a few Sac and Fox individuals who are interested in what is going on and you may want to know they are representing both rural and urban Sac and Foxes. As many of you do, the work load is so heavy on your business committees you'll assign duties to each one of your members. Remember we have health, education and welfare with our business committee and Mrs. Dora S. Ortega is our Health Representative and she, also, could not make it today and then sent me along to speak for her. I'd like to go on record with this letter to the Senator. We're from the Shawnee area and I'd just like to read it to you.

MARCH 18, 1971.

Hon. FRED R. HARRIS,
U.S. Senator, Indian Center, Oklahoma City, Okla.

Subject: Indian Health Problems

DEAR SENATOR HARRIS: In regard to the above named subject I was very happy to learn that you would be in Oklahoma City and having hearings on this matter. I would like to tell you about some of the problems that have come to my attention as an Indian leader. This, to me, is a very important subject and one that I have been interested in for many years because Indian Health is one of the programs that is so needed by our Indian people.

I would also like to tell you what we think would rectify the problems to a great degree.

First of all, let me introduce myself. I am the appointed Health Representative from the Sac and Fox Tribe of Oklahoma and therefore serve on the Shawnee Indian Health Advisory Board and the Oklahoma City Area Indian Health Advisory Board.

For several months I have been hearing of and seeing the huge influx of people who are less than ¼ degree of Indian blood coming to the Indian Health facilities seeking medical services, and this is continually on the increase. The results are: each patient is receiving about 3 minutes of a doctor's time; there is not enough staff and funds necessary to have a good medical facility; there are long waiting periods when some people have traveled great distances and once there they may be turned away; dental services are back-logged; not to mention the frustration of the doctors and staff who really want to give good services.

Because of this situation and the fact that many of my people have been telling me about the poor services they receive and that they felt that mostly non-Indians were now going to the clinics and hosptials, I made a motion, at the July 30, 1970 Shawnee Indian Health Advisory Board meeting, that "Effective immediately any person seeking medical services from the Shawnee Indian Health Clinic will have to be ¼ degree of Indian blood and this will have to be verified from tribal records and enrollment. Any non-Indian person married to an Indian, whose blood degree has been verified to be ¼ degree Indian, is eligibile to receive services but this eligibility terminates upon the divorce from or death of the Indian mate." This motion passed. To date it has not been implemented.

There was a limitation of verified ¼ degree of Indian blood in order to receive Indian Health services and it worked just fine! Somehow this was removed and this thing has mushroomed since because there are no limitations of any kind. In other words, anybody can receive services and all he has to do is *say* that he is an Indian!

We hear of many instances of individuals who are hardly any Indian at all showing up at the Indian Health facilities demanding services while the true Indians sit by waiting their turn to see the doctor. Also, these individuals have never in the past identified themselves as Indians and now that there is a chance "to get something free for nothing" they suddenly become full-fledged Indians!

Let me give you some examples of the things that have come to my attention:

1. Last summer a lady who is one-sixteenth degree Indian had 3 grandchildren born at the Lawton Indian Hospital. She was married to a non-Indian so this would make her children one-thirtieth degree. Her children married non-Indians so her grandchildren would be one-sixtieth degree.

2. I was talking to an Indian lady on the street and she remarked that she had just returned from seeing a doctor at a private clinic. I asked her why she didn't go to the Indian Health clinic and she said that it was so crowded that there was no assurance you would see the doctor that day. I asked her what doctor she went to at the private clinic and she named the doctor I go to so I know how much my doctor charges and I have a good idea of this woman's income and it is minimal. She said that when she went up to the cashier to pay, the lady was nicely dressed and told her "what are you doing here? You should go out to the Indian Clinic, I do!"

3. One Indian lady told me she knew of a non-Indian woman who is divorced from her Indian husband and is now married to a non-Indian and she still goes out to the Clinic for services!

4. Just two weeks ago an elderly Indian woman (4/4 degree Indian blood and this is verified) was turned away from one of the Indian Health clinics because they "were only seeing people on an emergency basis." This happened on a Friday afternoon and she was suffering from cataracts. While she was not in a great deal of pain she was almost blind in one eye and very uncomfortable. She was in this condition over the weekend and on Monday morning, after I called, she was seen immediately.

In my motion I said nothing about a limitation on income because as far as I'm concerned if an Indian drives up in a Cadillac car, he's still eligible for services as long as he meets the ¼ degree of Indian blood limitation.

One particular tribe whose membership numbers over 11,000 is very much opposed to this motion that I made at the July 30, 1970 meeting; 75% of their membership is less than ¼. For several years they did not set a blood quantum for enrollment purposes and their enrollment ran very high. When I asked them, if they believed in not setting a blood quantum for anything, why did they set a blood quantum for enrollment purposes? They admitted that they had to do something because "enrollment was running away from them." If they let their enrollment run away with them why should other tribes be penalized for their own problem!

I heard Sylvester Tinker, Chief of the Osages, remark at the Kansas City NCAI–NCIO conference that he is going to work towards getting through Congress that if a person is even 1/500 degree Indian blood, that person will be eligible for Indian Health services.

In every workable program there has to be a "set of rules" somewhere along the line (unless the program has unlimited funds and staff), in order for the program to serve its purpose and be a good program.

When I visited in Washington, D.C. last summer I mentioned this problem to one of the Congressmen and he said, "Well, we'll just appropriate more money." Is this always the answer? Certainly money helps, but we feel that as Indian leaders we should attempt to help ourselves too. Also as taxpaying citizens we are concerned about where our money goes. We are for a workable program and getting the most out of the dollar.

The Sac and Fox Tribe of Oklahoma is very concerned about the seemingly complete lack of eligibility factors that would provide protection of medical services to our Indian people. We feel that the present Indian Health policy is too broad and that there should be at least this one eligibility factor—¼ degree of Indian blood and verified—required in order to insure adequate health services to the "real" Indians.

We realize that someone is going to be left out but we can't all be included in on everything and there are other resource agencies for people to go to. What did they do before? They apparently got along all right. Because this is an Indian Health program it is our contention that it should be for Indians. There are too many Indians who are 4/4, ½, and ¼ degree Indian blood who, we feel, need to get services before we go below the ¼ degree of Indian blood. The day that it becomes Public Health then we will gladly acknowledge that everyone should be included.

I would like to quote President Nixon's recent message regarding the Indian people—"The Indians of America need Federal assistance—this much has long been clear. What has not always been clear, however, is that the *Federal Government needs Indian energies and Indian leadership if its assistance is to be effective in improving the conditions of Indian life.* It is a new and balanced relationship between the United States government and the first Americans that is at the heart of our approach to Indian problems. And that is why we now approach these problems with new confidence that they will successfully be overcome."

At the recent NCAI–NCIC Conference at Kansas City, Missouri a Resolution to this effect (¼ degree Indian blood being a requirement for Indian Health services) was drawn up, the motion made to adopt this Resolution, seconded, and passed on unanimously by the Indian delegates representing Indians nationally and including Alaska. To us, the Indians have spoken!

This, we believe, is a most important issue facing us today and no matter how much some people wish to ignore it, there is a real need for it. Therefore, we earnestly solicit your support and assistance, in this matter.

Respectfully yours,

Mrs. DORA S. ORTEGA,
Health Representative.

CONFERENCE—SELF-DETERMINATION

We, the delegates of the Sac and Fox Tribe of Oklahoma hereby propose to the Committee the following Resolution:

Resolution requesting that a uniform national Indian blood degree of ¼ be established as a limitation to participate in bene-

fits provided by public health service, Indian division.

Whereas, it is the desire and duty of all Indian Tribal leaders to insure adequate benefits from Public Health Service, Indian Division, be utilized to the fullest extent, and

Whereas, there arises a need for services that are funded for the benefits of Indians be just that, and

Whereas, too many individuals with less than ¼ Indian blood have dominated and utilized the benefits, provided for Indians, thereby causing inadequate hospital outpatient and preventive services, and

Whereas, presently, throughout the land of America, there remains, yet, a majority of Indians who possess ¼ degree or more of Indian blood, and

Now, therefore, be it resolved, That the National Conference on Indian Self-Determination request a limitation of ¼ degree of Indian blood be immediately established for service provided by Public Health, Indian Division; thereby insuring that services provided by Indian Health be utilized by Indians.

DANIEL C. JENNINGS. I'd like to submit this resolution from Kansas City, and Senator I know the people in Washington want facts and figures, and this is something that we can't give. Somebody has been counting the wrong heads and our chief wants to convey that feeling too—that we're sorry we can't give you more explicit information and things that really sell money in appropriations. So, thank you for your time and for coming here.

Senator HARRIS. I want to call on my old friend W. E. "Dode" McIntosh, Chief of the Creek Tribe. Thank you for being so patient in waiting and we're pleased to hear from you at this time. Thank you for coming.

W. E. "DODE" MCINTOSH. Senator Harris, and you good people that are working hard and that will continue to work as long as there is a breath in your body for the betterment of the Indians, not only of your tribe or the Indians in Oklahoma, but the Indians throughout the United States, as our able Senior Senator from Oklahoma has done. We can't discount the fact that the man who was the driving force and the one who was responsible more than any other individual for the Blue Lake Indians to get their 48,000 acres was our Senior Senator from Oklahoma. And those of you who read the daily press and keep up with the Indian involvement of the people in the United States Senate ever alert, physically fit, you will know that recently the article has come out in the daily press to the effect that the Senior Senator from Oklahoma is advocating, is the dynamic leader in preserving, reserving those millions of acres that have been the land of the Aleuts, the Alaskans, for time in memorial and we predict and we want and we thank them and we did thank them in Kansas City with a resolution to the effect that the land that is owned by the aborigines, the Eskimos, those three tribes would remain theirs forever and forever. Now I personally appreciate Senator Harris coming and giving the Indians an opportunity to express themselves, and bring up for him for the record and for you so that it might be presented to the Appropriations Committees of the Senate and the House.

Now, what I'm going to speak on is this, what we must do is something more besides meeting, eating, speaking, belching and adjourning and going home. Now the proposal or supposition involved here is the monetary proposition. We all know who was responsible for getting the tremendous increase in 1969 that made it possible for the Indian Health Service throughout the United States to even hold their own, and we know that because of the terrific increase in prices, in salaries, in promotions and through the civil service how the salaries must be raised. That in order to remain equal we must have millions of dollars in addition. So since the committee is now consulting on the basis of the proposed $137,576,000, above the $120,000,000 that the Senior Senator from Oklahoma fought to get us last year. In Kansas City I proposed and introduced a resolution that the amount must be a minimum of $150,000,000 and it had to be that in order to expand the ever expanding program of the Indians throughout the United States. This resolution passed unanimously. The only thing that was omitted when Lee and others, of course, were meeting privately was in this was to be that this money was to be allocated on a percentage basis relative to the Indians throughout the United States as per states. Now I am hoping that when it has been given to us the news that instead of having 61,000 Indians in the State of Oklahoma that we will have at least a quarter of a million and we hope it will be $300,000. Then our Senator is in a position to go back and say, look, this is the total amount of money available but you can't exclude the state of Oklahoma and the Indians from the State of Oklahoma on the basis of 61,000 when in reality we have a quarter of a million there. Now here's where you can participate and you must—we must—every person here should write their congressman in their district—should write Senator Bellmon. I know you have relatives and friends living out of the State of Oklahoma. Whether or not they are Indian or non-Indian you should write everyone of those. You write them a personal letter appealing to them to support Senator Harris in his gallant and dynamic fight to increase the appropriations and that is the secret in order to bring the appropriate benefits to the Indians not only in Oklahoma but throughout the United States, and to his everlasting credit the fact that he has always paved the way for Indians throughout the United States. I personally appreciate everything he has done. I know of more times when I have sent him a letter request—and I never intend to send him one that is not applicable to the services that are needed—Senator Harris has taken the ball and didn't go to first base but he made a home run. Now ladies and gentlemen, I want to yield the rest of my time to Mrs. Helen Chirpco, who in my opinion, is the best versed who knows more of the reasons why we must have Indian Health Service in Oklahoma City and Tulsa. So, Senator, I deeply appreciate this opportunity. We are ever and eternally grateful to you and if Mrs. Chirpco will come up I'll yield the rest of my time.

Senator HARRIS. It's good you're here. Mrs. Helen Chirpco, we'll be glad to hear from you.

Mrs. HELEN CHIRPCO. Thank you Senator, it is a privilege and a great privilege that the Senator has given us to testify today in behalf of our own people. I have been looking for such an opportunity for the past several months or in fact, the last 4½ years, as I started working in urban centers and seeing our own people who are disadvantaged, especially in the area of health. I have gone to many places to speak about the urban Indians needs and their problems. Recently I have been going to different tribal groups telling them about these problems that our own people are facing when coming into urban areas so that they might be able to help their people in their communities and what they must expect when coming into the big cities. And I have longed to go and testify before the Appropriations Committee or proper persons where funds may be made available for Indian Health care funds. I have been willing and waiting to testify and I appreciate this opportunity today very much, Senator.

The problems of the Indians residing in metropolitan areas are extensive and have origins going back many years, especially that of health. Every week I see large migrations of rural Indians coming into urban areas first of all seeking employment and a better way of life for themselves and for their children. Some Indians have assimilated into the mainstream of the society and are successful in meeting the complexities of urban living. But for a great number of them the conditions are just as bad if not worse than those which they left behind. It was a great pleasure and honor about four years ago to have Senator and Mrs. Harris come to Tulsa and I took them around to various homes of Indian families in the city so they could see firsthand just where they live, the kind of houses and the number of people in the family and they talked with them firsthand. We appreciated them so much for doing this since they saw firsthand, he knows something about the urban Indians—he and Mrs. Harris—they saw many of our Indian families in Tulsa as I transported them around, and we appreciated them for taking time out from their busy schedule to do this for their own record as well as for their own information.

Because of high unemployment rates or underemployment among our Indian people in urban areas, they have a very small income, perhaps from unemployment compensation or no income at all, hoping they may be able to receive special aid. And for this reason our Indian people have tried to live in fewer sub-standard housing because they were unable to pay any higher rent, even what they have to pay is above that which they could afford. They are living in overcrowded and unsanitary conditions where there are rates and are infested with insects of all kinds in this dilapidated housing. Most of them that are in the inner city, downtown area where there are old buildings and apartment buildings, where these conditions, these housing conditions, breed malnutrition and other serious illnesses and so many of the Indian people have to throng together in these small rooms. I don't know how they manage to sleep all of them at the same time when relatives live at another place over to themselves. Time has come when they were unable to pay utilities when the heat is turned off or the water is turned off. They have to go to the nearest relative and move in with them and I have seen families get their water many times from the filling station or service station. They can't continue getting this water from the service station because he must pay for his water also. I have seen many of them asking for food. This is what I mean when I say malnutrition. They have to get by on just flour and grease. I had many of them just ask for it—bacon grease and flour—and you know what this means, that's why I say our urban Indians are worse off than those that are out in the rural areas and they don't have any employment or when they are terminated or are layed off from their jobs and they have to wait and sometimes they do not qualify for unemployment compensation and they are at the mercy of the agency. Since policy changes three years ago, demands on the Indian health service have increased but the funds have been inadequate so the same level of health care can be provided. Indians residing in Tulsa, as well as Oklahoma City, or in Dallas have been denied indirect health care. This is what we call contract medical care funds. Because they tell us they don't have sufficient funds to provide the care that they need outside of the existing Indian health care service facilities. Someone in the policy making decisions has a notion that health care in metropolitan areas is adequate for the Indian population residing in them. But it is inadequate. The resources that I have talked about in trying to help our urban Indians—they have been so inadequate. It could never meet the needs of a family's

rent, even $40 a month. And you can't rent a decent place for $40 a month, and you can't even get social agencies sometimes to meet the need of the utility bill. Now many of Tulsa's Indian families are prevented from considering alternate health care sources. Certain agencies consider themselves as secondary resources for the metropolitan Indians.

Many serving as agency employees have the attitude that Indians are wards of the government and refer them to other Indian agencies or Indian health services. Time and time again they call the urban centers to take care of their Indian people. And it irritates me to no end at times because they can't see me from this end of the telephone as I talk to them. And believe me, I put up a fight for our urban Indians and tell them they have just as much right to benefit from the resources of that agency as any other citizen. But yet you will have social workers even from the hospitals and schools calling to tell you about the Indian problems and their needs expecting you to take care of them. Social and cultural barriers between the Indian and the remainder of the population reduces the effectiveness of the organization from dealing with Indians. Inadequate incomes prevent many families from carrying health insurance or using traditional health resources. Transportation is a problem for many low income families particularly to the Indian Hospital. Now Claremore is a short distance from Tulsa, but it may as well be a hundred miles as far as transportation needs are concerned, because these past three or four months we have been able through our agency with limited funds and modest allowance, we have been in the red something like $200 each month of having to provide transportation to transport the urban Indians to the Claremore Indian Hospital or to the Satellite Clinic at Sapulpa. And some days we did not have room to take everybody that needed to go. We make trips three and four times a week and perhaps we don't take patient for every trip we make we pick up medicine refills for these people if they just need a refill and a lot of times they do not get the required medicine because they don't have it and they are given substitute drugs. We have to deliver these and I know what I'm talking about. I have had to call to see if they have this kind of drug in the pharmacy and they woudn't have—the doctor would give another kind or a substitute drug and medicine. Since personal health care does not have a high priority with low income Indian families, minor health problems and preventive health measures are ignored until they require extensive attention. Health problems cannot be neatly separated from a family's other special and economic problems. Indian families depend heavily upon existing Indian centers in urban areas to identify and secure the services of other agencies and vice versa other agencies depend upon Indian centers to provide services for Indians which I have mentioned before. Now we have OEO funding and a health center there, but it is located in one geographical area where there is a very small Indian population, in fact, it only covers about 6 percent of that. So very few not only 6 or 7 people have benefited from this big health center that is on the north side of Tulsa. Now recently there were large funds appropriated to an agency there for emergency drug and food. And you know what they have done? It was funded through OEO but those workers over there called our center to get the medicine for some of the Indian people who went there and we had to bring it in from Claremore Indian Hospital and believe me the first chance I have I'm going out there to see the Director. What is he doing with all the thousands of dollars he got from OEO to provide emergency medicine and food for the Tulsa population of low income families? We need more funds for contract medical care. This is really where it effects the urban Indians. They can go to the existing facilities at Claremore or Satellite Clinic at Sapulpa but when it comes to emergency needs and I can cite cases after cases that we have had to work with in trying to meet their needs and because the Indian Health Service cannot provide contract medical care they do not because of inadequate funds these Indian people are in debt and don't know when they will ever be able to pay their medical bills. I can mention an elderly man who was a cardiac patient. He didn't live but merely 15 blocks from the nearest hospital but he had to take an ambulance from his apartment to that hospital and it cost $25 for just 15 blocks from his apartment to this hospital.

He was in an intensive care unit for 20 days. Now he was able to apply for state aid through Title XVIX but you know it only covers about 10 days in intensive care units so the other ten days he could not meet. So as soon as he was able to be released from the intensive care unit he was taken in an ambulance to the Indian Hospital at Claremore. Now there was a charge of $45 there for the ambulance service. Of course medical bills, doctor, bills, hospital bills, it amounted to way over $500 even after Title XVIX paid for his expenses, and he got threatening calls from the creditors who he owed and he came to me seeking legal assistance and I referred him to Legal Aid upstairs which is located in the same building where we are so that they might help him to keep the creditors off his back. I called the Business Manager of the Hospital and told him this man was unable to take care of his medical bills. There's just no way he can meet it. And I think of another full blooded Indian man, Choctaw man, his parents are elderly people living there in the city on a veterans pension and social security benefits. Now this man was run over on North Lewis Avenue. The case was never investigated—just closed. But it has left this man with a permanent disability and he needs complete home care nursing service right now. That's why we need more medical care for our Indian hospitals, and he was in intensive care unit for three weeks or six weeks. We have no idea how this bill—thousands of dollars—is going to be paid for, and he is an urban Indian and the Indian Health Service cannot take care of his medical needs because of insufficient funds, indirect care cannot be given to urban Indians.

And I'm thinking of another man, a Chickasaw cab driver, who was robbed of only $54 and it has left him totally disabled and he must have a continual care treatment for days and days and months to come. He can never earn wages any more. He is completely totally disabled and here are all these bills piled up with no way to pay for them.

And I'm thinking of the Kiowa baby who died at 4:30 in the morning and how that little baby spent three or four days in the intensive care unit and the baby of a young couple. I was there early in the evening and saw the child and it lasted until 4:30 in the morning. The uncle of the baby called me at home not knowing which way to turn. He was filled with emotion because there was his sister who had asked him to come be by the bedside because her family was way back here in western Oklahoma, in the southwestern part of the state. I did go there and try to console them in some way and the man had no skill. He had mounting medical bills and dental bills and no job. The next morning I went back to the apartment and I began to call the Indian agencies to try to help them get their baby back in their own community.

Then I'm thinking of another young Cherokee Indian boy, full blood, age 24, who had to undergo brain surgery after being in the city for only 30 days. He had begun employment and this came about so suddenly it required surgery as quickly as possible and the total bill was $3,500 which state aid was able to underwrite about $2,400 or less and then he couldn't pay the rest of it—he was an orphan boy. He had no folks. And it just goes on and on—I could tell you cases after cases and especially maternity cases. Now they have tried to race to the Indian hospital and never make it there. Many of our Indian women have to be hospitalized at the nearest hospital and they call and ask can my bills be paid. The persons will call you. Well we're Indians we can prove we're Indians by degree of blood, and we want our bills to be paid. I'm sorry I have to tell you the Indian Health Service does not take care of urban Indians. They say why? Why? And you have to go over and over and over it again and explain to them why and they are so oppressed many times when you try to talk with them.

I am asking for our school children—not only our school children but for adults themselves—because I have been unable to find adequate resources in the city of Tulsa to meet their needs. The Lions Club provided eye glasses for school children but they ran out of funds a long time ago. And then the general care needs the school nurses will call you and will tell you about the Indian children going to public schools who need this kind of care and then you go to the Indian hospitals and try to make dental appointments and you know what they tell me? We've got time in October before we can make some of these appointments for these children. And as a Board member of the Claremore Indian Hospital I would like to speak about the needs there. The facilities are inadequate in the way of waiting rooms, laboratories. I know I go there to transport Indians there and I see these people jammed in small crowded conditions of adults and children of all ages—just thrown together with all kinds of illnesses, waiting hours and hours for them to get to a doctor and we need more space. And then the laboratory facility is inadequate. You know our Indian people are modest people. You know from where the lavatory is located and where the laboratory is when a specimen is required they have to walk in front of all these Indian people lined up, sitting on both sides and having to carry the receptacle back to the laboratory to the lab technician. And I know this keeps the Indian people away sometime because of the location of the laboratory and the lavatory and how the doctor will require a specimen and what they have to do. Our people are modest and don't like to have to do these things in front of other people. So we do need adequate laboratory and lavatory facilities. And we need modern equipment especially x-ray equipment, because some months ago the old x-ray machine we had knocked our x-ray technician out one day. He was trying to x-ray an Indain and it came down and hit him on the head and he came to the door and opened the door and he hollered for a doctor—someone to call for a doctor and he collapsed with a cut on his head. He fell down in front of all the people who were lined up in the waiting room. This shows we need new x-ray machinery, as well as other kinds of equipment. So I could go on and on but we do need more facilities, adequate facilities and equipment, and drugs for our Indian health services and also more appropriations so that urban Indians can be cared for under contract medical care funds. Thank you, Senator.

Senator HARRIS. Thank you, Helen. I would like to call now on Mr. Lee Motah, who is Chairman of the Comanche Business Committee. Lee, I'll bet you thought you'd never get up here. You've been here all day.

LEE MOTAH. Before I go into my portion of the program I would like to yield a little bit of my time to Ned Timbo who is Chairman of my Health Committee, who I have

appointed from the Lawton District. Ned, would you come up here now and give your version of our program at the Public Health Indian Hospital at Lawton. Just a little while.

Senator HARRIS. Ned Timbo.

NED TIMBO. Senator Harris, it is a privilege and an honor to present this resolution to take care of the dental work for the Comanche Tribe. The reason why we've got this resolution is to try to help the Public Health get things the other Indians can use, and the reason why we passed this resolution is that of President Nixon's $10 million health proposal. This resolution is pertaining to that health proposal of the President's. So we try to take advantage of these privileges that normally belong to our Indian people. Whenever there is money allocated for our facilities such as the Public Health we have to survey the people and they're always short of funds. I know this is the reason why the Comanche Tribe has proposed a resolution in support of dental care for our Comanche people and what normally would serve the Comanche people these funds would be allocated from the Public Health where other tribal members that are served by this area can take care of more patients. Some of the emergency cases—they could take care of them. When our Comanche people can be taken care of from the tribe in reference to dental care—we know that our own people need dental work and that's the reason Indian people have poor health because they do not chew their food properly. We know that health is very important to us. We try to survive by ourselves. We know that life is really important. And I feel with the support of Senator Harris on this resolution which the Comanche tribe has proposed I would like Senator Harris to support this program and I feel that with his support this would help most of the people served by the Lawton area hospital. Thank you.

SENATOR HARRIS. Thank you, Ned.

LEE MOTAH. That was too long, Ned.

Proposal on dental needs—Salaries, equipment, expenses

Health educator's salary	$15,000
Clerk's salary	5,000
Director:	
240 days at $10 per day	2,400
5,000 miles at 10 cents per mile	500
Health educator:	
60 days at $10 per day	600
5,000 miles at 10 cents per mile	500
Total travel	4,000
Office rent	2,500
Equipment and supplies:	
2 desks	300
10 chairs	650
2 lamps	100
4 filing cabinets	200
1 typewriter	500
Miscellaneous supplies	500
Total	2,250
Total first year	32,750

B. Dietary-dental health project: It has been loosely estimated that there are 1,640 adults in the Comanche Tribe who will be eligible.

I. Contract dental care:

(a) There is a .404 ratio of prosthetics (false teeth) required in this area with a 53% expected rate of participation. The average cost of a prosthetic unit is $205.00.

Cost=1,640 x .404 x .53 x $205.00.

Total cost=$72,300.00.

(b) In the Lawton area, there are an average of 8.948 dental services required by the adult population. The average cost of a dental service is $10.00. Again, a 53% participation rate is anticipated.

Cost=1,640 x .53 x 8.948 x $10.00.

Total cost=$77,800.00.

(c) Due to expected reluctance of some Comanche Indian patients it is doubtful that the program would be completed by the end of the fiscal year. It is requested that the funds be made available until used. It is estimated that support funds for the program will be needed in the following amounts for the fiscal years shown:

Fiscal year 1971	$132,750
Fiscal year 1972	55,250
Fiscal year 1973	55,250

II. Statement of problem: poor nutrition has long been recognized by the Public Health Service as a significant problem among older Comanche Indians near the Lawton Area.

The Commodity Foods Program which makes food available has not even approached full utilization by the Comanche Tribe because of a lack of awareness of the program, or a lack of opportunity to make application, or to pick up the foods on the right day. Missing teeth has also been a leading contributor to inadequate nutrition. In the Lawton Area 41% of the eligible Indians require at least one prosthetic unit. Obviously, among the older people the rate would be much higher. This lack of teeth causes people to eat only soft starchy foods, because it is much less difficult while the more nutritional foods are avoided completely. This program would alleviate some of this problem by certain dental care suggested by the U.S. Public Health Service.

III. Objectives of project: Contribute to the improvement of the health status of the Comanches by enhancing nutrition. It is expected that the operation the first time around will take a year or two. There may be lack of interest by the subjects and possibly some resistance although there was not a dissenting vote when this proposal was submitted to some 200 tribal members. It is anticipated that just the volume of dentistry will extend the project into the next fiscal year.

Hopefully we will receive an allotment for an employee to encourage participation. This will require a very competent professional. Much travel will be required for the area of approximately 30 miles around Lawton, Oklahoma.

IV. Method of procedure: The dentistry will be purchased from non-government sources by contract, contracts with individual dentists.

The program will be publicized through tribal officials, leaders, other tribesmen and through a professional health educator to be employed with U.S. Indian Health Services and U.S. Employment Service help. Most of the Comanches to be covered by this program live within 30 miles of Lawton, Oklahoma, although a few may be living temporarily with relatives who are employed away from the home area of Lawton. The people to be served are for the most part adult American Indians of the Comanche tribe. Most are unemployed due to old age or other infirmity and lack of employment opportunity in this rural area. The needs shown are based on statistics furnished by the United States Indian Health Service.

V. It is anticipated and probable that the U.S. Indian Health Service will assist and cooperate with us in this project and its continuing evaluation according to established and accepted methods.

VI. The health educator and tribal officials, leaders and tribesmen will be utilized in furthering cooperation of existing health agencies of the city, county, state, federal government and Indian Health Service. Some of these already quite active.

Documents of endorsement are attached.

VII. Project Staffing: Project director will be the chairman of the tribal governing body, with advice from the project health educator and the Indian Health Service. The health educator will direct activities and coordinate with Indian Health Service and other cooperating health agencies. Health educator must have graduate degree in health education plus at least 3 years of professional health education experience of a level to qualify for grade GS–12 in the Federal Service. Health educator will recommend priorities and evaluate progress of program in cooperation with available assistance from Indian Health Service. Clerk will provide administrative and clerical support.

Project director will have an expense allowance of $10 per diem for up to 20 days expenses a month, plus mileage.

VIII. Facilities Available: We have no suitable facilities now.

IX. Project Budget: See Section II.

X. Supporting Data and Other Information: Letters of support from community groups and agencies that are indirectly involved will be obtained and attached hereto.

This proposal is signed by authority vested in me by Resolution of the Tribal Business Committee of the Commanche India Tribe.

LEE MATAH,
Chairman.

CONTINUATION OF TESTIMONY

LEE MOTAH. I don't know whether to address this gentleman here as a doctor or as a Senator; I think he's taking prescriptions today. Senator, I would like to start this way. We have a beautiful hospital at Lawton—really beautiful—one of the outstanding hospitals—really pretty—outside. Inside, no. This hospital is used partially now. The orthopedic part of that hospital has been closed over a year. Up to today I don't know where our Indian women have been going. Children I don't know where they go or how they take care of them there I know the biggest portion of that beautiful Indian hospital is closed, because of the shortage of funds—due to the shortage of funds. Now I would like to speak in the field of monetary rather than grievances. We have plenty of that. I can talk all day on grievances. I'd like to see this group of Indians appear before the Subcommittee in Washington. That could be one of the most wonderful things that could happen. I appeared before the subcommittee, Senator, I'd like to see this group—I'd like for the Senate to see the group of Indians that are here today. There would be no questions asked if they could see these Indians and their statements in regard to their areas that are in need of funds for the programs they are asking for. Now, Senator Harris, this beautiful hospital we have over there at the city of Lawton—we have what people have spoken about, time element. On the count of time element people have died in the waiting room. There is an old man that died there. Some of you fellows say I don't even know what I'm talking about—he was waiting for his turn. He went in the waiting room and he died waiting to get service. Why? Because due to the shortage of funds at our Indian hospital we do not have enough people to wait on our people that have come there to get service. We have a shortage of funds there. Talk about a shortage of funds, we have that at Lawton. I never have spoken in behalf of my own town's hospital. I've been speaking for other hospitals. Today I'm speaking for mine because they are in need. I was over there and I have seen. I sat there in the waiting room. My wife and I sat there from nine o'clock to four o'clock. We never got service. We didn't get waited on that day so we had to come home. As Chairman of the Comanche Business Committee I never pull my rank. We just waited and wanted to see how long it would take for us to be waited on. So we went back the next day again. It

took until 2:30 the next day that my time came. My time element, my Senator, I want to tell you this—some of you spoke of it a while ago about the non-Indian, less than one-fourth degree of blood—people that come to our hospital. Senator, those people who come to our hospital who are not Indians they pull their cards and when there are Indians waiting there they pull their cards and call them first. I do not approve of that. That is not right. That's wrong.

Now at our last annual meeting a year ago this coming April the Comanche General Counsel passed a resolution—I don't know where it went—we submitted it to every representative that we know so that we might get help. We submitted that resolution that we wanted the one-fourth degree Indian blood recognized at our Indian hospital. We haven't heard; we haven't seen; we don't know where it went. And that has been submitted to all of our Oklahoma delegation—and you might look in your wastebasket—I say that jokingly. People, I think we need to fortify ourselves with one thought that we want money. We want money. That's what the Senator wants. Money! He wants to hear us talk about money—where we need this money—what is causing these grievances that he has heard. It's due to the shortage of funds in our hospitals. Some of us spoke about urban clinics here in Oklahoma City and our surrounding parts like Dallas, L.A., all over. Now that was mentioned in the last Kansas City conference about these urban areas. Now listen, if these urban clinics were established it would take the load off of these clinics where we go. Our biggest part of the load of our surrounding clinics and hospitals come from these urban areas. We need to do something about the urban problem because it would help us a lot in areas where we live.

Another thing I want to mention, Senator, while I'm thinking about it. Many people have come to me, many people have said this to me, but listen, Senator, I want to say it to you right now, that when appropriations come for the Indian people of Oklahoma we want our due share of that appropriation. Do not let it go to the reservation Indians. Reservation Indians is all you hear. We have one third of the population of the Indians of the United States here in Oklahoma. We are federally recognized tribes of Indians just as well as reservation Indians. I have reservation one week, one solid week—that is all that I heard in the Kansas City convention—reservation, reservation. I had to get up and make a motion, asked the chair to recognize me that any time appropriations come to those reservation Indians we Oklahoma Indians we want all due portions of that appropriation to come to Oklahoma.

Senator, I had a telephone call from a gentleman—I get telephone calls from all over this United States, some that are way far away attending colleges—they say Lee, I'm going to school, I lack one semester finishing but I've got problems with my health. What must I do? I am not recognized; I'm too far from home. Senator, we want enough funds allocated for our students that are away from home. We're neglecting our children. Our children are all trying to get educations and get established; they need help; they need public health; they need that health away as well as here at home. Let's don't neglect them. Let's consider that in the program that monetary help might be provided for them while trying to get a higher education for themselves that they might be the leaders of our people tomorrow.

Now another thing I'd like to mention here while I'm thinking about it—you know I'm getting old and I forget things—Senator, we have school over there at home—There is Riverside, Fort Sill, Concho—these are Indian schools. Now they are denied help. They have to go from Riverside to Lawton. The hospital is a private hospital; they don't recognize our Indian children there. They have to go to Fort Sill, to Lawton, to get help. So those children like that should be recognized in this monetary appropriation that we are talking about today. We need to talk about monetary; we need to talk about money for our children that are away from home. Senator, I've got a priority list here—things we need at our Indian hospital and it's going to cost money—it's going to cost money to get that Indian hospital of ours to be as pretty inside as it is on the outside. We need eight nurses over there and we need 4 R.N.'s. We're going to get money; that's what we're asking for. I sat there waiting for my medicine when I got my prescription; I waited a long time before I got my medicine because there were a lot of Indians there waiting for medicine. We were all waiting at the pharmacists' window. We need 2 laboratory technologists; we need some help in our Indian schools that might wait on our children rather than having to bring them way off. We need one clerk-stenographer for Social Worker and we need two health record clerks to keep a record of our health. We need 1 administrative clerk assistant; two property and supply clerks; three dietary persons and two maintenance helpers. Now these are the things that we need at the Indian Hospital at Lawton to make a go of it. Now those are things I would like for you to talk about before that subcommittee. Now I know what the subcommittee will say. Now another thing about these grievances—just one or two. Now the grievances that I have, Senator, over there at Lawton, we have to get sick at certain times. We've got to get sick at certain times. In other words if you're not sick by certain times you can't get any service; you can't get waited on.

Now another thing, Senator, over there at Lawton, the beautiful hospital, listen, they refuse to admit our old people. One lady—they refused to admit her. So, way late in the wee, wee hours of the morning when they called me—I always have a red horse tied outside—so I immediately got on my red horse, and Senator, this isn't necessary, it isn't necessary for a tribal leader to admit that person. She's an Indian. Now that is one of my grievances.

Now those things are important to our hospital in the way of grievances. So I wanted to bring that to your attention. I asked a question in the conference in Kansas City, "under what law are the Oklahoma City Indians federalized? and the Tulsa Indians? and our urban areas?" Under what law? is it a federal law? is it an administrative law? where is that law that federalizes our Indians in these urban areas from having the Public Indian Health Service? where is it? The conference did not answer me. I do not know. Some time ago the meeting was held again in Kansas City under the Labor program. At that time the Indian health went under HEW. Before that is was under the Bureau of Indian Affairs and I think we were doing a little bit better under the BIA than we were under HEW. HEW is such a big organization the Indian people are just a drop in the bucket considering their programs and what they have to contend with than under the BIA. Under the BIA we showed a little sign of being a people too. Since we went under the program of HEW—maybe some of you fellows understand this—we went down the drain. Senator, I know it's a hard thing to do; it's a hard thing to change a program. If there is any way possible I would like to see the Indian Hospital go back under the Bureau of Indian Affairs so we can get help. I understand that the BIA is about to have a big shake-up in it now. I think if we go under the BIA I think we would get to these people that you speak of today as doctors that don't move, doctors who will stay with us, doctors who will carry on our Indian health for us. I think that will be something that would be good for our people. Now these interns—we have some good interns over there and they go by every two years—so I think if we can get away from HEW I think we would soon get away from these two-year intern doctors. I think we could get away from that. We would have people that would stay with us rather than going off every two years after they end their internship every two years. Now that's also a monetary move. I think that if these fellows would come into our hospitals to stay with us that would save the government funds of moving these people every two years.

Senator, I'm glad that I could have the privilege to talk in behalf of my people. I could talk all day. This time I spoke from notes—I usually speak from my heart because I know my people. I know them so well that nobody can tell me about these Indian people. I know their conditions. I know who they are. I know where they are. I know what's good for them. I've done everything I could; I stood before the subcommittee and pled for my people that we might get additional funds for our Indian people. I was criticized for that; they said you took all that money and put it in CHR. That's where you put it. You didn't put it—I didn't have anything to do with it. I pled for it; that's all I did. I begged for the officials to make a distribution; I don't know how they made a distribution but I've done my begging and I'll come beg again if it becomes necessary. Thank you.

PRIORITY I: PROPOSALS FOR IMMEDIATE RESOURCE NEEDS

1. 8 Nurses, Pediatrics (4 R.N's & 4 L.P.N's).
2. 4 R.N.'s for GM&S Wards.
3. 2 Pharmacists.
4. 2 Laboratory Technologists.
5. 2 PHN's or R.N.'s for Ft. Sill and Riverside Indian School.
6. 1 Clerk-stenographer for Social Worker.
7. 2 Health Record Clerks.
8. 2 Housekeeping Persons.
9. 1 Admin. Clerk Assistant.
10. 2 Property & Supply Clerks.
11. 3 Dietary Persons.
12. 2 Maintenance Helpers.

PRIORITY II: PROPOSALS FOR ADDITIONAL RESOURCE NEEDS

1. Orthopedic surgeon—commissioned officer:

Presently, our expenditures for contract and consultant orthopedists exceeds what the salary for a commissioned officer orthopedist would be. In addition, the orthopedist stationed at Lawton could take referrals from Shawnee, Clinton and Tishomingo, thus saving these service units contract funds.

An orthopedist would also allow our general surgeon more time to do general surgery. (Presently, 70 to 80% of the general surgeon's clinic patients are orthopedic.)

2. Additional X-ray room: Presently, there is one room to take all X-rays, including special procedures. As a result, clinic patients are forced to wait 2 and 3 hours to have X-rays taken while a special procedure is being performed. If another room were available, the clinic patients could have their X-rays taken promptly.

3. Rotate PHS surgical resident through Lawton: To provide the surgeon at Lawton with expert help and provide the resident with valuable experience.

4. Convert one of nurses homes to extended care facility: Presently, we have patients utilizing bed space in the hospital who could stay at a facility next to the hospital—e.g. Pending OB patients (ladies-in-waiting); outpatients in need of laboratory procedures over several days; patients awaiting transfer to nursing homes.

5. Equipment necessary to set up cardiac care unit: Attempt was made in FY 1970 to tie into the regional program at Southwestern Hospital, but funds were not available.

6. Reopen the pediatric ward: About eight staff nurses are needed for this pressing need. We have a new 80-bed hospital and 20 of these beds are closed down; this is the pediatric ward. Our children population outnumbers our adult population, child and maternal health is one of our highest health priorities, and the health conditions among the Indian people is anywhere from 25% to 300% worse than the general population or even the neighboring population. So, there is a definite need to open pediatrics. This would require a minimum of 8 staff nurses (4 R.N.'s and 4 L.P.N's).

CONTINUATION OF TESTIMONY

Senator HARRIS. Excellent testimony. I want to call now on Taylor Noyabad, a member of the Comanche Indian Tribe from Elgin.

H. TAYLOR NOYABAD. Thank you, Senator Harris. I just want to say that we, the Indian people, should be very thankful for the Senator here and Mrs. Harris for all they have done for the good of our Indians. You know Mrs. Harris is a member of the Comanche Tribe and we are very proud of her. I don't want to take too much time here because Mr. Motah whom I work with as Vice Chairman of the Comanche Council has covered our needs well for our Indian hospital at Lawton, but I will say this that our hospital is an 80-bed hospital but at this time there are only 60 beds being used because of the lack of funds and the other beds are just closed up in a room. I want to say this to you, my Indian people, our Indian hospital in Lawton as Lee said is one of the most beautiful hospitals in the state of Oklahoma and we are proud of it. I would like to say that the employees—the doctors, the nurses—in that hospital are very limited. We do not have enough nurses. We do not have enough doctors. In fact, we do not have enough employees as a whole. What I'm saying is this that we have an X-ray room there—just one small room. And sometimes there are a large number of people waiting to get an X-ray picture. Sometimes these people have to wait three and four hours in order to get a picture. If we only had funds enough to add another room, an X-ray room to our hospital, it would make things a lot better for our Indians. We do have people that come into the hospital because of the lack of health. They wait from eight o'clock in the morning until sometime four o'clock in the evening before they are waited on. I want to say this to you, my people, someone mentioned about these people that are not one-fourth Indian who come into our hospital. I want to tell you about an incident that happened. You know I visit the hospital quite often. I'm there at least two or three times a week.

On one of these visits to the hospital there were four patients in one room. One of these patients happened to be a white woman. It was along about 7:30 in the evening some young ladies were reading their books, reading a paper, and this white woman came into the room where the Indian women were. When she came into the room she shut the lights off. People I do not agree with that because that's too much on her part to treat these Indian women that way. It might have been a different thing if the visiting hours were over, but at that time they were not. I want to say this, we have some buildings out there that could be used for visiting hours but they are not used because we do not have funds to prepare those buildings with. I want to tell you about an incident—sometime last winter I took my grandson, a little over a year and a half baby, to the hospital and when we got to the hospital the doctor looked him over and gave him a bottle of cough syrup and sent us on back home. And the next day the baby began to get worse. He began to get sick sure enough, and along about twelve o'clock that night my son said we're going to have to take the baby to the hospital. So we did. When we got the baby to the hospital the doctor looked him over and said that little child has a touch of pneumonia and must be taken in. But this happened to be another doctor and folks when the baby was taken upstairs they began to unwrap him and when they got his clothes off the nurse and attendant got a towel and began to put it on the baby. And the mother asked the nurse the reason for that. And the nurse said there are no blankets for the baby to use here in the hospital. We do not have any. And when the baby was laid on the bed he started crying and they started giving it orange juice and Sheila again asked why don't you give him milk and maybe he'll stop crying. And the nurse said there is no milk for the babies in the hospital. Folks, what I'm saying is this, this little child was my own grandson and I happened to be with the mother when he was taken to the hospital. If we could get a little money, a little more funds for our hospitals, the little children there would have food, they'd have milk, they'd have what they need to use. So, what I'm saying is we need more funds for our hospitals so they can operate properly. I want to thank Senator Harris and I want to assure him that in every way we can be of assistance to him we will be happy to do so.

(Material follows to be included in RECORD:)

PUBLIC HEALTH SERVICE,
Lawton, Okla., March 15, 1971.

Mr. HORACE NOYABAD,
General Delivery,
Elgin, Okla.

DEAR MR. NOYABAD: This information is in response to your recent request for the Lawton Service Unit to supply you with our resource needs. These needs have been discussed and confirmed by our Inter-tribal Health Committee.

We are currently providing health services to a growing number of Indian people. In addition to this, we desire to improve the quality of our services to our Indian Health recipients.

We are listing our needs on the attached sheets under two current categories. Priority I includes proposals for immediate resource needs and Priority II includes proposals for additional resource needs.

The Lawton Indian Hospital is an 80-bed General, Medical and Surgical facility where we have a total of 104 employees, including Commissioned Corps personnel. During FY 1970, we had 2,049 inpatient admissions with an average daily census of 45. Our total outpatient visits at the Lawton Indian Hospital amounted to $30,900.

We would like to emphasize that we only have sixty beds available for patients, because twenty of these beds are closed down, as stated in the attached information.

Our overall greatest need is in getting more employees to provide better medical services to our Indian people. Also, attached for your information is a list of the employees we need here at the Lawton Indian Hospital in order to be adequately and properly staffed.

Sincerely,

EMERSON ECKIWARDY,
Service Unit Director.

Senator HARRIS. Samuel Osborne of Pawnee. Mr. Osborne, we would be glad to hear from you at this time. Again, any of you who are here on this list or those who have asked additionally to testify who could either shorten your remarks briefly and maybe later supplement them with a letter or statement or who can file a statement I will appreciate it so everybody can have their say before we run out of time. Mr. Osborne, it's good you're here.

SAMUEL OSBORNE. Ladies and gentlemen, I just want to say a few remarks in behalf of the Pawnee Indian people. Everything you have heard this afternoon and this morning exists in our hospital at Pawnee. Our hospital is also pretty on the outside but on the inside, no. We have a hospital instead of having one that is big we have offices for the doctors, and that's something where our doctors will not admit any person unless it's an emergency and we've had two different times that people have died right there at the hospital in the waiting line. That's not very good. I don't know what they call an emergency according to their ways of having people enter the hospital. And furthermore, the hospital is a place for the sick. It's a place where it should be clean but due to the lack of manpower we do not have janitors to keep the hospital spic and span. There are a lot of things there that have been mentioned here this morning that I would repeat but due to the time I would only like to say to the Senator that we're very thankful now that you have opened up the door of opportunity for the Indian people. We are very thankful for your cooperation and for helping and in so doing that I am hoping and praying that as you testify for additional funds for our Indian people, the Indian hospitals, we hope that you and the United States Congress will realize and if they don't realize what has been said and done this afternoon, if it's possible at all for them to come to the State of Oklahoma and see the existing conditions of our Indian people which is very sad at times. More power to you, Senator and we're very thankful so I would like to yield my time to the Chairman of the Pawnee Tribal Counsel, Delbert Horse Chief. Will you come up? While he's coming up I want to thank you, Senator, and may the good Lord help you in your endeavor that we might have and realize the good things.

Senator HARRIS. Thank you very much. Delbert.

DELBERT HORSE CHIEF. Ladies and gentlemen, Honorable Senator Harris, at this time I would like to take this opportunity and thank you, Senator, for taking this time, as many have mentioned before, and you, Mrs. Harris, for coming down here and giving us the opportunity to exercise our rights for it isn't possible for a lot of us to get up to Washington to hearings. I know that each and everyone here has been responsive and would enjoy going up and testifying before the Senate Committee up there. There are a lot of controveries here with the Public Health Service. I can highlight much of what the many tribal leaders who have stood before you today and continue on and give you a lot of personal incidents where our Public Health system is in dire need of more finances I would like to say at this time that at the hospital in Pawnee we are short; we do not have a public health nurse; we do not have a social worker; we do not have a health educator. I think if you will check at these other hospitals they do have them. And due to a shortage of funds we are continually told we cannot help these individuals. We have been short on doctors as you have been told here today before. We are also in need of the construction of a new hospital and I just wonder why I continually hear from the Public Health people and also from you Congressmen and Senators that there are no funds set up for construction of new hospitals, and I am serious about this. I have another area I'd like to go into and ask a question and that is about the $10 million the President had asked of OEO and the Department of Labor and Public Health itself—what has happened to the $10 million.

I hope this isn't something the President has dangled here in front of the Indians to pacify the Indians. You develop a program here and we'll shoot you this money to you and you, in turn, this is going to be your program; this isn't going to be a one shot thing either; it's going to be something that year after year if we are satisfied with your operation of this program, we, in turn, will ask these different departments to come down and finance you in your program.

I'm just curious to see what the President will do in relation to what he has said in relation to this $10 million. Our committee has worked hard and real diligently to try and develop a program and I think they have developed a real good program. And this, I might add, Senator, was done by full blood Indians, and I think this will go back to what the President has said that he wants Indian input. This is, I say, Indian input for our area and I would like to say at this time that I sanction what the Sac and Foxes have said and what some of the other tribal leaders have said in relation to the Indian degree of blood—I think there needs to be a cut-off point somewhere. I think to be considered an Indian we as Indian people should say who is an Indian—not the non-Indians up there in Washington or at the headquarters of Public Health. I feel like as Indians if we say we have a fourth degree of Indian blood that we should receive these public health services. I think this should be enough; this should definitely be enough. We are like the Comanches and the other people. We have submitted a resolution to our Public Health Hospital in Pawnee. I do not know where the resolution is today. I can't get anyone from Pawnee to Washington in the Public Health Service to commit themselves as where this authority lies and I say that if we say as tribal members and tribal leaders and pass on the resolution as such then this ought to be a law for Public Health assistants to go on. And I would like to say a little bit further here—I'll try not to take too much time—that I would like to say that I feel that we're just a little bit top heavy here from the administrative standpoint. I feel that some of these funds could be administered by the local levels where the Indian people really are in dire need of Indian funds. I feel certainly—I go to housing meetings; I go to meetings at different places that I feel it is my duty to be at these meetings and I see Public Health officials there and I don't care where it is being held—Tulsa, maybe Kansas City or anywhere—I see these people and I know they are there on extra expense money that could be used for our public health system down to where it is definitely needed. I think there needs to be some policy changes. We can pull teeth for our elderly people, but we cannot put teeth back in these Indian people's mouths. That, too, is something I consider a must for Indian health and Indian people. It has a lot to do with their diet day by day. And I think this is something that is definitely needed, and in all field of what I have heard today I would like to sanction what has been said this afternoon, and Senator, at this time in behalf of my people, in behalf of all the Indian Tribes of Oklahoma, in behalf of the people under the jurisdiction of the Public Health Service at Pawnee I take this opportunity to thank you very much.

Senator HARRIS. Thank you, Del.

Senator HARRIS. Let's go now to Mr. A. B. Pecore, Shawnee, Health Representative for the Citizens of Pottawatomie Tribe.

Mr. A. B. PECORE. Indian People, I just want to make two remarks: one is CMC funds which is one of the black eyes of public health not only for the doctors and hospitals but also for plumbers, electricians and all of them. Anywhere you mention it they've been stuck and holding money that was due them from Indian Public Health. Doctors have treated patients whose services were never paid for. Worse here in Shawnee I've been on the advisor board for about 10 or 12 years or longer at Shawnee Clinic and I am a quarter Indian, I've been chairman of the tribe also in community action of OIO and other things like that. I've worked with and that's the worse black eye that the Government service has. I was on an investigation committee over there where one of the hospitals cut us completely off of patients. They wouldn't accept any patients and we started using private hospitals and are still using them. The Indians on the Pottawatomie Tribe, gave land to the county hospital, what they call Mission Hill Hospital. It was coming to the Pottawatomie and we turned over the 20 acres to the hospital for people in that area especially for the Indian people. Senator MONRONEY said that the Indians would be treated there as long as they needed to be. Alright they got into a squabble over funds, I went over there on an emergency call, called the doctor on duty and he refused to come.

They appointed me as investigating committee on the clinic on the advisory board, so I went to the hospital and checked with them to find out what the reasons was. "I didn't like to pay it for the hospital services I didn't get" at the end of the financial year they were out of money and the hospital was left holding the sack. The doctor that didn't come I made a special investigation to find out why he didn't come. Come to find out, he had treated a girl and operated on her and didn't receive anything for his services and ended up paying the hospital expenses. Thank you.

(The statement follows:)

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 parodoxical 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 wrought 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 cannot expect the private physicians to give free care to Indians to make up for the Indian Health Service 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.

F. MELICHER, M.D.,
Advisory Board Member of Shawnee Health Clinic.

A. B. PECORE,
Pottawatomie.

Senator HARRIS. Thank you. And now we would like to call on Margaret Sands and Archie Sam of Weleetka, both representing the "New Voice of the Creeks" if you would come up together, Margaret you could say a few brief remarks and then Mr. Sams you could follow up. Mr. Sams if you would come on up.

MARGARET SANDS. I'd like to shake your hand Senator Harris. I'm here on behalf of the rural Indians of Oklahoma. We've had a lot about the Urban Indians and I'm not against any of you because we all have a need, and our need there is just about the same as the others but I'll run through them so that they will know that they had a voice in this meeting. They need more funds too; mostly to get to and from the clinics and hospitals. Most of these Indians live 75 miles from the closest hospital, and even at that most of the ones that are really in need live way out in the country where there really is a need.

Then also the sanitation program of the Indian Health has been done away with since

this housing project has come forth and many of them can't understand what housing can do for them and they still want sanitation.

The third thing is the lack of funds for glasses for the elder people and false teeth. Also due to vitamin deficiency they have a lot of cataracts there and there is no funds set for these operations and there is a lot of real need for that.

Fourth is Indians desire for a nursing home. Now that may seem unusual to you but an Indian will be much happier and much more satisfied if they have a nursing home of their own so that they can receive better medical care. Most of the Indians now have to go out and work to make a living and they will not or can not take care of the elderly like we used to when we stayed at home so there is a need for this.

Fifth thing is that I want to talk about something that has been mentioned before but we have this problem in Okfuskee County and it's that we get sick on the wrong days and if you do there's no hospitalization for you there. Also if you're out of district, let's say a man from Seminole has an automobile wreck in Okfuskee County and needs to go to the hospital, he can't go even if he is bleeding to death if he doesn't have the funds.

Senator HARRIS. That's brief but a very good statement. Thank you. Mr. Sams, we'd be glad to hear from you.

Mr. SAMS: Senator and American Indians I'm here as an individual interested in these people. Some of the statistics I am going to give you come from real reliable sources. American Indians is a race of people, most written about, most studied about, most surveyed, exploited, deprived and have the lowest in educational levels, under employed to support a family, have no skills to hold a good job and lives in substandard homes. Above all American Indians have the worse health of all of the groups of people in the United States. Health is very essential to hold a job or to get an education. It is every basis for a good life. Poor health attributed chronic grinding poverty among the American Indians.

In March 1968 the President of the United States made this remark in his Indian Policy Message "Viral Infection, pneumonia and malnutrition all of which contributes to chronic ill health and mental retardation." (From this Indian Children starts out in life with out a chance for rewarding life.)

The following quotes are from reliable sources.

"Fifty thousand Indians families live in unsanitary, dilapidated dwellings, many in huts, shanties, even in abandon automobiles."

"Unemployment rate among Indians is 40% which is ten times more than national average."

"50% of Indian school children drop out before completing high school. Double the national average."

"Indian literacy rates are among the lowest in the nation, the rates for sickness and poverty are among the highest."

"The average age of death of American Indians is 44 years, for all others is 65 years."

"Infant mortality rate among Indians is 34.5 per 1000. 12 points above the national average."

"More than half of the Indians obtain water from contaminated or potentially dangerous sources, and waste disposal facilities are grossly inadequate."

"Achievement levels of Indian students are far below those of their white counterparts."

Indian child fall progressively farther behind the longer he stays in school. Even worse, these children are taught by many who are indifferent about the fate of these children, and this indifference finds its way into the heart of the children themselves. One-fourth of elementary and secondary school teachers by their own admission prefer not to teach Indian children. Indian children, more than any other group believe themselves to be "below average" in intelligence. Indian children in the 12th grade have the poorest self concept of all minority groups tested. These children often abandon their own pride and their own purpose and leave school to confront a society in which they have been offered neither a place nor a hope. And the consequence of this inadequate education is a life of despair and a life of hopelessness.

"Following Comments related by Indians":

"Hospitals and clinics are always seems to be out of funds for treatments, medicine and dental care. But salaries, meetings and conventions for a PHS continue on."

"Due to fast turn over of doctors creates confusion. When a patient goes to second visit, he sees another doctor and the same check-up is repeated, so the patient sees no progress in getting well, so he does not return for any more visits."

"Indians say doctors are too young and inexperienced. They come to get practice. So it seems they stay a little while and then they are gone."

"Older doctors to the Indians have more practice and competence."

"Language barrier exists between the doctors and patients. In such cases the doctor does not fully diagnose the cases nor does the doctor fully inform the patient the medication instructions."

"There was a mobile clinic stationed a long while at Hanna, Oklahoma and it was taken away without any explanation to the Indian people. I understand some still continued to go there for awhile. Situations of this sort causes a great deal of confusion.

I'm going to get off the track a little here. I think it's good and proper that this should be brought up at this time. There was a great group of Indian people from the Southwest that would go to the White House to discuss their problems every year for 64 years. This statement was made by Senator Harris December 2, 1970. "The Senator from Minnesota has put his finger on the nub of the spurious, in my judgment, precedent issue. If the Taos Pueblo have a just claim, it ought to set a precedent for justice. It seems to me, as I said last night, that we have set plenty of precedents for injustice. So, in individual and unique cases let us set a principal for justice." Thank you.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

THE MILITARY SELECTIVE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The second assistant legislative clerk read as follows:

A bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate proceeded to consider the bill.

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 second assistant legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, I shall address the Senate for only a few minutes on the pending matter. The Senator from Texas (Mr. BENTSEN) is in the Chamber and is a member of our committee, and he has some remarks to make with respect to the bill, provided he can get the floor.

Mr. President, we have completed 2 full days of floor debate on H.R. 6531. I believe that the general outline of the debate is clear and that the issues we will need to decide have now been partly presented in highlight; and when a few more members of the committee have spoken, they will be fully presented, and I am sure they will be understood by the Members of the Senate. I think that these discussions have been very useful and have helped clarify a number of points on which we are in agreement and others on which there is some disagreement.

As I said yesterday afternoon, I would hope that we could complete today what I would call the committee's presentation of the over-all bill, hearing, as we will, other Members of the Senate who would like to take part in the discussion. I am interested, of course, in getting to votes on these amendments as soon as we reasonably can. I think it is to the interest of all Senators who have amendments—certainly amendments which they know now to be beneficial—to file their amendments, have them printed, and permit all of us to become familiar with them. Of course, it is up to each Member and the will of the Senate as to when the amendments are called up.

Two questions have been raised in this debate informally which I should like to comment on briefly this morning.

It has been asked why it is necessary to extend the draft at all, since the Department of Defense estimated that we would need only about 114,000 inductions in the coming year before the manpower cut which was recommended by our committee.

The reduction of 50,000 men in average strength made by the committee produces greater reduction in end-strength for reasons which have been fully explained in the committee report. The latest figures we have from the Department of Defense indicate that the reduction recommended by our committee would produce a reduction in end-strength in the Army of just under 90,000 men. Thus, even if the committee's recommendations are accepted there will have to be about 30,000 or more inductions in fiscal year 1972; moreover the draft will still be needed to motivate a significant portion of the more than 100,000 volunteers which the Army will require.

The word "volunteer" means actually the men who really want to join and the others who know that they are going to be inducted some time soon and are given

a measure of choice as to what part of the Army they will serve in if they sign up in advance. That is the practical side of this matter. It is a practice that is followed, and I have no criticism of it. Some draft boards operate with the sergeants and officers who are out moving among the people, with reference to volunteers. The sergeants and officers get the names of men who are going to be called soon and go to them and tell them what the situation is—that they are getting near the call date—and offer them these inducements, which is entirely all right; and in that way, according to the record, they become volunteers.

But unless we have the machinery, the inducement that goes as a practical matter with the power to induct, we will see a drastic and immediate falling off of those numbers.

We should not forget, Mr. President, that it is not only the Army who relies upon the draft but also the other services, about one-half of whose enlistees are motivated by the draft. In fiscal year 1973, there will be a need for about 336,000 new men in the Army alone. This fiscal year 1973 requirement is not affected by actions which we might take to reduce the fiscal year 1972 manpower authorization. Future fiscal year 1973 requirements are created by the number of men now in the service whose terms of enlistment will expire during that year. That is not a speculation, that is a certainty. The Defense Department estimates that even with the additional volunteers which might be provided in 1973 by the pay increases in the Defense Department program for that year, there will still only be about 124,000 volunteers for the Army during that time. This means, without the draft, that the Army will in 1973, even under optimistic estimates, fall over 200,000 men short of its requirements.

Now that is an estimate, but I said that what was certain is how many of these men will have their terms expire.

The figures here, Mr. President, cannot readily be grasped in debate, but I am putting them in the RECORD now, and I invite every Senator to check them out, because they are the figures supplied by those who are knowledgeable in the Pentagon, and they are believed to be correct by those who supplied us with the figures.

I believe that these figures show, Mr. President, it is highly impractical to think we can come even close to providing the manpower for the Armed Forces within the next 2 years without the draft.

There is a second important reason why the draft will be necessary for at least the next 2 years, and I would like to explain that in connection with another question which has been raised informally. As the committee's report states, only 4 percent of the men who go into our combat units volunteer for those units. I believe it is clear in Assistant Secretary Kelley's testimony before our committee on February 2, in the report, and in my speech of Thursday, May 6, that this is an important and serious problem. It is a problem somewhat different from the problem examined by the Gates Commission. As the committee report emphasizes, we are speaking here not of the overall problem of manning the Armed Forces but of acquiring men in combat units for the Army. That is what the statement there is about, men for combat units for the Army. That means infantrymen with rifles, or artillerymen up at the front, or armored tank units up at the front. Currently, only about 4 percent of the men in those units—and this figure does not apply only to those units in Vietnam—volunteer for those jobs. So two-thirds of the men going into combat units, about 68 percent, to be exact, are draftees.

Here is the important point: The other 28 percent are men who enlist but do not select combat units.

That is the way it is on the recruiting form. They just do not go far enough in making their election, when they enlist, to make some selection which is open to them. Those men constitute 28 percent of those who finally find their way into combat units. So it is still true that only 4 percent are actually, knowingly, deliberately volunteering for those units.

I repeat: Of over two-thirds of the men going into combat units, about 68 percent, to be exact, are draftees. The other 28 percent are men who enlist but who do not select combat units. Since these 28 percent do not make any selections, although they are given the opportunity to do so, the Army feels free to assign them to combat but they do not volunteer for that job.

Mr. President, I believe that this deficiency of volunteers for combat units is very striking and, of course, it is serious. I regret if any Member has misunderstood the figures in the report which did not carry the full explanation about the 28 percent. I believe the figures very clearly indicate the serious difficulties which we would have in finding the men we need for combat units in the Army under an all-vounteer concept.

In fact, Mr. President, I have no doubt about it myself, that we would find it impossible—absolutely impossible, and that is no reflection on anyone. It is just a fact of life.

Mr. President, I yield the floor.

AMENDMENT NO. 76

Mr. SCHWEIKER. Mr. President, I call up my amendment No. 76 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 33, line 13, after the word "thereof" strike out "July 1, 1973" and insert in lieu thereof "July 1, 1972".

Mr. STENNIS. Mr. President, would the Senator from Pennsylvania yield briefly for a question?

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

Mr. STENNIS. I am compelled to go to an Appropriations Committee meeting right now where I have a matter to present. My question to the Senator from Pennsylvania is: He does not contemplate asking now for a unanimous consent request on time for voting, does he?

Mr. SCHWEIKER. No. I want to assure the Senator from Mississippi that since he has been so very fair with me, I would not do anything concerning time without consulting him first.

Mr. STENNIS. I thank the Senator very much.

Mr. GRAVEL. Mr. President, will the Senator from Pennsylvania yield to me briefly?

Mr. SCHWEIKER. I yield.

Mr. GRAVEL. I wonder whether I could ask the Senator from Pennsylvania for a similar privilege to the one he just accorded the Senator from Mississippi; namely, that I also be consulted if there is going to be any decision on time.

Mr. SCHWEIKER. I would be very glad to do so and I assure the Senator from Alaska of the same privilege.

Mr. GRAVEL. I thank my colleague from Pennsylvania very much.

Will he yield to me for an additional inquiry?

Mr. SCHWEIKER. I yield.

Mr. GRAVEL. The Senator from Alaska would like to ask the Chair if, henceforth, the pending business will now be amendment No. 76 rather than the bill itself, H.R. 6531.

Let me rephrase that, Mr. President. The question will now be on the pending amendment, not the bill itself; is that correct?

The PRESIDING OFFICER (Mr. RIBICOFF). The Senator is correct.

Mr. SCHWEIKER. I thank the Chair.

Mr. President, I ask unanimous consent that I may yield the floor at this time to my distinguished colleague from Texas (Mr. BENTSEN) if I can regain it when he has completed his remarks.

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

Mr. BENTSEN. Mr. President, this body has before it one of the most consuming issues of this session of Congress. Certainly, it is one which evokes deep emotions, strong feelings, and sharp differences. And well it should, because we are dealing not just with the present and the future of an entire generation but, in a real sense, we are dealing with the life and death of some of the young people of this Nation.

I think we have to begin on the premise that we know this is not a popular piece of legislation. I know that my mail is running 69 to 1 against it. I know of no Member of this body who had rather not oppose continuation of the draft, if the decision had to be made solely on whether he likes the idea of pressing young men into military service.

I must say that I find myself in agreement with some of the points made by Senators in opposition to the pending bill. I find myself in general agreement with some of the reported amendments scheduled to come up for debate and consideration. However, like other Members of the Senate, I cannot make decisions solely on the basis of one or two of the arguments presented. Each of us has to weigh the whole spectrum of arguments. We have to determine the weight of the evidence. We have to ultimately arrive at our decision based on what we sincerely believe is best for the Nation and for the people.

So, what we finally have to ask our-

selves is: What is best? As one of the new Members of the Senate, I frankly confess that the Senate's decisionmaking process is still very impressive to me. I have tried to be diligent in attendance, in being present for the major arguments and listening to most of the debates. I have tried to remain objective on the issues. I have tried to approach the issues as scrupulously as I could.

Now again, I have to ask myself and, in so doing, ask the Senate, what, indeed, is best?

The senior Senator from Mississippi (Mr. STENNIS), the distinguished chairman of the Armed Services Committee, on which it has been my privilege to serve, has told us that the issue has been studied long and carefully before the committee. It has been deliberated in great detail. The discussions were free, the opinions were varied. Some of the differences were not resolved. But we have to remember that the committee did report out the bill unanimously, 16 to 0. While there were some votes against some of the provisions of the bill, a majority agreed with its major principles.

I have to confess that I found myself in the minority on some of the points. However, in its final form, this measure comes to the Senate for consideration with a majority of the committee supporting it.

In my view, the respect the committee has shown for the process of the Senate's working its will is reflected in the unanimous vote approving this measure.

As I mentioned previously, the discussion and debates in the committee were intense. Every committee member had a chance to express his feelings and his opinions on every item in the measure as it was reported. Certainly, I for one am more informed about the draft, and its implications, and its merits, and its weaknesses, and, most of all, about its necessity from the hearings held before the committee.

It is, therefore, with a strength of conviction that I join in supporting the basic purpose of the bill—the extension of the draft.

I believe that we have to extend the draft. I hope that the debate here does not become too deeply involved with the emotionalism resulting from the differences of opinion on the Vietnam war. However, I know that to some extent that matter will be heard on the floor.

The issue of the draft has always been an emotional one. It has seldom been resolved by Congress without great soul-searching and debate. We can remember in particular that prior to World War II, in the House the draft was extended by one vote. The difference in one vote, the change of one vote, would have resulted in its not being continued. A single vote made the difference, and the Nation maintained some measure of preparedness during a period of international stress.

In the present atmosphere of strong dissent over the policies being followed in Vietnam and the charged air of disagreement over how fast we should withdraw from that agonizing conflict, we are considering an issue that would be highly charged with emotion even without the Vietnam war.

But I believe we have to look at the measure in the context of all our needs—the manpower needs of the total defense structure—not just in the context of our differences over Vietnam.

I, too, deplore this war. I agonize over its frustrations. However, we must not make the destructive mistake of taking out our frustrations over Vietnam on the military and let it affect the security of our country. We all hope that the questions of Vietnam will be far behind us by the time this law is expired.

In this Nation today we are witnessing a binge of antimilitary feeling that this country has not seen in generations. However, let us remember that it is not the military which makes the policies of this country. It is the military that is charged with the responsibility of the implementation of those policies. The antimilitary mood that we hear today is not a sometimes thing among the young of our Nation. It is deep and strong, and, in its irrationality, it is frightening.

A group of demonstrators, Vietnam veterans visited with me recently in my office to talk with me about the Vietnam war. I tried not to talk too much, because I wanted to listen to them, and understand them, and see what motivated them. One of the things they kept reiterating to me about Vietnam was that they did not believe anything the officers told them.

I said, "Well, at what point do the officers start to lie? Is it when they are promoted from second lieutenant to first lieutenant, or from colonel to general?" Their response reflected a strong antimilitary attitude: They said they just did not believe officers.

I have known some of these generals and other officers for a lifetime. I know that the vast majority of them are patriotic citizens who try to do what they think is right for their country.

My concern is not so much about the differences these young men might have on the withdrawal timetable. My concern is the fact that they would not believe the military at all.

In the face of this attitude, the basic question here remains. How do we provide manpower to our armed services with the least amount of disruption in the lives of those affected?

Here, again, we get back to the question of what is best and how do we best stabilize our armed services?

How do we best meet the needs between now and the time when the military can move to an all-volunteer army—which I support—in the post-Vietnam period?

How do we best provide the talent, the expertise, and the trained men to man our defenses?

And how do we do it, not for the Vietnam war, but for the carrying out of the policy and the commitments made by this administration, by past administrations, and in general with the knowledge and consent of Congress?

Somewhere in this debate, some place among the arguments on this issue, will be found that answer.

The collective wisdom of the Senate can find it if we can minimize the emotionalism and the intense feelings generated by Vietnam.

That will not be easy. I realize that there are honest and sincere men in this Chamber who do not agree that we should separate the two issues. Any feeling person participating in the decision to determine a system of selection of men to bear arms, to fight, to die, feels the emotional pull of this frustrating war. I feel it, I want to see it end. I want to see it brought to a close. We have to bring it to a close. But in our debate on the extension of the draft, can we or should we decide and resolve the policy differences which are so deep and so strongly held about this agonizing and nation-dividing war?

What is best?

All of us, of course, believe that our course and our positions are taken in response to that question. And for those who are following the debate and trying to arrive at a final decision, it is hoped that the answers will be forthcoming as to why we should continue the draft.

I think they will be.

In the course of the debate, I believe it will be shown that an all-volunteer Army at this time cannot meet the needs of the defense posture that is necessary to this Nation's survival.

This fact was fully demonstrated in the testimony heard by the committee, and it will be shown again in debate on the floor.

I have heard it said on the floor of this body that these same arguments supporting the draft can be repeated 2 years from now and, yes, a year from now. But, Mr. President, when you are talking about military manpower policies involving over 2 million people, and trying to plan a program and tell parents and young people what they can count on, I think it is misleading to talk about terminating the draft, or to talk about 1-year draft. I say that because I believe the forces that face this Nation and challenge its security will require, if this bill should fail, that the draft be reinstated at the earliest possible time.

Let me give one example of the military manpower problems this Nation faces. In fiscal year 1973 the Army alone anticipates it will need 336,000 new men in order that it may maintain its enlisted strength of 716,000. I think sometimes we forget how much the personnel of the armed services are being curtailed and how much we are cutting down. We forget the fact that the Committee on Armed Services in its diligence and concern cut the strength as requested by the administration, of the Army, by some 50,000, cut the strength of the Air Force by 3,000, and the Navy by 3,000.

Further, it is estimated that with a larger pay increase approved by the House of Representatives, we can anticipate only 124,000 new accessions—that is, new enlistees—in fiscal year 1973 without the draft. This would mean a manpower shortage of almost a quarter million men by the end of fiscal year 1973 alone.

To bolster that argument, the experts tell us that it is not the lower numbers of draftees alone which will reduce that strength, but the reduction in draft-induced enlistees which make up the bulk of the strength of the rest of the Army, and most of the other forces.

On that same point, we have to realize that the role which we are carving for the Reserve Forces—now and in the future when we will have that all-Volunteer Army, demands a stronger, leaner, tougher and more effective Reserve Force.

If we do away with the draft, these forces will be on starvation rations, so far as personnel are concerned. If we work toward an all-volunteer army we know we have to have a strong Reserve force and building such a force cannot be accomplished overnight. It will take time and good management planning. It is one of the musts if we are to reduce the standing Army and adopt all-volunteer force.

That being the case, then, we must also ask: How can we expect young men to volunteer for the Reserves if under the present circumstances they will not volunteer for the Active Army?

The answer, of course, is that we cannot. We know that the majority of the Reservists and National Guardsmen are draft-induced. Kill the draft, and you kill the effective Reserve, until we are able to put the all-volunteer concept into effect.

We are moving toward that all-volunteer army. I favor it. I want to expedite it. But I have seen the figures; I have heard the testimony—and we are several giant steps from that all-volunteer force.

Until the Army has the time to try out the plans now in the making for an all-volunteer army; until they can test the recruiting and the pay attractions; until they know they can attract sufficient men, from across the spectrum of our national life; then we are foolish to jeopardize our very existence as a nation.

There will be debate here about a pay raise, and about how much. I support an increase in pay for our servicemen as a matter of equity, not simply as an attraction for the hoped-for all-volunteer force. It is disgraceful that servicemen have to apply for food stamps and welfare to support families. If there has ever been an application of the theme—man lives not by bread alone—it is in building attractions for an all-volunteer army. But material means alone will not attract enough men of sufficient skills to man our forces and meet our needs. It is hoped a pay raise will begin creating the psychological atmosphere of improvement and make it easier to volunteer. But the Army has much work to do in addition to boosting pay to develop plans for attracting, and holding, men for a voluntary army. It will take time.

The Army has to answer some tough questions—for instance, how do we overcome the reluctance of men volunteering for combat? The Chairman has said that only 4 percent of the present volunteers opt for combat units. So the climate has to be changed.

In my travels to the campuses, I find the all-volunteer army very popular I have asked two questions of my young audiences: first, how many favor the all-volunteer army? And up go practically all the hands. When I ask No. 2: How many would volunteer? Practically no hands are raised.

There is, in the current climate, a desire for the other fellow to volunteer.

I can understand every mother and father of every son of draft age favoring an all volunteer army but deep down inside they want some other mother's son to do the volunteering.

If there ever was a time when President Kennedy's statement should be heeded it is now:

> Ask not what your country can do for you, but what you can do for your country.

Unfortunately, that statement does not reflect the climate we have in this country today. I do not think history is prologue in this instance. One cannot go back and see what happened to volunteers in the past and project it to the future and say, "This is what we will see in the way of volunteers."

The job of changing that climate is not going to be easy. Certainly the proponents of extending the draft for only 1 year cannot believe that the election year climate of 1972 is going to be much better. In fact, most of us who have been on the campaign trail agree that the emotionalism of a national campaign year is not the best of atmospheres for deciding such a tough issue.

I find now, for instance, that most of my mail is running against the draft, and it is understandable that most mothers and fathers prefer that their sons go to college or into their trade than to the service. But even so, the strongest opposition comes from those we are asking to carry the burden, the young—which makes it doubly tough to determine what would happen if we today, June 30, or 1 year from now, went to an all-volunteer army.

I can understand this opposition by those who are personally involved. I think the committee understands it. I think we also understand the reality of the problem which faces us.

The Armed Services Committee fully recognized its responsibility in limiting the size of the military, a lesson which came from the experience of Vietnam. In so doing, it limited the size of the armed services to a numerical ceiling, the first time that has ever been done.

That limitation is a major provision of this bill, and is part and parcel of the responsible posture which the committee has taken in reporting out a measure that meets the manpower needs of the military and at the same time firmly reestablishes the congressional role of raising armies. What we were really trying to do was to balance this military economic tightrope this country walks on, keeping enough in the military to protect the security of our Nation, and yet not too much to wreck this country's economy.

We carried a number of other important issues before that committee. We made some tough calls—decisions on deferments, Reserve forces, consolidation of draft boards, military pay increases. All of them were given full discussion and full opportunity for every Member to express himself.

Over the past few weeks in this committee I have continued to ask the question, "What is best?" and, to my own satisfaction, I found that answer in the continuation of the draft.

Meeting the needs of the Nation, and doing it with the least possible disruption and in the greatest aura of fairness, is the goal of this bill. It was the goal of the committee in hammering out a measure which must now be decided by this body.

I think this debate will bring the same answer I have found—a 2-year continuation of the draft while we work toward the day of an all-volunteer Army.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, amendment No. 76, which I have offered, is now the pending question. I am pleased to be joined in its cosponsorship by my colleagues the Senator from Iowa (Mr. HUGHES), the Senator from Missouri (Mr. SYMINGTON), the Senator from Indiana (Mr. BAYH), and the Senator from New York (Mr. JAVITS).

We seek to extend for only 1 year the President's authority to induct young men into the armed services contained in section 17(c) of the Military Selective Service Act of 1967. Under the present law this authority terminates on July 1, 1971.

There is not sufficient justification for the extension for 2 years of the President's authority to induct contained in section 32 of the bill. On the contrary, I feel the authority should terminate on June 30, 1971, and only the Congress should exercise the power to conscript men into the Armed Forces should the need arise in the national defense. The existence of a standing authority to induct within the executive branch distorts the concept of the historical balance of powers and denies the Congress its constitutional authority. A failure to regain this authority will be a primary abdication of responsibility.

Under present law, the executive branch can raise armies and commit them to battle without any approval of the Congress. In allowing the executive branch easy access to manpower, we permit it to maintain the forces to conduct military operations around the world and to perpetuate the numerous and complicating commitments which can lead us unnecessarily into dangerous military confrontation. Clearly, the size and scope of our involvement in Indochina would have been far less had the executive branch been required to ask Congress to authorize the induction of the men necessary to carry on the war there.

Despite the impression of many people, the draft is not part of our American heritage. In fact, a review of the Constitutional Convention in Philadelphia will reveal that the Founding Fathers, aware that Europeans first came to this land seeking refuge from the involuntary service in the conflicts in Europe, feared a large standing army. They only sup-

ported a concept of local volunteer militia. National conscription is an infringement on individual liberty and contrary to the historic principles of this Nation. It ought to be remembered that we have maintained a draft for only 34 of nearly 200 years.

A volunteer army is possible. An end to the draft, coupled with an adequate pay plan, can provide the Department of Defense its required manpower. This is particularly so if, as is the case, the manpower levels of the Defense Department are declining. The President's Commission on an All-Volunteer Force—the Gates Commission—unanimously endorsed the concept and indicated, that, through proper adjustments of the current pay levels for members of the armed services, particularly those in the lower ranks, such a force could come into being within 1 year. The administration is on record in support of this concept.

An extension of the induction authority for only 1 year is feasible and offers the opportunity to create the volunteer force environment. If, at the end of 1 year, there is no further need for the draft, it will terminate. However, if there remains a need, or if the efforts for sufficient volunteers to meet manpower requirements are not successful, the Congress can extend it. Such a procedure will require the executive branch to come annually to the Congress for authorization to implement its manpower proposals and to review its progress toward a volunteer force. Under the provisions of section 509, Public Law 91–441, the Congress every fiscal year is to authorize the average active duty personnel strength of each of the Armed Forces. It is appropriate, therefore, that Congress also review annually the Selective Service System and consider provisions relating to the authority to induct. Virtually all aspects of the Department of Defense are subject to annual review and the system to meet the manpower needs of the Department should not be the exception.

A 1-year limitation on the draft will have little impact on force levels, since less than 500,000 of the over 2.5 million men in the armed services are draftees. The anticipated reduction in these forces affords an easy transition to a nonconscripted military. This is particularly apparent with respect to Vietnam. Under the present plan to reduce forces in that country at a rate of 14,500 per month, no forces will be needed for replacement of existing forces after January 1, 1972. By that time, the troop reductions will exceed the number of men who normally would be rotated out of the country.

Assistant Secretary of Defense for Manpower and Reserve Affairs told the Senate Armed Services Committee, on February 2 of this year:

> On the other hand, to extend the induction authority for longer than two years would be inconsistent with our all-out effort to end reliance on the draft. The goal must be challenging as well as attainable, and I believe its early attainment calls for maximum pressure on those of us who are responsible for implementation. If factors beyond our control prevent us from attaining this goal by July 1, 1973, then we can return here early in that year and account to you for our performance.

There is nothing in that statement which cannot apply to an extension for a single year. The same logic and reasoning are applicable to my amendment. In fact, if the chief officer in charge of promoting the volunteer force believes it desirable to have maximum pressure on the military to implement the program, extension for 1 year would be in their best interest. And if for some reason, any reason, the Department of Defense cannot meet its goal, their accountability to Congress next spring will provide Congress with the basis for consideration of a further extension.

The fundamental question in this issue is the risk, if any, to a sound Defense Establishment by the extension of the draft for only 1 year. Do the threatened manpower shortages which will result from a 1-year draft affect national security? Also, are these shortages real or imagined?

Initially, it should be noted that approximately 57 percent of those men now joining the armed services are true volunteers not motivated because of the draft. A Department of Defense memorandum in April of this year reported that 57.8 percent of all regular Army volunteers, could, as a result of an analysis of draft random sequence numbers of those who volunteered, be classified as true volunteers. That is, these men had safe numbers above the cutoff for those being called for induction. There is evidence that this proportion is increasing.

The retention rates for true volunteers is higher than that of draftees or draft motivated volunteers and an increase in this proportion of true volunteers will reduce the required accessions. The required accessions during a year being the difference between the anticipated losses in manpower as a result of poor pay levels, low morale, lack of interest in service life or the absence of public esteem, and the planned reductions in force levels.

According to fiscal year 1972 budget projections the strength of the Armed Forces would fall to approximately 2.5 million by June 30, 1972. The Senate Armed Service Committee has recommended in the pending bill an additional reduction of 100,000 to an end strength of 2.4 million. Almost all of this latter reduction will involve the Army with few cuts in either the Navy or the Air Force.

The extreme shortfall possibilities for fiscal year 1972 without any draft according to administration projections is 163,000 with no raise in pay levels and no increase in voluntary enlistments. With an increase in pay and funds for improvement of service life and increased recruitment efforts as recommended by the Senate Armed Services Committee the shortfall would be 130,600. This would fall to 119,000 if the pay bill, as passed by the House of Representatives, which will be introduced in the Senate by our colleague from Iowa (Mr. HUGHES), which I support, and which I believe also goes to the very heart of this effort, were ultimately enacted.

These projections were based on a force level of 2.5 million men. After the reduction of 100,000 men in the end strength to 2.4 million men as contained in the committee substitute to H.R. 6531 these projections by the Defense Department do not seem very severe. They potentially would be less than 50,000 men.

Let me emphasize that these anticipated shortfalls by the Department of Defense are based on no extension of the draft. The pending amendment would extend the draft for 1 year so as to insure that unanticipated manpower problems can be properly dealt with. Obviously, there appears to be no need for a draft after 1 year. Nevertheless, next year the Congress as it considers the level of the average active duty personnel strength of each of the armed services can review the need for a further extension of induction authority.

It certainly does not appear that the national security is in jeopardy because of anticipated shortfalls resulting from a draft extension for only 1 year. The relatively minor shortfall that could occur can be remedied by reducing or eliminating unnecessary and certainly unessential work by military personnel. In this category I refer to grass cutting, chauffeur duties, and other clearly nonmilitary duties. Assistant Secretary of Defense Roger Kelley has acknowledged the need to move toward the volunteer force to achieve proper utilization of military manpower. The immediate result of reduced troop levels and recruiting shortfalls will be seen in the ranks of the first term enlistees, the recruits. According to Dr. Walter Oi, a member of the staff of the Gates Commission:

> Fully two thirds of a recruit's first year of service is presently devoted to training, learning the skills needed for his later military occupational specialty. Moreover, at least one instructor and/or support person must be diverted from the operating force to train each four to five recruits. Thus, if we had 80,000 fewer recruits, we could reassign 16 to 20 thousand enlisted men directly to operating units. The net reduction in the size of the truly effective force is, in the short run, only about 10,000 men, not 80,000.

Now that civilian employment ceilings have been lifted for the Defense Department a significant number of positions now held by enlisted personnel could be civilianized. Such a policy would provide a double benefit, since civilianization provides for reduced costs for the Department. This is due to less turnover and the absence of the usual investment in training of the military enlisted man when he enters the service as well as throughout his career. It is ironic that civilianization is recommended while at the same time civilian employees of the Department of Defense complain that many of their jobs are being lost to military personnel. We are bringing back people from Vietnam and putting them to work at civilian jobs to keep our force levels where the department thinks they ought to be, when in fact we could reduce them far below that. That is really one of the fundamental issues of how we are using the excess manpower coming back from Vietnam at this point in time.

The Gates Commission estimated that approximately 92,000 enlisted positions could be civilianized in a force of 2.5 million men.

A recent study just released by the Comptroller General showed that 10 percent of the men in the army now were being assigned to tasks they were not even trained for—that we were misusing 10 percent of the training that had been given to the men in the army right now. So the GAO's own audit confirms the point that we are misusing and misfitting unnecessarily 10 percent of the manpower levels in the army vis-a-vis the opinion of the Comptroller General's office, which also goes to the very heart of this matter.

The current ban against reenlistment for those in the new standards category could be lifted, producing between 7,000 and 15,000 men per year. The Defense Department has indicated that new standards men—men let in because we have changed our physical and mental standards—succeed at a rate of 93 to 95 percent—in other words, about 93 to 95 percent of those going in under the new standards program are acceptable—as well as those accepted in the regular ranks, and without special additional training.

The "early out" program could be modified. A temporary elimination of the program could provide nearly 30,000 men, simply by not having the "early out" program. The Armed Forces Journal recently noted in the May 3, 1971 edition:

> Early Navy Outs are not as popular as expected and Navy is in the unexpected position of being over strength and exceeding its year end budget limits. The problem is that reenlistments are holding up, and the number of requested extensions has increased, among other reasons. Commanders have been asked to see that personnel due for separation are out by the tenth day of their separation month.

It is obvious that much can be done to streamline our military forces and eliminate unnecessary manpower. With proper attention to this problem and a congressional mandate in the form of an extension of draft authority and a single year coupled with an intention to examine annually the progress being made in reducing the size of the armed services thus eliminating a reliance on the draft, this matter can be resolved satisfactorily. The threatened shortfalls are, perhaps, more imagined than real.

Until we end the draft, the Army will be unable to make dramatic strides in the business of restoring to itself the effectiveness and prestige it deserves.

In some areas of California, it is reported that over 30 percent of those called for induction fail to report. The system of the draft is breaking down. Every effort must be made as soon as possible to institute a system of voluntary procurement to insure that we have sufficient men.

The draft has earned for the Army the disdain of Americans from coast to coast. Its prestige has fallen while the public recognizes that increased costs and decreased effectiveness is encouraged from high turnovers and increased discipline and morale problems. As the percentage of draftees has increased in the forces over the last several years, so have the numbers of infractions of military rules and regulations. AWOL rates for the U.S. Army are twice as high in calendar year 1970 as they were in 1965. Desertion rates are more than three times as high. And we know, too, that general courts martial for draftees are disproportionately higher than for enlistees.

Experiments initiated by the volunteer Army program at Fort Ord have shown spectacular results, and the Army is to be complimented for these.

Not only is discipline improved and AWOL and desertion rates down, but military effectiveness is up as well. Training results show increases in test scores in almost every category.

The message is clear. Internally, the military cannot put itself into maximum effectiveness while the draft is still present. It is in the interest of national security that the draft should be extended for only 1 year at this time.

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

Mr. SCHWEIKER. I am delighted to yield to one of the principal cosponsors of my amendment and one who has done very much in the Armed Services Committee with respect to the matter of pay, which is closely related to this area.

Mr. HUGHES. Mr. President, I compliment the distinguished Senator from Pennsylvania for taking the leadership in the area of reducing the draft extension to 1 year, for the reasons he has set out, which I think are vitally important, along with the statistical evidence he has indicated about the higher percentage of draftees being involved in courtsmartial, desertions, and general problem areas of the services.

Does the Senator know that, in addition, the people who are becoming addicted to drugs and narcotics in the service are also, in the vast majority, indicated to be draftees, rather than enlisted personnel who intend to make a career of the service and who stay there longer?

Mr. SCHWEIKER. That is a very valid point.

I recall touring with the Senator from Iowa one of the drug rehabilitation centers in the South and inspecting the very progressive and up-to-date effort to try to help our servicemen who get hooked on drugs.

I asked one of the people who was going through the program at the time why he had become hooked on drugs. He said he was in college and had a very challenging career ahead of him. Then, because of the college situation, he had lost his student deferment and had been drafted, and that now his big problem was that he had no challenge in the military. Military life was boring to him, gave him a lot of unnecessary jobs, a make-work approach; and, frankly, he had turned to drugs as a result of the boredom as a draftee.

I think that this is a very good illustration of why our drug addiction rates have gone up. We compel our young people to go into the service and then give them a lot of jobs that are not related to their skills and training, and ask them to do many other things. I had a personal point with this young man who made the exact point as to why he got hooked on drugs and hoped and prayed he could break the habit.

Mr. HUGHES. I am glad the distinguished Senator from Pennsylvania has pointed out these very important aspects of the extension of the draft. Since we are in the process of totally reviewing the draft, the extension of the draft, perhaps putting a ceiling on the number of men who can be in the overall armed service strength of our Nation, it is important to point out at this time that the amendment of which I am the primary sponsor, to increase the military pay to that of the House levels, as passed by the House of Representatives, is in direct context with the proposal of the Senator from Pennsylvania for a 1-year extension of the draft.

Although I am not tying the pay increase to either the rise or fall of the 1-year extension, it makes it even more critical to consider the total increase in military pay at this time, rather than by waiting for half of it in 1973, to be effective in 1973, as the administration has suggested.

So again I want to thank the distinguished Senator from Pennsylvania. I will have more to say a little later as to the relationship I believe the military pay has with respect to this amendment.

Mr. SCHWEIKER. I thank the distinguished Senator from Iowa. He has made a great contribution. I feel that our amendments are closely related, although not parliamentary-wise. The Senator's amendment to increase the pay to the Gates level recommendations, which relate to the House structure, very definitely relates to what I am trying to do. My goal, of course, is to achieve an all-volunteer Army, but we are appealing to people who support our efforts for several different reasons.

One reason is that there are those who feel that we can go to an all-volunteer force and give a year of higher pay increases and more inducements, to treat our GI's as first-class citizens rather than as second-class citizens. I think it is very indicative of this problem to realize that our GI's are below any definition of the poverty level we have ever formulated. They are below what we pay for welfare benefits in the larger States. It is below the minimum wage law. We have put our GI's below just about every conceivable index we have in this society.

It is rather ironic when people say, "Well, of course, the draft has to go, because the volunteer Army force cannot work." We have never given it an opportunity to work. We have never put our pay to the point where it is at least comparable with similar situations that young people out of high school can avail themselves of.

We have never used that approach—the Gates Commission approach and the House version, which will soon be submitted by the Senator from Iowa—which is the first approach in history to really attempt to give the opportunity for a volunteer force to work.

Not only do we treat our GI's as the very bottom of the ladder, but also we treat their dependents the same way. How can we expect people to volunteer when we treat them this way?

Recently, I came across a memorandum from the commanding general of the Army exchange system in Europe. In this memorandum, which was dated February of 1971, the general very specifi-

cally said that from now on it will be the policy of the Army exchange system in Europe not to give wives of GI's the jobs at the exchange stores and the service establishments which the Army system runs throughout Europe, because they have a higher turnover rate than local nationals and because we have to pay them more.

I have never heard of anything so ridiculous in my life. We actually send our GI's to Europe at poverty wages. We do not pay to send the wives there. They have to beg or borrow that money. They get over there, and if they do bring their wives at their own expense, the wives cannot even go to the Army Exchange Service and get a job, because a general has sent out a memorandum that says we are going to give those jobs to the nationals of the countries involved.

How ridiculous can one policy be? No wonder we do not have an all-volunteer army. No wonder we do not have people volunteering, with that kind of rank discrimination against the wives of American citizens.

The argument is that because there is a higher turnover rate of GI's wives than the local nationals, we do not do this for the GI's wives. Of course they have a higher turnover rate. Why do they? For a very simple reason. The GI is assigned there for a year. His wife is going to go back with him. So, yes, they have a higher turnover rate.

I cannot imagine that any other country in the world would treat its citizens in that way—bar none.

I could not believe the memorandum. I compliment the chairman for rightfully attempting to correct this situation, because he recognized the inequity of it. He was most receptive, and so was Assistant Secretary Kelley, who also, I think, was somewhat surprised that this was going on. Thus arose a situation which the chairman has moved to correct and which the Assistant Secretary of Defense has moved to correct. I use it to make this point only to show that we have never given the volunteer army concept a chance and we cannot do so when we discriminate not only against GI's but also their wives who want to work where the American dollars are being spent, where the GI's are spending their dollars, and where the Exchange Service itself makes a profit from the GI's. We are not using that money, according to that memorandum, to enable the GI's wife, in essence, to get respectable employment. Thus, I do commend the chairman.

Mr. STENNIS. Mr. President, will the Senator from Pennsylvania yield to me briefly?

Mr. SCHWEIKER. I yield.

Mr. STENNIS. I want to thank the Senator from Pennsylvania for the apt way he has developed the facts in this matter, once he was able to learn about them, and to present a constructive and effective amendment which obtained the unanimous vote of the committee and is in the bill now.

I thank the Senator again.

Mr. SCHWEIKER. I thank the chairman. I want to say, Mr. President, that he has been receptive to anything that I have done along this line in terms of trying to improve the state of the GI. I think that is very good and healthy. It is deplorable that we got into this situation, in the first place, and I think it is an even more deplorable situation that someone in the Pentagon did not attend to the situation or would let something like this go out. In fact, the information I had, presented to the committee, is that they were not even aware that such a memorandum was put out by this commanding general. I commend them for their willingness to rectify the situation, however.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD the particular memorandum to which I have referred.

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

EES MANAGEMENT INFORMATION LETTER
WHERE DO WE GO FROM HERE?

In the current *Commander's Newsletter* (January 1971 No. 36), is an item entitled: "What Lies Ahead for EES?". I call it to your attention here because of the need to get all members of EES management thinking about our goals and problems in 1971.

Every guideline we see predicts that the year will be a costly one insofar as personnel and operating expenses are concerned. (See related item following.) The job of obtaining increased productivity and efficiency from our work force is an exceedingly difficult one which rests squarely with each of our management personnel. It is clear that 1971 will not be an easy year for those who choose to drift along on a "business as usual" basis.

You are all well aware of our efforts to date in "Operation Slim-Down." This program is designed to trim off the fat in our operation. We can and must, streamline our organization but at the same time not curtail any essential customer service. This is a tall order, I know, but we are faced with little choice.

Our organization is scattered and diverse in its operation and we must all depend upon the responsiveness of others. We depend upon the full involvement of all of our people to get the job done. In this regard it means getting more from our people through motivation and leadership. It means doing the things we have been doing, *only better*. It also means demonstrating imagination and innovation to try the new and the untried. Today, we in EES are already seeking many ways to increase productivity but we must do more.

EMPLOYMENT OF U.S. DEPENDENTS AND TOURISTS

EES presently employs approximately 4,000 full and part time US citizens in positions such as salesclerk, buffet attendant and secretary, which would normally be filled by local national employees. There are several reasons for this. Firstly, in some areas, particularly West Germany and Berlin, it is extremely difficult for the US Forces to hire local nationals, so the US dependents and tourists have been a welcome addition to our labor force. Secondly, until recently there has been little salary difference between US citizens and local nationals for these types of jobs, so there were no economic considerations. And thirdly, the employment of US dependents and tourists has been actively or passively encouraged by the US Forces for the last two or three years as one phase of the effort to improve our balance of payments situation.

Circumstances have now changed. As of 2 January 1971, the pay for HPP employees is significantly higher than the pay for local nationals in all countires where EES operates. For example, in Germany, where US and local national pay rates are closest together, a US citizen kitchen helper earns 33% more than a local national in the same job. This means higher wage costs in exchange activities.

The turnover rate of US dependents and tourists in EES averages approximately 120% per annum, whereas the comparable local national turnover average about 35%. This means an extremely unstable and inexperienced work force in those activities with a significant percentage of US personnel.

For the reasons outlined above, I desire that all European Exchange System elements in the months ahead emphasize the recruitment of local nationals and sharply de-emphasize the utilization of US dependents and tourists. Due to the high turnover in the latter category, I feel this transition can be made without actually separating any US personnel.

Positive action must be taken in all areas to meet the spiraling wage costs. Your support of this effort will help maintain the financial stability of EES and prevent a massive curtailment of service.

BAKERY COOPERAGE

An item for all managers handling bakery products: The *shippers* in which these items are issued *must be returned,* by the first available transport, *to the supporting bakery.* We are still experiencing serious difficulties in meeting delivery requirements, because facility managers are neglecting this requirement on an almost daily basis. The solution is not to add additional equipment to the pool—this costs money—a great deal of it. What is needed is continuing interest in their prompt return—by managers, field reps, branch chiefs and area top management. While we are also approaching the commissaries and unit messes through command channels on this matter, we should also police these people ourselves—to the extent possible. The shippers are EES property, no matter to whom issued. Their proper use and prompt return by all should therefore be a matter of concern to all EES employees.

AMUSEMENT MACHINES

During visits to our facilities I have noticed numerous snack bars with fewer pinball machines than space allows. I believe that, if a careful survey of available space were made, as many as 200–400 additional machines could be put into operation throughout EES. Good customer service in the field requires that each facility has as large a variety of amusement machines as space permits.

Creating an amusement center atmosphere with panelling and banks of four or five amusement machines will enhance customer acceptance and increase sales. In many food outlets there is additional space to be found without moving a single table. Where it does not interfere with snack bar operations, two tables can be put together when a small amount of additional space is needed to make room for additional machines. Considering the high return generated by amusement machines, every effort should be made to place as many of them as possible.

SANITATION STANDARDS

It has been brought to my attention that some of our food service managers are not fully apprised of the various military regulations and EES directives on sanitation requirements and standards. I think it essential that all management levels involved in the operation of EES cafeterias, snack bars, foodlands, food plants and food storage warehouses are fully cognizant and knowledgeable of these requirements and standards.

Our own Food Manual of Operations has specific chapters outlining the sanitation requirements to be followed in every type of food facility. Exact criteria are spelled out.

Local Army and Air Force veterinary medical inspection units and the Army preventive medicine section will, in nearly all instances, provide assistance to EES food per-

sonnel in obtaining pertinent information found in their military regulations.

I know that our food people want to maintain a constant high level of sanitary operation. With this in mind, it is essential that we maintain a close working liaison with each military medical inspection unit. These units should be called upon for guidance and assistance when needed.

RETAIL ACCOUNTABILITY LOSSES

Substantial retail losses, which have recently been sustained by some of our major retail stores, dictate that I bring this problem to the attention of every facility manager in our system. The purposes, of course, is to focus attention and enlist complete support of a program to "reverse the tide" of losses in our retail stores, warehouses and depot operations.

I realize that the ever present specter labeled "accountability controls" must always be contended with as long as we are in business. The point is, are we focusing the interest, attention and capability as earnestly on this problem as the current situation indicates? I feel, as I am sure you do, that the drain on exchange earnings caused by shortages, can be drastically lowered.

I would like to see some new and dynamic emphasis directed towards getting a "firm grip" on loss control and the development of an aggressive program directing every possible means at hand to remedy situations where shortages and losses are evident.

Retail losses are of major concern at this time; however, I also urge that you carefully review the losses occurring in food warehouses and depot operations as well. Since the control of losses in *all* areas is "everyone's business," every manager of our retail, warehouse/depot operations should be informed of this matter.

I realize that many of our operations are not having accountability problems. I suggest that these operations as well as those having problems be reviewed. The factors which make for excellent accountability control in the good operations should be utilized in the activities reflecting higher variances.

I am directing that each Area Exchange/Depot Commander and executive make periodic spot checks of control measures in use. An occasional unannounced cash verification, recheck of receiving reports, review of cash register variances and recount of a limited number of items during physical inventories, will consume little time but will demonstrate our interest in loss prevention and accountability control.

By separate letter to each Area Exchange Commander, I will be soliciting information in regard to actions taken as well as ideas to help us reduce these losses.

In this manner local input can be reviewed and any workable suggestions put into practice by all.

MANAGERIAL TRAINING

In this day of ever rising personnel costs, one of the best ways to tackle the problem is for continued emphasis to be placed on the training of our people. Realizing the vital contribution the work force generates in terms of operational efficiency and customer service helps to bring into clear focus the increasing need for their expanded job knowledge.

Last year fifty-nine food and retail facility managers from seven countries received developmental training in separate two-week managerial courses at Lenggries. This achievement was significant because it was the first time in exchange history that formal courses had been conducted away from the AAFES Training Center in Dallas. The curriculum was specifically tailored to EES operational requirements. In addition to instruction presented by the professional teacher from the Training Center, key executives from this headquarters who have firsthand knowledge of our operating problems and needs also presented topics. The immediate results generated from these two courses made it evident that this effort must continue. Accordingly, funds have been allocated to conduct one retail and two food courses again in EES this year. Dates and locations will be announced later. While it is realized that attendance at these courses require the manager's absence for two weeks, the motivational and work productivity benefits to be derived upon his return far outweigh the inconvenience. Making selected members of your managerial staff available to attend these courses will be very much appreciated.

In addition, further emphasis must be placed on the orientation and training of our customer contact people. Customer courtesy, improved product knowledge, better sales techniques will do much to improve customer relations and increase sales. I ask each commander to give personal attention to this matter.

CHARLES H. PHIPPS,
Brigadier General, U.S.A.,
Commanding.

Mr. HUGHES. Mr. President, will the Senator from Pennsylvania yield?

The PRESIDING OFFICER (Mr. HUMPHREY). Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. SCHWEIKER. I am happy to yield to the Senator from Iowa for a question.

Mr. HUGHES. I should like to ask the Senator from Pennsylvania this question: As I listened to his statement, he indicated that if the returning level of manpower from Vietnam were increased from the present 14,250 level to 16,000—was it?—that after October, we would need no more draftees in Vietnam; is that correct?

Mr. SCHWEIKER. That is correct.

Mr. HUGHES. And if the level were increased to 18,000, we would need no more draftees in Vietnam after August; is that correct?

Mr. SCHWEIKER. That is correct, yes.

Mr. HUGHES. So if the administration should decide to increase the returning manpower from Vietnam, it would be possible, on the basis of the study, to run the complete operation at the existing manpower level, without any more induction of draftees into the armed services; is that not correct?

Mr. SCHWEIKER. That is correct. That is the very point we want to make because it is relevant to the 1-year extension.

Mr. HUGHES. The Senator was taking the position in his amendment on the effect on family dependents to survive at the present level and as a result of that, the inability to encouraging people to volunteer in the Army. I believe this was the common goal of the administration and I believe also of the Department of Defense; is that correct?

Mr. SCHWEIKER. Yes. That is our expressed goal.

Mr. HUGHES. The only question is the time for the full institution of this, is that not right, whether we do it this year or next year for 1973?

Mr. SCHWEIKER. That is the very heart of the matter. They agree on the all-volunteer concept, but even on pay they were off as to when pay should go. So, what harm is it to extend it for 1 year and then if, perchance, our estimates are wrong, which, frankly, I do not think they are, we have the option next year to give them the other year if we are wrong. But if they continue to bring the GI's back home from Vietnam and provide make-work for them around the United States, then I think it will be a great injustice to them and we obviously should proceed to dismantle the draft.

Mr. HUGHES. Does not the Senator from Pennsylvania recall, when I asked Secretary of Defense Laird if, in fact, they could move in a 1-year period of time to an all-volunteer Army, that his reply was yes, that they could move if it was necessary to move that rapidly. So, basically, what we are talking about is they have the capability of moving in a year. They have indicated that they could move in a year. They have indicated that the ultimate pay objectives are the same as the objectives the Senator has been talking about, including my amendment that will be brought forth to the bill, and the only question is the time involved and nothing else.

Mr. SCHWEIKER. That is correct, and I want to say further that if we advance the pay schedule 1 year, we have eliminated that problem. So that if we step up their last increment, as the Senator's amendment would do, we eliminate the only remaining argument for a 1-year extension, that is, that the pay is available and we can get started this year. That is the heart of the whole matter. We are fighting for the administration's objectives of 1 year ahead of schedule and it can be accomplished if we put the pay in.

Mr. HUGHES. Then, the 1-year extension of the draft, actually, as the Senator has pointed out, gives Congress ample time for consideration of any conditions that could arise between now and a year; and any different type of involvement, or any different type of international confrontation, or any different type of manpower needs, wherever they might arise, could be reviewed by this very Congress and the appropriate committees, over that period of time.

Mr. SCHWEIKER. That is certainly true and will give us, in the meantime, adequate time to eliminate any unforeseen situation and will not in any way produce an emergency. In fact, prudence would dictate, since we are dealing with human lives and involuntary servitude, that this is the wiser course—the 1 year.

Mr. HUGHES. Does not the Senator also believe that this would bring assurance, not only to the young men of America but also to their fathers and mothers, that there is intention by this Congress eventually to bring conscription to a close in America and that we can maintain our forces by adequate and comparable pay with those in private industry and its occupations, by adequate concern and care for the dependents or their sons and daughters who are in the service, and also to make sure that there is a system of equality for these young men and women who are in the services, and by doing that would alleviate a lot of this tension and fear in America today as to our intentions with relation to the Armed Forces.

Mr. SCHWEIKER. It certainly will. We see the way that this draft is tearing our country apart and its young people and compounding problems in America, instead of solving them. We cannot help coming to the conclusion that it is only the fair, equitable, wise, prudent, cautious and conservative thing to do, to take another look in a year. That is all we are asking—for another year—to review the situation.

Mr. HUGHES. Can the Senator then see anything in this proposal or in the supplemental proposal on the pay increase that will follow later? Can the Senator in any way see anything in his proposal of a 1-year extension or of an increase in the military pay, in context, which I feel is a supplement to the 1-year extension, that is in conflict with the stated goal of the administration, the Secretary of Defense, or the common purpose of national defense and the security of America, as stated publicly and generally by people all over the country, and on both sides of the aisle in this Chamber?

Mr. SCHWEIKER. Mr. President, I cannot see any roadblock, any obstacle, anything at all that stands in the way of the administration reaching its goal a year earlier. And if they had been willing to submit a pay package this year, instead of next year, they would come to that conclusion, too.

The Senator from Iowa has quite correctly and properly moved up the pay package 1 year.

I would say to the Senator that, regardless of the merits of doing it for the volunteer concept, I think we have given our GI's all around the world enough injustice. Judging from every measure, every standard of equity, pay, and every kind of system, they have been at the very bottom.

So, I think in a sense of fairness and equity, forgetting the argument about the 1-year extension, we should do our best to make sure they get the pay that the administration says, in the Gates report, that they are entitled to.

Mr. HUGHES. Mr. President, there is absolutely nothing in the opinion of the distinguished Senator from Pennsylvania—and certainly not in the mind of the Senator from Iowa—that in any way affects the defense of this country and the opinions of the Secretary of Defense or the administration or the objective and goal that should be obtained for our armed services. It can be subject to review next year if different circumstances arise.

A pay increase is certainly the goal of the administration. It has brought forth support.

The only question remaining is when to do it. Is it fair to say to these young men and women that they should wait a little while longer, wait another year, continuing to try to work and be unable to do these things?

We have increases contained in this measure. However, it is not an increase to the level that will eliminate the questions the Senator was discussing earlier.

Mr. SCHWEIKER. The Senator is correct.

Mr. HUGHES. Mr. President, I thank the Senator from Pennsylvania again for his dedication, for the time that he has spent on this, years, in reaching for an all-volunteer service. He has given us so much of his time and fought the battle in the hours when it was not a popular thing to do. He is now attempting to bring it into line with the stated goal for the time being of an all-volunteer army in the future, a 1-year extension of the draft rather than a 2-year extension of the draft, which I believe obviously has no effect at all on the security of this Nation. It will alleviate so many of the problems abroad in this land among the mothers and fathers of the draftees and will bring some degree of compensation to those men and women whom we call on in our time of need to fight in an unpopular war and to be willing to die, if necessary, and take every risk and make every sacrifice that any member of the Armed Forces has ever made, even in wars considered to be absolutely essential, and to demand that they then be subjected to these additional burdens of waiting.

I am deeply grateful to the Senator from Pennsylvania for the tremendous job he has accomplished in this area.

Mr. SCHWEIKER. Mr. President, I thank the Senator from Iowa very much. I would like to read at this point a memorandum. I referred to it a few minutes earlier. This is a memorandum dated February 1971, No. 30. It is from the EES Management Information Letter, which is the Office of the Commanding General—European Exchange System.

The memorandum is signed by a Charles H. Phipps, Brigadier General, United States Army, Commanding. In that memorandum, he writes:

> For the reasons outlined above, I desire that all EES, European Exchange System, elements in the months ahead emphasize the recruitment of local nationals and sharply deemphasize the utilization of U.S. dependents and tourists. Due to the high turnover in the latter category, I feel this transition can be made without actually separating any U.S. personnel.

Is that not magnanimous? He wants to put it into effect, but does not want to hire any GI wives who are there. I never heard of such a thing.

Mr. President, I could not believe that the GI's had a valid complaint when they said that their wives could not get jobs. I had several write me and contact me. I could not believe that we were doing this until I saw an article in the Stars and Stripes by a Captain Hamilton who is stationed in Nuremberg as the head of the psychiatric division. He was comp'aining of why his job was so difficult. The reason was the low pay and that they gave the GI's no money to fly over there. They treated them as second-class citizens. They could not economically make ends meet. They could not get their wives jobs at the local exchange service. A number of them were ending up in hospital wards from mental exhaustion because of the economic pressures that we, the American people, were putting on the GI's.

That is why I am a little bit incensed and aroused. We have never tried to have an all-volunteer army. We have tried to discriminate against our own citizens and their wives in a manner that I could not imagine any country in the world doing.

We have never given this a fair try.

Mr. President, I will have a little more to say later. However, I conclude my statement at this time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum with the proviso that I do not lose my right to the floor.

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

Mr. MANSFIELD. Mr. President, at the present time there are over 300,000 U.S. military personnel, including 20,000 in the 6th Fleet, stationed in Western Europe. Of this number, 128 are general flag officers, or one general flag officer for every 2,343 men.

That is an introductory statement.

Mr. President, I ask unanimous consent that I may submit an amendment to H.R. 6531, a bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972, and for other purposes; and I further ask unanimous consent that, after the reading of the amendment—and I do this with the approval of the authors of the pending amendment—the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, the amendment offered by the Senator from Montana—and I only read it a few minutes ago—is a far-reaching matter. It is highly important. It involves international policies. However, any Member might wish to vote on it. I am sure most Members want a thorough discussion and debate on it. I would not be in a position to agree now to make it the pending matter.

Mr. MANSFIELD. Would the Senator mind withdrawing his amendment so that I can offer my amendment and then the Senator's amendment could follow my amendment?

Mr. STENNIS. Mr. President, may I be heard on that request?

Mr. MANSFIELD. I understand the Senator from Pennsylvania has a right to do so voluntarily if he wishes to do so.

Mr. STENNIS. Reserving the right to object——

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I suggest to the Senator from Pennsylvania before he agrees to withdraw his amendment that there be time for a conference. I think the amendment of the Senator from Pennsylvania goes to the very vitals of this entire bill. The major part of the debate on it will affect the

whole system of the Selective Service Act, the entire military setup, and I welcome the debate on it, and a vote on it. However, I really do not think it should be set aside now and another amendment brought up.

To that extent I appeal to the Senator from Pennsylvania in the interest of orderly procedure that he not withdraw his amendment. He told me on Friday and he told me this morning that he wanted to bring up his amendment. I had asked him not to at that time. I told him I would let him know when the committee had gotten near the point of making its initial presentation. I notified him to that effect. I hope that now he does not withdraw his amendment, certainly until we can have a conference.

Mr. SCHWEIKER. Is the Senator willing to have a conference on it now?

Mr. STENNIS. Yes.

Mr. MANSFIELD. I will go ahead with my speech while the Senators confer.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, has the amendment been read?

The PRESIDING OFFICER. It has not been read.

Mr. MANSFIELD. I ask that the amendment be read.

The PRESIDING OFFICER. The amendment will be read by the clerk.

Mr. MANSFIELD. I withdraw my request in view of the situation that developed, but I want the amendment read.

The PRESIDING OFFICER. The request for the amendment to be offered for purposes of parliamentary action is withdrawn and the amendment will be read for the information of the Senate.

The amendment was read, as follows:

At the end of the bill add a new title as follows:

TITLE IV—REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE

SEC. 401. (a) The Congress hereby finds that the number of United States military personnel stationed in Europe can be significantly reduced without endangering the security of Western Europe, and that such a reduction would have a favorable effect on this Nation's balance-of-payments problem and would help avoid recurring international monetary crises involving the value of the dollar abroad. It is therefore the purpose of this section to provide for such a reduction at the earliest practicable date.

(b) No funds appropriated by the Congress may be used after December 31, 1971, for the purpose of supporting or maintaining in Europe any military personnel of the United States in excess of 150,000.

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

Mr. MANSFIELD. I yield.

Mr. GRAVEL. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the amendment of the Senator from Montana, if the Senator has no objection.

The PRESIDING OFFICER. Is there objection? The name of the Senator from Alaska is added as a cosponsor of the amendment.

The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, the essential purpose of this amendment is to bring about a reduction of approximately 150,000 Armed Forces personnel below the number presently stationed in Europe.

In short, the amendment says it is too late for the U.S. Government to keep playing the role of Wilkins Micawber, hoping that something will soon "turn up." Something has indeed turned up: a full-blown monetary crisis created in large part by our failure to deal decisively with our enormous balance-of-payments deficits. These in turn derive mainly from our military expenditures in Vietnam, in Europe, and elsewhere around the world.

Mr. President, for several years now other Senators and I who have long felt that an excessive number of American troops and dependents are stationed in Europe have been strenuously cautioned against precipitous action to reduce those totals. Several times I have introduced resolutions making clear our belief in the need for a substantial reduction in our forces in Europe. Several times I have held off action because I have not wished to disrupt an allegedly delicate situation, or to give any justification to those who might charge that we in the Senate have not given the most mature and informed consideration to the problem.

The cautionary voices urging us to wait and see have raised a variety of reasons for inaction. Again and again we are told there can be no question but that the present level of American troops in Europe in time must be reduced, and reduced substantially. But the cautionary voices keep murmuring that now is not the time.

We have been told that so-called offset agreements with West Germany are going far toward closing the serious U.S. balance-of-payments deficits incurred by our military expenditures in Europe. Yet, on examination we have found that much of the offset payment has turned out to be relatively short-term German loans to the United States. These merely postpone our problem; they do nothing to resolve it.

Then at the NATO ministerial meeting late last year quite a different tack was attempted. In December we were told that our European allies would be making a special effort to strengthen their forces. As part of the supposed bargain the United States would not only maintain its current levels of forces intact, but would also contribute to the projected increased effectiveness of the alliance's military position. Once again, close examination reveals that the much touted special effort over the period of the next 5 years at best will represent rather modest progress.

Over each of the next 5 years the Europeans together plan to spend an additional $100 million toward improving their force levels and readiness, while a similar sum would be invested in infrastructure—that is, the facilities located on European soil for logistical and related purposes. In any one of the next 5 years the combined extra European effort would amount to roughly $200 million, or about one-ninth of the annual U.S. balance-of-payments deficit incurred as a result of American military expenditures in Europe. This, to me, is not a very impressive effort when one considers how much energy and time went into arguing for an increase which would encourage Americans to believe that the corner had at last been turned.

When other arguments fail—as indeed they have—the executive branch always seems to fall back on something which we can only call the psychological argument. We have been lectured constantly over the last year on the theme that West German efforts to promote detente, under the heading of "ostpolitik," should not be disrupted or endangered in the slightest by any action which would affect the balance of military forces in Europe. No one is more interested than I in promoting a peaceful dialog between the Soviet Union and the Western allies leading to a permanent and reliable stabilization of the European scene. However, I have never believed that this is a short-term proposition or process. If we are to wait for the full success of ostpolitik before we can change our force levels in Europe, then we may have to be prepared to endure a stalemate which could last for one or two decades, or even longer, because some of the arguments against this proposal to reduce our forces in Europe seem to have a ring of permanency about them, and some of my colleagues feel that U.S. troops should remain in Europe ad infinitum.

The related point is also stressed that we must take no action which could jeopardize the political position of the Brandt government in Germany. There is no question about the depth of the Chancellor's commitment to the West. Yet, it is conjectured that some other German leader in the future might try to work out a unilateral deal with the Soviet Union at the expense of the Alliance if the United States were to jar the supposedly delicate psychological balance of the German people. Frankly, this sort of argument is not flattering to the German people—anymore than comparable speculation abroad is to us about the possible faithlessness of the United States. Both countries should resent and reject these hypotheses. Indeed, one could turn the argument around and say that, since the leaders of the two largest German political parties are unquested advocates of Western European unity, it would be better to scale down the U.S. presence while they are in office and can handle any possible repercussions.

Mr. President, today we are seeing the high cost of postponement of consideration of urgent problems. Time and again Members of this body have taken the floor to discuss our persistent and increasing balance-of-payments deficits, to urge immediate attention to the problem, and to prophesy critical times ahead if matters are left for the most convenient time. The distinguished senior Senator from Missouri (Mr. SYMINGTON) in particular, and also the distinguished senior Senator from Illinois (Mr. PERCY), have given us an excellent lead in warning against just what has come to pass; yet another international monetary upheaval.

Last year the United States incurred

a record balance-of-payments deficit of over $10 billion on an official settlements basis. Instead of taking the lead in calling for early and dramatic measures to overhaul the system which could produce such disruptive deficits, the executive branch devoted most of its efforts to figuring out different means of computing the balance-of-payments formula and to assuring us that the situation—although admittedly less than desirable—was tolerable.

Unfortunately, the financial community in Western Europe has taken quite a different view of the international monetary scene. While we have been worrying about the fancied psychological problems of West Germany, Europeans have been worrying about the very real problems of the United States. When they looked at this country they have seen mounting waves of unrest breaking on a beach where the administration, figuratively speaking, sits like King Canute, with arms folded, saying that it would not be moved by the urgency of the situation. Confidence in the willingness of the United States to put its house in order has certainly not been increased by our display of subborn petulance. It is too bad we have forgotten the original point of the story was that of an astute ruler showing his adoring courtiers that his power had limits.

In fact, the European reaction amounts to a vote of no confidence in the international monetary policies pursued by our Government. Ironically, taking a lead in giving expression to this sentiment has been the country which has most strongly encouraged us to keep on playing the same world role, and to keep our forces in Europe intact. When the chips are down it appears that a number of our European allies are far more interested in their domestic concerns than they are in the international scene which they expect us to improve.

It seems to me we have been refusing to face up to a paradoxical European attitude which has persisted for some half dozen years. On the one hand, many of our European friends constantly urge us to maintain unchanged our commitments and our military forces. On the other hand, they argue strenuously for a reduction in our payments deficits, which are incurred largely from the activities which they say cannot be altered. As far as Vietnam is concerned, the NATO Allies offer little advice and less help; at least the French do us the favor of speaking their minds clearly and forcefully in urging withdrawal.

While a number of palliatives have been proposed and applied, our payments position in Europe and the world has deteriorated further. For example, in fiscal year 1968 the amount of U.S. defense expenditures entering the international balance of payments in Western Europe was about $1.611 billion. In 1969 the figure fell slightly to $1.586 billion. In fiscal year 1970, however, the figure had risen again to more than $1.731 billion. This could hardly be termed progress.

Now we are in a position where we must break out of this endless circle of frustration and take clear-cut action to reduce the payments deficits which have weakened international confidence in the dollar. Our European friends have met urgently to discuss means of coping with the currency crisis. Their main accomplishment was to reject for their own individual domestic reasons the compromise proposal put forward by the Commission of the European Community. In one case, we find the finance minister of a friendly nation avidly seeking the devaluation of the U.S. dollar. But there is no purpose to be served in complaining about the alarms and excursions of the international monetary situation. Our Government is just as much to blame as any other for failing to read the message on the wall.

Mr. President, my amendment is designed to bring about early relief to our pressing payments deficits abroad. It is an amendment which is necessary and reasonable. It will permit 150,000 American military personnel still to be stationed in Europe. Further, if these troops that will be returned are disbanded upon their return to the United States, it will represent a further gain for our budget, as well as our balance of payments. The financial savings in that case could well be as high as $1½ billion.

It may be argued by some that this leaves uncertain the intentions of the United States with respect to the defense of Western Europe and with respect to the numbers of American forces for that defense. But if there is one cardinal foreign policy tenet agreed upon by virtually all Americans, it is the proposition that Western Europe, for a variety of reasons, must not be allowed to come under Soviet or other external domination. I will not go into all the many arguments we have made publicly over the last few years to support our contention that there is no compelling military argument for the exact number of forces which we now maintain in Europe. Instead, I would like to append to this statement an article on this subject by a recently retired Army officer, Edward L. King, written for the October 1970 issue of the Forum periodical, published by the Ripon Society. Mr. King makes many of the same arguments, and I ask unanimous consent that the article be printed at the conclusion of my remarks in the RECORD.

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

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, in closing these remarks, let me stress that I believe my amendment represents a constructive move which will respond not only to the demands of American citizens for greater expenditures at home rather than abroad but also to the demands of our European allies for urgent American measures to get our payments deficits under control. This does not in any way represent a withdrawal from Western Europe or its defense. It is quite simply an illustration of the old French saying that one recoils in order to jump better.

Our forces in Europe have been inflated and musclebound, with far more logistical than combat capability. It is my conviction, and that of many other observers—including experienced military men—that trimming away the fat in the form of excess supplies and headquarters will result in a leaner, more mobile, and more efficient combat force.

EXHIBIT 1

[From the Ripon Forum, October 1970]

THE U.S. ARMY IN EUROPE

In a recent article I touched on a few of the strategic and tactical implications of the organization and purpose of U.S. Army forces in West Germany. Let's now more closely examine these implications and expand on the questions they raise in regard to U.S. conventional war force levels in Europe.

ORGANIZATION

Is the U.S. Army overstaffed in West Germany? One way to figure whether there is fat in our European command and force structure is to compare it to Army doctrine and World War II experience factors.

In West Germany the Army has stationed a total force of approximately 195,000 soldiers. Congress and the public were told that these soldiers are all required to fight the enemy in a conventional war. This force is under the overall command of the unified (i.e. triservice) U.S. European Command with headquarters in Stuttgart, Germany. This headquarters, heavily staffed with generals and admirals, also has an element in NATO headquarters in Belgium. In time of peace this unified command serves as the senior command for all U.S. armed forces in Europe, but in time of war it performs NATO duties. U.S. European Command exercises its command supervision by passing Joint Chiefs of Staff (in Washington, D.C.) directives to U.S. Army Europe/Seventh Army headquarters located 38 miles away in Heidelberg, Germany. In peacetime this headquarters commands all Army forces in West Germany. In wartime this combined Army headquarters performs both NATO and U.S. command functions.

The next command level is the corps headquarters. (A corps headquarters exercises tactical command over military operations; it is not normally concerned with administrative support.) In West Germany there are two U.S. corps headquarters. Additionally, there is another command element approximately equal to a corps headquarters which provides logistical support. These three command levels (U.S. European Command, U.S. Army/Seventh Army, V & VII Corps headquarters) pass directives down to the combat divisions. There are the equivalent of five divisions in West Germany. And once we pass the division headquarters of these divisions, we will have finally found the Army units (the brigades and battalions) that actually engage in combat.

All of these command and supply headquarters require numerous generals (over 30 in Stuttgart alone), field grade officers and senior NCO's to command and staff them. This is in addition to the large number of troops required to man them. How many men are engaged in these noncombatant jobs?

The best way to answer is to consider how many men are in the five combat divisions. Each division at full strength contains around 16,000 men. If our combat divisions in Europe were at full strength (and they seldom have been during Vietnam) there would be a total of about 80,000 men assigned to them. We can then reasonably speculate that the remaining 115,000 men (of the 195,000 total force) are serving in other than the combat divisions. In other words roughly 115,000 men serve in administrative and logistic situations.

These 115,000 men are not the only ones serving in these situations. Each division of about 16,000 men includes only roughly 7,000 soldiers who are assigned the mission

of firing at the enemy. The remaining 9,000 or so are assigned to administrative command and logistic support positions *within the division!* This means that in terms of combat manpower for conventional combat the U.S. Army in West Germany has only about 40,000 soldiers in its combat divisions who are assigned to place killing fire on the enemy.

There is no valid military reason why the Army must organize itself so that it needs over 100,000 men to command and supply a combat force of 80,000 soldiers (of which less than half fire at the enemy). For example, Army doctrine indicates that a corps headquarters "normally" commands two *or more* divisions. In World War II, each combat corps normally commanded an *average* of four divisions. Moreover the U.S. Seventh Army commanded no less than three corps during World War II combat.

So why then does it require two corps headquarters and a field army headquarters to command the equivalent of 5 understrength divisions *in peacetime?* Because the U.S. Army in West Germany has grown top-heavy through (a) bureaucratic inertia, (b) military preference for soft career living in Europe rather than extended periods of living in such places as Fort Leonard Wood, Missouri or Fort Polk, Louisiana and (c) civilian abdication of control over military policy. At least 50,000 men could be brought home from West Germany without reducing the conventional combat capability of the existing U.S. Army presence if those forces were streamlined and efficiently organized, commanded and supplied. Or, if present troop levels have to be maintained, this much manpower could be converted from fat to combat muscle.

None of these reason justifies the huge costs incurred to support the existing system of organization and command. It cost 2.2 billion in fiscal 1970, to maintain our forces in West Germany. This figure does not include the additional costs involved in moving, storage and shipment of household goods and automobiles of the military personnel and their dependents who were automatically rotated back and forth during fiscal 1970. Much of this rotation is unnecessary and is done only for career improvements. It is also one of the reasons that nearly all Army personnel in Germany are either learning their job or "coasting," waiting to rotate back to the U.S.

In any event there is no acceptable justification for obvious military paunch even in times of national budgetary surplus, much less when inflation munches on tax-dollars and domestic programs are forced to exist on subsistence levels.

PURPOSE

The organization of U.S. Army forces in Europe is unsatisfactory in terms of costs and manpower utilization. Even worse are the problems which are created by their mission.

The U.S. combat units—in consort with other NATO forces—are supposed to be able to fight a conventional war against Soviet and satellite troops. Let us assume that our 195,000 men were organized and commanded efficiently. Would there be a reasonable prospect that they could do what they are supposed to do successfully? The answer is probably not.

Part of this answer is prompted by the location and sheer numerical advantage enjoyed by their adversary: nearly 200 Soviet and East European divisions (about 2 million men) could be thrown into battle against 18 or 20 NATO divisions (about 350,000 men). There are other disadvantages.

ILL POSITIONED

Relative positioning of forward units. Within sight of many of the autobahns leading westward through East Germany, forward Soviet divisions are positioned in austere, mobile tank and truck parks. The distance from a soldier's tent or hut, to his tank, truck or armored vehicle is a matter of minutes. Contrast this with the positioning of U.S. Army forward units: the troops live in barrack compounds often removed a half-mile or more from their tanks and vehicles. The truck parks themselves are not always immediately accessible to major roads. The time needed to get our troops on the road is more than minutes.

U.S. divisions are still comfortably positioned in the World War II occupation-zone positions that they took up when they arrived in Southern Germany in 1950–51 during the dark days of the Korean War. But strategic considerations would most likely motivate the Soviet armored forces to strike boldly across the flat North German plains along the historic invation route to the Ruhr and the English Channel ports. U.S. Army forces would undoubtedly be needed to help defend not only the industrial heart of Europe but also to protect their own supply lifelines which during war run back to the channel ports. To accomplish this, they would have to move considerable distances to the north to reach viable battle positions. If a sudden attack occurred, they would have to make this movement over roads jammed with other NATO troops, overrun with millions of refugees (many of whom would be their own wives and children attempting to flee) and constantly attacked by low-flying enemy aircraft. Time would be critical in such a northward movement; only hours would be available to attempt to intercept and stem the Soviet advance. Yet during the Berlin Crisis of 1961 when such a movement was considered, *days* not hours were estimated as being required. And this movement would have been conducted under peacetime conditions!

Even assuming that U.S. Army combat elements have reached improved maximums of mobility and flexibility since 1961, exhibiting these qualities would require absolute tactical air superiority. I know of no military planner who honestly assumes that the U.S. Air Force will attain such absolute superiority (which it enjoyed over Western Europe in 1945) until a considerable period after the opening of hostilities. And there are some who doubt if it could ever attain such a degree of superiority.

But if we assume that U.S. forces *will* have absolute air superiority, could our 80,000 combat troops (i.e. 40,000 who fire on the enemy) plus approximately 260,000 NATO combat troops, reasonably be expected to stop the advance of Communist Bloc troops? (Before answering we must remember that if we fight a conventional war in Europe it will be with the forces already there. The Czechoslovakian invasion showed that we can no longer count on a comfortable mobilization period during which, in the best traditions of World Wars I and II, more combat troops can be flown or shipped to Europe from the U.S.). Most military professionals privately agree that the answer is no. However, the Army several years ago devised a very simple solution to this problem for Congress and the public. They can give an affirmative answer because they allocate "tactical" (i.e. low-yield) nuclear weapons to the conventional forces in Europe.

Simple. Now our conventional forces can offset the Soviet and satellite manpower advantage and delay their advance westward by exploding large numbers of nuclear devices against them from the very first moments of battle.

MOST UNCONVENTIONAL

The Army has been training for years in Europe on the basis of such plans. Simulated use of nuclear weapons is written into the scenario of most major unit training exercises. In one NATO field training maneuver, the *Stars and Stripes* newspaper reported that large numbers of simulated nuclear weapons were used. What was not reported was that while nuclear devices turned a losing conventional effort into a winning one, it also would have turned a conventional war into a nuclear one. And at the same time it was estimated by West German press sources that about 65 percent of West Germany would have been destroyed. In discussing low-yield "tactical" nuclear weapons we should remember that the average "tactical" nuclear weapon has the explosive force of roughly one-quarter to one-half the destructive power of the Hiroshima A-bomb. Strictly in terms of physical damage and indiscriminate loss of civilian and military lives, the one-sided use of such weapons can scarcely be called conventional.

And can we be sure that the Soviets would not use at least equivalent nuclear weapons in retaliation? One cannot believe that the Soviets will fight with their rifles and conventional artillery while we destroy whole divisions with tactical nuclear weapons.

THE PLIGHT OF DEPENDENTS

In the event of hostilities the *necessity* of using nuclear weapons first could present the United States with a grave national dilemma. The President would be faced with the choice of authorizing the military commander in Europe to use nuclear weapons (and thereby open a nuclear war) or deny their use and risk the loss of a field army and the lives of nearly 250,000 U.S. servicemen and their families. The choice between initiating nuclear escalation or failing to protect the lives of American fighting men would not be an attractive one for any President. Yet every President for the past fifteen years has been faced with this possibility as a result of our effort to maintain the fiction of a conventional war capacity in Europe.

The choice is complicated by the fact that wives and children of U.S. servicemen would be the almost inevitable victims of *our* tactical nuclear weapons. If there is a warning period before hostilities begin some of the 225,000 dependents could be evacuated by air and private automobile to "Safehavens." If hostilities begin suddenly—and there is no reason to believe the Soviets intend to provide convenient advance notice of their attack—most officials are convinced that the majority of the military dependents would have to "standfast" where they are living. These dependents would be left to fend for themselves, as would their less fortunate civilian countrymen who are working or traveling privately in Europe and who are not considered for assistance by U.S. armed forces. The soldier-husbands of the military dependents would have to fall back toward the Rhine River while covering their delaying action with "tactical" nuclear weapons. In short, firing nuclear shells and rockets on the Soviet units, hundreds of thousands of West German civilians and on their own families. (In spite of this potential disaster, the military opposed President Eisenhower's courageous and military sound decision in late 1960 to stop further movement of dependents to Europe. This decision was rescinded by President Kennedy in late 1961 in response to opposition from the armed services, even though no effective dependent evacuation plan had been devised.)

We have permitted the continuation of our conventional structure to placate the West German government, not to fight a conventional war. Our military leaders have advocated retaining these forces because they have provided increased promotions and pleasant duty stations. These military leaders have been comfortable in the knowledge that they would not really be expected to fight a conventional war against the formidable Red Army, because they could quickly change such a war into a nuclear one in

which the U.S., until recently, held a vast advantage. In other words political expediency and parochial service interests have been allowed to supercede national best interests.

The presence of our over 200,000-man conventional force in Europe is fraught with potentially dangerous risks to our national security and immense problems of organization and mission. It is long past time for concerned civilians and military officers to begin the very difficult task of streamlining our force structures and more responsibility rationalizing their purpose in Europe. Perhaps the recent signing of the West German-Soviet nonaggression pact marks the historical juncture for our work to begin in earnest.

EDWARD L. KING.

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

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

Mr. SCHWEIKER. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment (No. 76) of the Senator from Pennsylvania is withdrawn.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORTS OF THE PACIFIC NORTHWEST, THE SOURIS-RED-RAINY, THE GREAT LAKES AND THE NEW ENGLAND RIVER BASIN COMMISSIONS—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–110)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

I am pleased to transmit the annual reports of the Pacific Northwest, the Souris-Red-Rainy, the Great Lakes and the New England River Basin Commissions for fiscal year 1970.

These commissions were created under the Water Resources Planning Act of 1965 which provides for the establishment of commissions, composed of State and Federal members, if requested by the Governors of the States involved. The primary responsibility of these commissions is to plan for the best use of water and related land resources in their respective regions.

I recently signed an Executive Order setting up a Federal-State commission for the Ohio River basin. With the establishment of this new commission, 27 States containing over 50 percent of the population of the United States are now participating in Federal-State cooperative planning through river basin commissions. The documents which I am transmitting tell the impressive story of these cooperative activities and describe the new challenges which the commissions now confront.

RICHARD NIXON.

THE WHITE HOUSE, *May 11, 1971.*

MESSAGE FROM THE PRESIDENT—APPROVAL OF A BILL

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on May 7, 1971, the President had approved and signed the bill (S. 70) an act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills in which it requested the concurrence of the Senate:

H.R. 2594. An act to amend chapter 19 of title 20 of the District of Columbia code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000;

H.R. 2596. An act to amend the Act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the United States Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes;

H.R. 5638. An act to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes;

H.R. 6638. An act to amend the Act of August 9, 1955, relating to school fare subsidy for transportation of school children within the District of Columbia; and

H.R. 7931. An act to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 2594. An act to amend chapter 19 of title 20, of the District of Columbia code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000;

H.R. 2596. An act to amend the Act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the United States Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes;

H.R. 5638. An act to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes;

H.R. 6638. An act to amend the Act of August 9, 1955, relating to school fare subsidy for transportation of school children within the District of Columbia; and

H.R. 7931. An act to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 86

Mr. MANSFIELD. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Montana will be stated.

The assistant legislative clerk read as follows:

At the end of the bill add a new title as follows:

TITLE IV—REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE

SEC. 401. (a) The Congress hereby finds that the number of United States military personnel stationed in Europe can be significantly reduced without endangering the security of Western Europe, and that such a reduction would have a favorable effect on this Nation's balance of payments problem and would help avoid recurring international monetary crises involving the value of the dollar abroad. It is therefore the purpose of this section to provide for such a reduction at the earliest practicable date.

(b) No funds appropriated by the Congress may be used after December 31, 1971, for the purpose of supporting or maintaining in Europe any military personnel of the United States in excess of 150,000.

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

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

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

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I requested the prepartion last week of a memorandum on this overall question of troops in Europe by Mr. Edward L. King. Mr. King has had extensive opportunity to study these questions both as a staff planner within the military and as a sensible and concerned citizen since his retirement. He brings to bear a clearness of presentation of the arguments and a crispness of focus and recommendation that should benefit the entire Senate.

The memorandum is in every respect outstanding. I ask unanimous consent that this memorandum of Mr. King be printed at this point in the RECORD, so as, in effect to follow my previous remarks.

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

RETENTION OF U.S. FORCE LEVELS IN WESTERN EUROPE

OVERALL PROBLEM

Can the number of U.S. Armed Forces personnel stationed in Europe be substantially reduced without seriously weakening the deterrent capability of the NATO military structure?

SOME FACTS BEARING ON THE PROBLEM

a. Over 300,000 U.S. military personnel (including 20,000 in the 6th Fleet) are stationed in Western Europe.

1. Of this number 128 are general/flag officers—or one general/flag officer for every 2,343 men.

2. About 250,000 of these troops are assigned to the tri-service U.S. European Command (USEUCOM). The Department of Defense has indicated that half of these assigned forces are combat personnel and the rest are support. Over 170,000 of the EUCOM total are U.S. Army troops.

3. Major USEUCOM combat elements are 4⅓ Army division deployed in West Germany. These divisions are not at full strength. According to Army Tables of Organization and Equipment the aggregate full strength of each of these divisions would be around 16,300 men. It costs approximately $185 million to maintain one army division on overseas peacetime active duty for a year.

4. There are about 113,500 Army and Air Force personnel stationed in the Continental U.S. committed to NATO. In Europe about 2,000 American personnel are engaged in maintaining and servicing prestocked equipment to be used by these committed forces.

b. There are now approximately 7,000 U.S. nuclear warheads stored in Europe.

c. During fiscal year 1971 it cost approximately $14 billion for the support of U.S. general purpose forces in Europe and the forces in the U.S. committed to NATO.

1. This total figure includes operating costs and estimated annual investment in equipment and military construction.

2. Annual operating cost to maintain U.S. forces in Western Europe is approximately $2.9 billion.

d. U.S. defense expenditures entering the international balance of payments in NATO countries (including Canada) in fiscal year 1970 are estimated at approximately $2 billion, with about $1.1 billion being spent in the Federal Republic of Germany.

1. For every soldier removed from Germany, an approximate saving of $1,650 in individual expenditures on the European economy can be realized.

2. The withdrawal and deactivation of 2 mechanized divisions now stationed in Europe would result in annual savings of about $1 billion.

e. The U.S. forces in Europe have over 79 real property locations in seven countries, that represent a total U.S. investment in excess of $204.5 million.

f. Payment of land taxes in Great Britain and Western Germany amounts to $2.9 million annually.

g. Approximately half of the European Command's transportation needs must be accomplished by European commercial sources at a cost of $29 million in 1969.

h. Expenditures for employment of European local nationals by U.S. forces amounted to $265 million from appropriated funds in calendar year 1969.

1. Until March 1971, U.S. citizens were in most cases excluded from filling local hire vacancies.

i. Total operating costs of U.S. Army, Navy and Air Force European Commands in fiscal year 1970 were approximately $87.33 million. During the same year U.S. operating costs of NATO headquarters were $10,623,033.00.

1. These operating costs represent only a fraction of the total cost of each command. For example, the headquarters operating cost for U.S. Army Europe was only 2.30 per cent of the total fund it was provided of $1,761,000,000.00.

2. In addition to these operating costs the 9 U.S. Army Command headquarters, for example, contained 26 generals, 1,286 other officers and 1,908 enlisted men all drawing higher salaries while performing command or staff jobs.

j. While the percentage of U.S. GNP going to defense has increased over the past 20 years, that of our NATO allies has declined.

k. Major NATO ground forces presently available in the center region of Europe consist of 22 division equivalents.

1. This total includes the 4⅓ U.S. divisions but does not include two French divisions not committed to NATO but present in West Germany.

2. The Lisbon Conference of 1950 called for a total NATO force of 90 divisions.

3. Few, if any, of the 22 NATO divisions are at full combat strength in men or equipment. For example, there are shortages of trained NCO's and junior officers in some of the West German divisions.

l. Soviet forces in East Germany are estimated by the Defense Department to number over 300,000 troops deployed in excess of 20 armored and motorized divisions. Additional Soviet divisions in Czechoslovakia, Poland and Hungary bring the total Soviet forces outside the Soviet borders to over 500,000 men.

1. Estimates by SHAPE indicate that the Warsaw Pact forces have twice as many divisions in the center region as NATO.

2. Warsaw Pact forces have been estimated to be able to mobilize more than 175 divisions.

3. The SHAPE Commander has stated that when "fully mobilized" Warsaw Pact tank forces outnumber NATO's by 3 to 1.

4. The EUCOM Commander has stated that the Soviets "have additional forces in Russia which can move forward rapidly" to reinforce the forces deployed in Poland, Hungary, Czechoslovakia and East Germany.

m. Article 5 of the North Atlantic Treaty provides that each member may "take such action as it deems necessary" and it can act individually and in concert with other parties in the event of an armed attack on a member state. The parties *do not* commit themselves necessarily to take military action to repel any attack.

n. Article 11 of the NATO Treaty stipulates that the provisions of the Treaty shall be carried out "in accordance with their respective constitutional processes."

o. Article 3 of the Treaty stipulates that members agree to maintain and develop their individual and collective capacity to resist attack. But no specific means are expressed for meeting this obligation.

Discussion pro and con of substantially reducing U.S. troop levels in Europe

Countless arguments have been advanced why it is not feasible or possible, to reduce present U.S. troop levels in Europe. Generally these arguments follow fixed patterns and are based on hypothetical assumptions and predictions. A synthesis of these con arguments can be grouped as follows:

1. The U.S. Departments of State and Defense concept that the Soviets might risk a military move in Europe if they believed American strategic nuclear power had been checked and NATO conventional forces were seriously weakened.

2. A rigid concomitant belief by these two U.S. Departments in the doctrine of flexible response, which poses present U.S. conventional troop levels as a necessity to counter any conventional war attack by Warsaw Pact troops without an early resort to nuclear weapons.

a. As part of this argument the case is also made that NATO conventional forces must be maintained at current levels so they can effectively meet any low level Soviet or Warsaw Pact military "probe" of the NATO area without having to go to nuclear war to counter such a probing action.

b. Also cited as support for this argument are the agreed NATO contingencies of (1) limited unexpected conflicts which could give rise to larger hostilities, (2) crises preceded by a period of political tension which could occur after a period of several weeks or months. It is advanced that these contingencies preclude a thin forward defense because such a defense would invite "probes", while a balanced posture makes them less likely and in effect deters all such options.

3. The belief that any substantial withdrawals would set in motion a chain of causation that would ultimately unravel the the entire NATO alliance.

4. Concern that the psychological shock on our European allies (particularly the West German) of a substantial reduction of U.S. troops would be devastating to their morale and would inevitably lead to eventual Soviet dominance in Western Europe. This result is predicated on the premise that any substantial withdrawal of American forces would be the start of reduced European force levels and cause the Europeans to lose confidence in the significance of their own armed forces ability to deter Soviet attack. This would then cause them to seek a hurried accommodation with the Svoiet Union.

a. As an adjunct to this argument it is also postulated that a substantial U.S. force reduction would (in the minds of the Europeans) signal a return to U.S. isolationism and indicate that the U.S. would not defend Western Europe militarily. This is viewed as the rationale for a concurrent rise of Soviet influence and eventual domination of Western Europe.

b. Another variation of this argument is the West Germany position that substantial U.S. troop cuts would demoralize Western European public opinion and convert the current mood of detente with the Soviets into one of appeasement.

5. The conviction that unilateral force reductions would weaken our hand in the current hope of negotiating with the Warsaw Pact countries for mutual balanced troop reductions.

6. Belief that dollar savings inherent in a substantial troop reduction in Europe would be insignificant in relation to the risk to our national security.

7. State and Defense contention that forces approaching current levels must remain in Europe since forces hastily returned during a crisis are not as effective as those stationed in Europe.

a. A buffer to this argument is made by the Joint Chiefs of Staff and the SHAPE Commander General Goodpaster, who argue that it is not feasible to reduce even the logistics "tail" of the U.S. forces in Europe. They consider that such support troops are vital for the time when additional U.S. troops are flown to Europe during a crisis. They further contend that troops should not be reduced, but if cuts must be made, they should be made in combat forces rather than support forces.

8. Department of State belief that an overriding political argument against substantial reductions arises out of the transitional nature of the early 1970's in Europe and that troop cuts should not be made during this transitional period for fear of introducing a destabilizing factor, which would seriously limit our capacity to achieve effectively an optimum future relationship with Western Europe.

In considering the counterweight pro arguments for making a substantial troop reduction, it is necessary to measure the above con arguments against a criteria of what these

U.S. troops *actually do* in a combat sense to defend the national security. And within that context to critically analyze the basic validity of the counter arguments advanced.

The article attached as Appendix 1 covers some of the specific problems that relate to our conventional troop deployments in Europe and is an overview of what our troops actually do. Briefly stated, our 4⅓ divisions deployed in West Germany are a delaying force which is badly positioned and insufficient to accomplish its primary mission of retarding Soviet ground advance into Western Europe. Due to its inferiority in numbers of actual combat soldiers, poor tactical organization and positioning, it must basically rely on tactical nuclear weapons for any hope of successfully accomplishing its mission, and in fact for its own salvation in the event of a determined attack by the Red Army.

Anyone considering the argument against substantial troop reductions should do so against the background of the above-mentioned negative facets of our European conventional troop deployments. From that point it then becomes possible to more perceptively answer the arguments. Briefly, those answers can be stated as follows:

Analysis of Con Argument 1, that Soviets might attack after checkmating American strategic nuclear power and in the event of a weakening of our present conventional forces

The two substantive points made do not factually fit with the actual conditions they postulate. For example, the so-called checking of American strategic nuclear power through nuclear weapons parity (and it should be remembered that latest intelligence reports credit the U.S. with 4,000 nuclear warheads to the Soviet's 1800) or arms limitation, does not remove the ultimate threat of nuclear war and mutual destruction at the option of either of the superpowers. It is reasonable to assume that the Soviets are quite aware that any military move into Western Europe would be looked upon by us as a threat to our vital interests. They would make such a move only after carefully calculating the nuclear balance and probable weapons, not the current conventional troop levels which they already know they can handily defeat in conventional battle. It is (and will continue to be) the weight of American nuclear response and the possibility of mutual national destruction that would ensue, that restrains any Soviet predilection toward military adventures in Europe.

It is this fear far more than it is the numbers of men, planes, tanks and guns that they would face in making such a move. In a historical context it should be remembered that the Red Army drove several million of the Nazi Whermachts' finest combat veterans back into Western Europe in 1945, and in the process lost millions of their own population. It is inconceivable to my mind to imagine that this same people and Army, in the foreseeable future, will this soon after those staggering numbers of dead, be inclined to launch an aggressive war into Western Europe and accept the countless deaths that a nuclear (or conventional) war would surely bring. Conversely, it is equally unlikely that a people who have sustained and recovered from such previous monumental losses in war would long be deterred from a military action by the prospect of fighting 2 or 4⅓, or 20 U.S. divisions in conventional battle; if that was the only alternative to a direct threat to the continued existence of Mother Russia.

We should remember the Russians traditionally are a brave, but not foolhardy, people. I fail to see the rationality in an argument that a bureaucratic Soviet government and its armed forces would, or could, call on their people to again accept millions of dead solely for the purpose of an expansionistic military grab of Western Europe. This flies in the face of all logic and most past European history.

Analysis of Con Argument 2, that the credibility of the doctrine of flexibile response depends on present troop levels

This is a specious argument that has been used long beyond the time it was true. It is a military justification for maintaining large numbers of Army troops (with the accompanying high-rank justifying headquarters and support commands and career-rewarding overseas base living) stationed indefinitely in Central Europe. It is a specious argument because present troop levels do not in fact offer a valid flexible response to a determined Soviet conventional attack at any level of force or purpose. But rather are too weak to effectively react (the Berlin Crisis of 1961 is an excellent example of this weakness when the strongest conventional reaction we dared make to the challenge of the Berlin Wall and closing of the Autobahn to Berlin, was to dispatch one less-than-brigade-strength force to Berlin and this force was then ignomiliously forced to dismount from its vehicles inside East Germany and be counted by Soviet officers before being permitted to pass to Berlin). At the same time this force is too large to permit effective flexibility in the manner of U.S. response to any level of Soviet military action.

For example, under the provisions of Articles 5 and 11 of the NATO Treaty all members might not choose to react militarily to all levels of Soviet military action. Their constitutional processes might inhibit or restrict a military response. After the Vietnam experience public opinion in the U.S. could in the near future conceivably not be favorable to an automatic military reaction to all levels of Soviet action in Western Europe. However, with present force levels stationed in Europe, the U.S. has no option but to become involved in a conventional military response. Such a conventional response is in fact too weak to have much chance of success even with all NATO allies participating and foredoomed to early failure if some would choose not to initially engage in a military response.

But this U.S. force is too large (over 170,000 men and 149,000 dependents with the 7th Army alone) to permit the President any degree of flexibility, or the U.S. constitutional processes time to function effectively in regard to a response to almost any form of real or imagined Tonkin Gulf-type attack in Western Europe. The protection of the lives of a field army of U.S. fighting men and their families, would take precedence over all other legitimate questions of U.S. national best interests at the time. Because of their numbers and positioning the U.S. forces would have to be engaged in immediate fighting. Yet because of the insufficiency of these same numbers to fight effectively in conventional battle, there would be the urgent need to permit them to fire the Atomic Demolition Munitions (ADM) mines during the first hours of any level of conflict. And there would be the follow-on need for them to quickly resort to further tactical nuclear weapon fires to protect themselves from being pocketed in the Southern German salient. The probability of early use of nuclear wapons is not supposition. This use is written into the 7th Army battle plans.

In an appearance before the Senate Committee on Foreign Relations, General Goodpaster alluded to this when he stated: "If an enemy were to come at us with all the forces that the Warsaw Pact could generate and were to sustain and press his attack regardless of the losses that he took, after *a short period of time* (italics supplied) it would be probable that at least in some areas we would have to resort to nuclear weapons in order to hold." At another point when asked what the NATO situation would be 45 days after the outbreak of hostilities in Europe with both sides using only conventional forces, General Goodpaster replied, "I believe that there is a probability that it would be necessary to resort to the support of tactical nuclear weapons." General Lyman Lemnitzer, SHAPE Commander from 1962 to 1969, has stated, "One of the greatest problems that would confront NATO today would be a large conventional attack. Then we would be faced with a decision to use nuclear weapons or be defeated."

These statements and 7th Army training exercises in which simulated tactical nuclear weapons are routinely used, would seem to discredit the concept that present force levels guarantee flexibility and preclude the early resort to nuclear weapons. The same war plans and exercises also minimize the possibility of limited Soviet probes in favor of preparation for a massive attack from Czechoslovakia and through the Fulda and Hof "gaps". This military planning is generally predicated on the assumption that an attack will follow a period of increasing tensions which will permit the evacuation of dependents, repositioning of 7th Army forces and reinforcement from the United States. This warning time allows a thickening of what is actually a presently "thin" forward defense being planned for a very shallow theater of operations with France no longer militarily in NATO. From a factual military standpoint present troop levels do not conclusively deter the possibility of rather unlikely probes, nor give much probability of successfully conventional defense against major attack. It would require a much larger commitment of troops than either the U.S. or our NATO allies can afford to do this.

Analysis of Con Argument 3, that any substantial withdrawal of U.S. forces would set in motion an unraveling of the NATO alliance

This argument is purely hypothetical. No substantial evidence has been advanced to support this thesis, nor is there any historical precedent which would indicate that such an unraveling of the alliance would be the inevitable result of a phasedown of U.S. troop levels to a force of, say, 100,000 men. Within the alliance there have been past reductions of U.S. and British force levels, as well as the complete withdrawal of 10 French divisions from the NATO military command. This did not set in motion a chain of causation that has led toward collapse of the alliance. On the contrary, it has caused redoubled effort by the remaining members to attempt to improve the capability of the alliance. There is no substantive evidence to indicate that further reduction of U.S. troop levels could not be used to stimulate increased European initiative and interest in strengthening the Atlantic Alliance.

Analysis of Con Argument 4, concerning the psychological shock that substantial troop reduction would have on our European allies and which would result in eventual Soviet dominance over Europe

The substance of this argument has been stated by Martin J. Hillenbrand, the Assistant Secretary of State for European Affairs, "The psychological shock on our European allies of an American withdrawal from Europe would be devastating. The glacial pressures of Soviet power upon a Western Europe that knows itself to be militarily weak and politically divided would in due course, insure effective Soviet dominance." Furthermore, Mr. Hillenbrand indicated that it "would be beyond the capacity of diplomacy" to convince the Europeans that any substantial withdrawal did not mark the end of the effective American commitment to defend Western Europe even if 100,000 or more U.S. troops remained in Europe.

The foundation of this view is more emo-

tional conjecture designed to justify a continuation of the status quo in Europe, than an accurate assessment of what is likely to happen if U.S. military force levels are reduced. There would of course be some initial adverse reaction on the part of our European allies to a substantial troop cut. But I can not believe it would be of anywhere near devastating proportions to overall European morale and will to defend themselves (and I have lived in Europe 9 of the past 17 years and have friends there).

I fail to find the logic in the reasoning that even an adverse psychological reaction to a cut in the number of U.S. troops stationed in Europe could cause citizens of Great Britain or West Germany to lose confidence in their own national armed forces' ability to defend them. If the level of confidence is truly that low, then NATO is in fact a thin reed. I do not believe this is the case. Nor do I believe that a reduction to a force of over 100,000 U.S. troops in Europe would in the mind of the average European signal a return by the U.S. to pre-World War II isolationism. The European is quite aware that our own people are suffering devastating psychological shocks in the cities across America. He is aware of unemployment, financial problems and our war-weariness. Though he may regret the occurrence of substantial troop reductions, he is far more likely in the long run to understand the reasons that require that they be made, than he is to hysterically lose heart and turn to an accommodation with the Russians. We fail to understand the worldlines and maturity of the European people when we give serious credence to such unreasoned behavior on their part.

In consideration of a remaining force of over 100,000 U.S. soldiers in Europe, our continued nuclear guarantees and the massive capital investment and control exercised by U.S. firms doing business in Western Europe; it is highly unrealistic to conclude that a reduction of two divisions from West Germany will automatically trigger a rise of Soviet influence throughout Western Europe. If numbers of divisions were the criteria for a position of dominating influence in Western Europe, the Soviets would have long held such a position. It should be recognized that a substantial withdrawal of American business enterprise would do more to promote the impact of a Soviet domination in Western Europe than the removal of a few divisions.

The first steps toward a European (chiefly West German) detente with Russia have been made. France has previously made an attempt to achieve some form of detente with the Soviet Union. Neither of these steps have produced any noticeable demoralization of the Western European people. French efforts under DeGaulle at wooing Russia did not create any widespread feeling of appeasement among the West Germans for example. The avowed purpose of current West German efforts at detente are directed toward the easing of tensions in Central Europe. It is equally difficult to accept that a reduction of even half of the current U.S. force levels in Europe would create in European minds such and attitude of demoralization that they would turn from detente to appeasement. This reasoning ignores the French withdrawal from NATO and subsequent efforts at detente with Russia that did not produce an appeasement attitude. It also fails to give full consideration to the weight of the continued American presence and nuclear guarantees that still would exist after a troop reduction.

Analysis of Con Argument 5, that unilateral force reductions would weaken the U.S. negotiating position with the Soviets for mutual balanced troop reductions

For years Western statesmen have defined the Soviet goals in Central Europe as a continuation of a divided Germany, a removal of all American troops from Europe and the dismemberment of NATO. Assuming that this definition is accurate, it would seem that U.S. force levels would not be a decisive factor in negotiating mutual troop reductions. Soviet overall goals would appear to dictate that it would be equally as important to remove a remaining 100,000-plus U.S. troops as to remove 300,000 troops. Any level of U.S. force maintained in Central Europe would be a bargaining agent toward mutual reductions.

No one has suggested that these mutual reductions must be on a man-for-man or division-for-division basis. Obviously, such reductions would favor the Soviets who have a preponderant strength to begin with. Any mutual reductions would have to be worked out on a relative basis and this could be arranged as well with 150,000 U.S. troops as with 300,000 troops. The key to the issue is the Warsaw Pact sincerity in desiring mutual reductions. To date, they have insisted that any discussions concerning mutual balanced force reductions must be within the framework of a European security conference—something our Secretary of State and the NATO foreign ministers oppose in principle. It is unlikely that such an impasse of opinion between East and West is going to be resolved in the foreseeable future and this in fact implies that the U.S. must continue present force levels for an indefinite period until the question of a European security conference can be settled. Such a position is tantamount to saying that U.S. force levels in Europe will remain the same for an indeterminate number of years—possibly another decade.

Secretary of State Dean Rusk speaking in relation to the U.S. troop reductions in Europe in 1967 stated that he favored those reductions "not only because they were steps of economy, but also because they constituted a tension-lessening signal to the Soviet Union." The withdrawals that Secretary Rusk referred to represented a reduction of U.S. forces below their pre-1961 Berlin Crisis strength, and came at a time when world tensions were steadily increasing as the war in Vietnam escalated in intensity. Yet these reductions did not produce any collapse of European morale, nor did they set in motion any chain of causation that caused the Soviets to exploit our position in Berlin that was weakened by the heavy demands of the Vietnam buildup. The further thinning out of our manpower and equipment from our European based troops for use in Vietnam in 1968 and 1969 did not result in any Soviet moves to take advantage of our weakened forces. In fact, it was during this period that continued Soviet troop transfers from Europe to the Siberian front with China occurred.

No public evidence available to date indicates that our force levels in Europe necessarily play a decisive role in the possibility of gaining mutual balanced force reductions. On this question it appears that the intent and purposes of both the NATO and Warsaw Pact alliances is far more important to a successful outcome than the tactical question of the precise number of troops involved.

Analysis of Con Argument 6, which stresses that the actual dollar savings involved in a substantial U.S. troop reduction would be insignificant in relation to the grave risk to our national security

The fiscal year cost of maintaining U.S. forces in Europe and those in the U.S. committed to Europe, is put at $14 billion. U.S. annual balance-of-payment costs in NATO countries are estimated at $1.7 billion. At present offset agreements with West Germany balance out only some of these costs. If U.S. force levels were cut in half, it would be possible to realize savings in the range of $500 million or more under current conditions. These savings could eventually be substantially much more than that amount, if we take into account the future increased pay scales envisioned for our armed forces and the growing inflation in Europe.

Opponents to troop cuts cite the fact that unless the troops brought back are demobilized they still must be paid the same amounts. The divisions returned could be deactivated. But even if they are not, the money they spend would go into the pockets of American rather than European businessmen. It would thus directly return to the American economy. Another argument put forward is that if U.S. force levels were cut, West Germany would no longer pay offset costs on the same magnitude as today. Of course the balance-of-payment costs would not continue on the magnitude that the are today either, if two divisions (with all their sustaining elements) were returned from Europe.

Since there is no clear argument on how the removal of two U.S. divisions from Western Europe presents a grave threat to U.S. national security, it is difficult to equate accurately this statement to the very real possibility of effecting annual savings in U.S. balance-of-payment costs in excess of $500 million.

Analysis of Con Argument 7, that force levels must remain the same because forces hastily returned during a crisis are not as effective as those permanently stationed in Europe

This argument has little historical military substance in relation to the U.S. armed forces. In two world wars U.S. forces have traditionally fought well in Europe over battle terrain they had never seen before. Besides, battlefields change from day-to-day as do the personnel fighting the battle. Therefore familiarity with initial battle terrain has little actual effect after the first day or two of combat. If they are well trained, newly arrived forces would be every bit as effective as those permanently stationed in Europe.

In a letter of April 27, 1970, to the Chairman of the Foreign Relations Committee, the Secretary of State in commenting on Senate Resolution 292, stated, "Additional redeployments would bring such disadvantages as the loss of constant liaison with forces on our flanks, danger of massive confusion in a crisis situation and increased risks to our forces as they moved forward into position. Moreover, any division we redeployed to the U S. could only be returned to Europe quickly if we preposition its equipment and rely on airlift for return of the forces. Since we already preposition equipment for some of our U.S. based divisions, any additional reliance on redeployment with prepositioning would strain not only our transport capability but also reception facilities in Europe."

Most of these reasons are straw men. Due to the high personnel turnover in Europe the infantry combat units that I commanded there seldom were half the men in them who were even faintly familiar with the terrain over which our emergency mission called for us to fight. Liaison with forces on the flanks of the U.S. forces in Europe is the responsibility of headquarters higher than division level. The Army has had twenty years to plan for the forward movement of U.S. forces in Western Europe in time of crisis. If there exists today a real possibility of "massive confusion" and "increased risks to our forces" then two decades of Army Commanders and staff planners have failed to do their job. If such a situation truly exists then all U.S. divisions should probably be withdrawn from West Germany. They can't hope to fight and stay there if they cannot be efficiently reinforced in the forward battle areas.

The problem of prepositioning division equipment and the subsequent requirement for a second costly set in the U.S. is an old dodge. There are many ways this seemingly insurmountable problem could be overcome. And none would be as costly in balance of

payments as keeping the divisions in Europe. One is to dual-base our stateside divisions that are committed to Europe, with U.S. National Guard or Reserve divisions and have each of these divisions use the same set of heavy division equipment in the U.S.

If the division returned to Europe this heavy equipment could be left in the U.S. for use by the Guard or Reserve division when it was mobilized. Or, some of it could be airlifted with the division to Europe. At present enough equipment for approximately two divisions is prepositioned in Europe. The equipment for two more divisions could be maintained afloat in East Coast ports and could arrive in Europe within 9 to 15 days. The U.S. airlift capacity would require at least that long to transport 4 divisions to Europe. In any event it is not feasible to believe that in time of crisis in Europe, the nation that can put men on the moon cannot expeditiously move two divisions and their equipment to Europe in less than two weeks.

It also makes little sense to me to continue to maintain the excessive logistics "tail" in position to service additional divisions that will theoretically be flown to Europe during a crisis, if those divisions face the danger of "massive confusion" and "increased risks" during forward movement to battle. Yet despite these evident dangers and risks, the Joint Chiefs and the SHAPE Commander advocate withdrawing the combat divisions rather than the logistics support forces. Their concern points up the fact that under today's Army tactical organization there must be a huge logistics base *before* the U.S. Army can commence to fight. This is an organizational concept which must be changed if the Army is going to ever again fight austerely and effectively anywhere in the world.

Analysis of Con Argument 8, concerning the transitional nature of the early 1970's in Europe and the contention that troop cuts would inject a destabilizing factor

Europe has been in transition at least since 1870 and will no doubt continue so for many years to come. There have been numerous distabilizing factors injected into the NATO scene over the past ten years. The rejection of British entry into the Common Market and French withdrawal from NATO, could be cited as two more recent examples. Yet none of these serious factors have produced a collapse of the alliance on the scale that is being so direly predicted if the U.S. withdraws two Army divisions and their sustaining troops from Europe.

To accept the transitional argument is to accept that it will be necessary to continue indefinitely to provide a level of conventional defense for our NATO allies that they have clearly demonstrated they are unwilling to provide for themselves. This conventional defense is of questionable value and comes at excessive cost to the citizens of the United States. The United States is also in a period of transition. And this transistional period in our country demands that we reduce our overseas balance of payments in order that these millions may be available to assist us through our period of changing priorities. As an American the well-being of our country seems to me a far more overriding argument than a theoretical risk to our national security postulated by Europeans who do not want to divert their money and manpower to defend themselves. These Europeans are supported by our own State and Defense people who for many bureaucratic reasons desire to maintain the Cold War status quo in Europe indefinitely.

It is true that the prosperity of the U.S. and Western Europe has advanced markedly during the past years of NATO. But the time has now come when economic good sense dictates that U.S. defense forces in Europe must be reduced in our own best interest. To further delay these reductions in the hope of achieving what the Secretary of State has called on "optimum future relationship" is to overlook our past efforts of twenty years while risking the sacrifice of our own national future in the bargain.

GENERAL COMMENTS AND CONCLUSION

Despite arguments to the contrary, U.S. troop levels in Europe should be reduced by the equivalent of two divisions and their sustaining troops (roughly 100,000 men). Additionally, at least another 50,000 men should be withdrawn from the layers of U.S. Command headquarters (such as EUCOM, USAREUR, USAFE and USNAVEUR) and non-USEUCOM forces such as the Military Assistance Groups. The number of tactical nuclear weapons stored in Europe should be reduced. Particular attention should be given to the political and military consequences of the possible emplacement and use of Atomic Demolition Mines (ADM) during an emergency. U.S. Southern European Task Force (SETAF) in Verona, Italy, and its supporting logistics complex at Camp Darby, Livorno, Italy, should be withdrawn. If needed, the limited range nuclear fire support that this Task Force now provides to the Italian army could be returned in time of emergency. The Berlin Brigade should be reduced by one infantry battalion. Under EUCOM war planning these forces are written off in time of war. They are only symbolic and two battalions can do this as well as three. The 10th Special Forces and Fifth Psychological Operation Battalion should also be withdrawn.)

War plans of the U.S. 7th Army should be reviewed to establish whether or not this force does have a significant capacity to provide a flexible response to Soviet attack, without early use of some form of tactical nuclear weapons. For example, in 1962 the 7th Army considered it necessary to make early use of ADM's and low-yield (2.5–10 KT) nuclear weapons in making a defense of Europe east of the Rhine River. This was at a time when there were approximately 400,000 troops including 5 divisions in Europe, and the available NATO theater of operations and supply lines extended back across the width and depth of France.

Since that time the force has been reduced to 300,000 troops including 4⅓ divisions. The possible theater of operations has been reduced to the narrow width of West Germany and the Benelux countries and the British Army of the Rhine has been reduced. U.S. supply line in peacetime runs down from Bremerhaven, Germany, and in wartime must be shifted from the vulnerable route to the Benelux Channel ports, which still are only a day or so travel away from Russian armor in East Germany. To compensate for the loss of the depots in France, huge stocks (60 days level) of supplies have been moved forward to Kaiserslautern, Germany, where they are extremely vulnerable to destruction from a Soviet pre-emptive air strike or early capture by advancing Soviet armor. Our European allies who plan on 90 day mobilization periods stockpile for 30 day levels while we plan on rushing troops to Europe in 30 days. Equally vulnerable to pre-emptive air strike or capture by Soviet armor are the U.S. 17th Air Force fighter squadrons clustered in unprotected sites in the Bitburg-Rumstein-Spangdohlem-Prum complex in West Germany. Furthermore, in case of sudden attack, there are the unsolved problems of how to evacuate the 227,000 military dependents. And the as yet unanswered problem of how we will land the airborne redeveloped forces flown in during a crisis, if the Soviets knock out the available air landing sites by air or rocket fire, capture them by ground attack or dominate the air over them.

All of these serious military problems have long existed in our European defense planning. Since they could not be solved they have often been ignored or glossed-over. Yet in 1962 when conditions and options were far more favorable for flexible response than today, it was felt that an early use of tactical nuclear weapons would be vital to any successful defense. Now with less options, the same military problems, plus other even more grave, with less troops, and a smaller theater of operations in which to swap space for time, the American public is being told that our conventional forces will put up an even longer conventional defense without resorting to tactical nuclear weapons. This is the rhetoric used to justify keeping our military and State Department empire in position in Europe. But it is not a factual assessment of the probable situation.

In the event of sudden Soviet attack, the U.S. 7th Army *must* resort to *early* (within the first 24 to 90 hours of commencing battle to meet a sudden attack) *first use* of tactical nuclear weapons if it hopes to prevent being outflanked and pocketed against the Alps and annihilated.

In my opinion one U.S. Army Corps containing an armored and mechanized infantry division reinforced with one armored cavalry regiment positioned along the line Bremen-Hannover-Kassel and supported by supply lines running back to Rotterdam or Antwerp, would provide a much more realistic U.S. contribution to NATO than our present one. Under this concept the present prepositioned equipment for one armored and one mechanized division could remain, as could the tanks of the armored division being withdrawn. This equipment would provide the basis for an early reinforcement of 2 armored and one mechanized division if this were later required. Support forces left in Europe should be those required to austerely support the two division force, maintain a drastically reduced number of stored tactical nuclear weapons and maintain the prepositioned equipment. Air squadrons in West Germany should be those required to tactically support the Corps force and accomplish forward strategic missions. The 3rd Air Force in England should command all air elements in Europe. Navy elements should be commanded from afloat command ships under the Atlantic Commander. Only the Corps, division and one logistics command headquarters should be left in Europe. The corps should command all group forces in Europe and be commanded by the Secretary of Defense exercising direction through the Joint Chiefs of Staff and the Departments of the Army, Navy and Air Force. Length of tours of military personnel assigned in Europe should be optional. For example, the military member should have a choice of serving in Europe 15 months without his family or 48 months with his family.

Above all we must stop deluding ourselves that we can financially afford to posture a truly effective conventional war deterrent to the Soviet Army in Central Europe. This force is a representative one at best and 4⅓ divisions are actually no more sufficient for the mission than 2 divisions. There is no valid reason to continue to accept our adverse European balance-of-payments costs in pursuit of the butterfly of conventional war capability in Central Europe. Russia could as soon defend Mexico from a U.S. conventional attack. The answer to Soviet attack in Western Europe will of necessity be nuclear regardless of whether we have 4⅓ divisions or 2 divisions stationed there. But with 2 divisions and a smaller overall force we have more options before having to resort to nuclear war to defend a large number of U.S. soldiers. True flexible response in Europe calls for either a greatly increased number of U.S. divisions there, or a smaller number that could be risked if national necessity so dictated.

Mr. MANSFIELD. 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 (Mr. GAMBRELL). Without objection, it is so ordered.

WAIVER OF GERMANENESS RULE—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, the Pastore rule of germaneness has been operating today for a period of 2 hours and 5 minutes at this point. Under the order previously entered, the rule is to expire after a period of 5 hours today.

There are some extenuating circumstances which I wish to call to the attention of the Senate. At the moment, the two parties are having conferences—the Republican conference is meeting, and the Democratic Policy Committee is meeting.

No Senator on the floor presently indicates interest in speaking on the pending business, which is the amendment offered by the distinguished majority leader to H.R. 6531.

The distinguished chairman of the Armed Services Committee and the manager of the bill, the Senator from Mississippi (Mr. STENNIS), has a speech which he wishes to make at this time and which will consume from 45 minutes to an hour.

In the interest of saving the overall time of the Senate—and again I stress that no Senator wishes to speak at this time on the pending business—I therefore, in view of the circumstances I have related, ask unanimous consent that the order of yesterday, recognizing the Senator from Mississippi (Mr. STENNIS) immediately on the expiration of the 5-hour period covered by the germaneness rule, be vacated and that the Senator from Mississippi now be recognized and that the Pastore rule be waived during the time required for the speech by the Senator from Mississippi on a nongermane subject, and, further, that upon completion of the Senator's remarks, the rule then be again invoked, but that the time utilized in the course of the speech by the Senator from Mississippi be counted against the 5 hours under the previous order extending the Pastore rule.

The PRESIDING OFFICER (Mr. GAMBRELL). Is there objection to the request of the Senator from West Virginia?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—it would be understood that no business in connection with the pending bill would be transacted during the period not to exceed 1 hour which will now be consumed by the Senator from Mississippi on another matter, and that no agreements as to time or anything of that kind will be made.

Mr. BYRD of West Virginia. Exactly. I want to make it clear that the time to be consumed by the Senator from Mississippi under the order will be on a nongermane subject, and that when he yields the floor and the time under the Pastore rule again runs on the unfinished business, the time consumed by the Senator from Mississippi will be charged against the overall 5 hours under the previous order governing the operation of the Pastore rule.

The PRESIDING OFFICER (Mr. GAMBRELL). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, first, I want to thank the assistant majority leader, the Senator from West Virginia (Mr. BYRD), for his courtesy in making sure that this will not create a policy or a precedent with regard to the Pastore rule of germaneness.

As the Senator from West Virginia has said, I already had permission to use a certain time today, but due to the situation to which he referred, the time has now come that this hour that can be utilized, and I am delighted at the opportunity to get to speak now on this subject and take advantage of the additional time.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. I thank the Senator for what he has said. The leadership on both sides of the aisle wishes to vary from the reasonable operation of the Pastore rule only when to do so would expedite rather than delay the overall business of the Senate and would be in the interest of saving the time of the Senate and Senators.

Thus, I want to emphasize that it is with due consideration that we have asked to waive this rule, but, under the circumstances which have been related, I think it is well justified.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

(The remarks of Mr. STENNIS when he introduced S.J. Res. 95 and the ensuing colloquy appear in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WEICKER). 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. TALMADGE. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the pending amendment.

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

Mr. TALMADGE. Mr. President, I rise in support of the pending amendment. For some 25 years now, our Nation has maintained approximately half a million troops and their dependents in Western Europe primarily for the defense of Western Europe.

It must be remembered that many of these servicemen and their dependents have different customs, different rates of pay, different standards, and different religions from people in the nations where they have been quartered for 25 years.

What has been the result?

Under those conditions, it is understandable that when foreign troops are quartered in a country, they are bound to cause friction.

We can best understand what those frictions might be, if the situation were reversed. Suppose we had foreign troops quartered in Pennsylvania, or Virginia, or Georgia, with their different customs and different standards of living, and most of them single and many of them overly attentive to some of our wives and daughters? Would it not be understandable that friction would arise under those conditions?

Human nature is substantially the same everywhere. We saw a good many years ago the slogan in Western Europe, "Americans Go Home." Dissatisfaction in many quarters was quite intense. De Gaulle, when he was chief of state in his country kicked us out of France—no doubt primarily for political reasons because of the friction that had arisen in his country and among the people of France.

The ill will and friction caused when soldiers are quartered in a foreign country for 25 years following the end of the war which necessitated their being quartered there in the first place, leads me to the conclusion that it is time to reconsider the reasons why our troops were domiciled in that country.

Those troops have been there primarily for the defense of Western Europe.

What is the situation today with reference to manpower?

Western Europe has more manpower than has the United States of America.

What is the situation economically?

The countries of Western Europe have greater gold reserves than has the United States of America. Germany alone has more dollars at the present time than the United States has in gold at Fort Knox.

What is the situation with reference to unemployment?

The United States has more unemployment than any country in Western Europe where our soldiers are there primarily for the purpose of protecting them.

What has it done to our economy?

We have some $42 billion overseas at the present time, all of which is a potential gold demand upon the United States.

What about our gold reserves?

We have roughly $10 billion plus. In other words, our short-term foreign liabilities at the present time amount to

four times as much as the gold we have available to pay them.

If any bank in the United States, whether a Federal or national bank, was operating under those conditions, the Comptroller of the Currency, if it were a Federal bank or the State director of a State bank, would close down those financial institutions before sundown.

Mr. President, I think the time has come for us to change our policy.

The countries that we are there to defend have refused to support the dollar because they have more dollars than they need. I heard on the radio as I came to work this morning, that the American dollar has been devalued in European countries anywhere from 4 to 7 percent. The reason it has been devalued is that they have more dollars than they have any need for, and they are fearful that the dollar cannot be exchanged for gold or something of equal value.

Mr. President, I say, under those conditions, that it is time for further consideration of this particular matter.

We have been fighting a war now in Southeast Asia for approximately 10 years. The present cost of that war, I am informed, is about $14 billion a year. That is about the exact cost of maintaining our troops in Western Europe for 1 year.

The people we are trying to protect in Western Europe have done nothing to support our war efforts in Southeast Asia. On the contrary, they have been extremely critical. Their commercial transactions with China and their commercial transactions with North Vietnam continue.

Accordingly Mr. President, if we are to preserve the stability of our dollar, if we are to preserve the stability of our economy, if we are to protect ourselves economically, it is time to reappraise this policy of having some half a million troops together with their dependents quartered in Western Europe, 25 years after World War II is over.

We should bring back home at least 50 percent of our troops and, in doing so, we could save approximately $7 billion a year.

For 19 of the past 21 years, we have had a deficit in our balance of payments. The reason we have had that deficit in our balance of payments is that the United States of America, since the conclusion of World War II, has tried to act as policeman for the whole world. We have tried to act as banker for the whole world, and we have tried to act as Santa Claus for the whole world. Mr. President, we have only 6 percent of the world's population. It is beyond the capacity of 6 percent of the world's population to try to act as policeman, Santa Claus, and banker for the other 94 percent.

Mr. President, this is an issue that has been pending in the Senate now for some several years. I have cosponsored a resolution, along, with the majority leader in previous Congresses. But this is the first opportunity that this Senate has had an opportunity to vote on this issue.

I am amazed that a Government that cannot balance its budget, that cannot balance its payments for 19 out of the past 21 years, would continue to act as the primary guardian for western Europe, where they have more manpower, more gold reserves, and less unemployment than we have.

I would hope that the Senate, by an overwhelming majority, would approve the pending amendment.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. 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. SCOTT. Mr. President, I rise in support of H.R. 6531, a bill to extend for 2 years the Selective Service System and to increase pay and allowances in the Armed Forces.

Mr. President, I have long advocated the creation of an all-volunteer army. I believe that the future interests of our Nation can best be served by the elimination of the draft.

Unfortunately, in view of the shortfall of enlistees in relation to the complement essential to the Armed Forces, this is not the time to embark on the complete elimination of the draft and the creation of a totally volunteer army.

The bill before us contains a number of provisions that are incentives to an all-volunteer force. The substantial increases in pay and the bonuses for voluntary enlistment and reenlistment are designed to make military service attractive to our youth and bring the creation of a volunteer army closer to fruition.

Much will be said on this floor in the days ahead about eliminating the draft completely or extending it for only 1 year. I believe that both positions are unrealistic at this time. Before we can have an all-volunteer army, we must institute the incentives to make military service attractive. This bill does that, I believe, and we should give it a chance.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCOTT. Mr. President, on its face, a 1-year extension seems attractive. But upon closer scrutiny it becomes clear that our present military commitments make a single year extension of the authority to raise needed forces through the draft unrealistic.

The President is winding down the war. In my personal assessment, I do not believe we will be maintaining armed forces in Southeast Asia when the 2-year extension provided in this legislation expires. That fact, coupled with the experience gained in administering the pending provisions for 2 years will make a strong case for ending the draft and creating an all volunteer Army in 1973.

I am at this time offering an amendment calling upon the Secretary of Defense to report to the Armed Services Committees of the Senate and the House by June 30, 1972, giving his assessment of how effective the provisions of this bill have been in raising enlistments in the Armed Forces. I would hope this Amendment will be acceptable to the distinguished chairman of the Armed Services Committee and to the members of the committee. I ask unanimous consent that the text of this amendment be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SCOTT. Mr. President, I would like to make a statement for the record at this time. In the spring of 1973, unless world conditions are substantially changed, and unless the Secretary of Defense in his report which my amendment requires, gives positive proof that a volunteer army is an impossibility, I will not vote to extend the draft again.

In conclusion, Mr. President, let me commend the Senator from Mississippi (Mr. STENNIS) for his excellent presentation and the untiring efforts made to bring this bill to the floor of the Senate.

Also, Mr. President, I want to pay high tribute to the gentlewoman from Maine, ranking Republican on the Armed Services Committee (Mrs. SMITH), for her usual thoroughness, devotion to the committee and her effective contribution to the eventual passage of this important legislation.

I urge my colleagues to support H.R. 6531.

EXHIBIT 1

On page 41, following line 4, insert the following new Title:

TITLE IV—VOLUNTEER FORCES

SEC. 401. Not later than June 30, 1972, the Secretary of Defense will report to the Chairmen of the Armed Services Committees of the Senate and of the House of Representatives on the effectiveness of the provisions of Title II of this bill in increasing the number of volunteers enlisting in the active duty uniformed services of the United States.

PUBLIC OPINION POLLS ON GETTING OUT OF THE WAR IN VIETNAM

Mr. SCOTT. Mr. President, earlier today, as bearing on the draft, I pointed out a poll taken of the views of the American people on getting out of the war in Vietnam and how they think we can end the commitment of all of our forces, including draftees. These questions were asked as a direct result of my suggestion that such questions be asked by poll takers in order to get a true picture of the will of the American people, as distinguished from the oversimplification we hear in this Chamber when it is stated that over 70 percent of the American people want us out of the war by the end of this year. I think 100 percent of the American people would like to be out of the war now. Therefore, a question like this simply appeals to the war weariness, the emotions, and the

fatigue of the American people with an unpopular war.

But look at what happens when the American people are asked that question and are then asked to reflect on three other questions. Here is what happens and this is what the opinion research people discovered when they ask my type question.

True enough, when the people are asked, "A proposal has been made in Congress to require the United States Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?" The people respond in their fairness and 68 percent answer yes, 20 percent no, and 12 percent have no opinion.

Then, here comes the next question. They are asked to reflect. "Do you support President Nixon in his plan to end the war in Southeast Asia?" With a fine disregard to their reaction to the other question, 72 percent answer yes, 18 percent answer no, and 10 percent have no opinion.

So the poll taker says, "Would you favor the withdrawal of all United States troops by the end of 1971, even if it meant a Communist take-over of South Vietnam?" At this point the people fall back in horror and react quite another way: Yes, 29 percent; no, 55 percent; and 16 percent, no opinion.

So another 16 percent have moved over to the no opinion column in order to contemplate the seriousness of the question.

Finally, there is the question which we consistently say this Congress has to face: "Would you favor withdrawal of all United States troops by the end of 1971, even if it threatened the lives and safety of the U.S. POW's held by North Vietnam?" There is the question. At that point the compassion, the innate concern of the American people makes itself felt. The no opinion drops back to 14 percent. Those in favor of withdrawal, even if it threatened the lives and safety of American POW's, find themselves in a cruel minority of 11 percent. These are the ones who do not care what happens. But the people who would not favor withdrawal if it threatened the lives or safety of U.S. POW's held by North Vietnam came to 75 percent. Let us remember that 70 to 75 percent say, "Let us not abandon our prisoners of war." Seventy-five percent say adequate means of take-over. Seventy-two percent say they favor the President's way of ending the war.

Granting the inconsistency of the other statement, to my mind all it means is that when you ask the American people to balance all the facts and circumstances, they say overwhelmingly, "We believe the President is doing the right thing." They say overwhelmingly, "Give the people of South Vietnam some chance to defend themselves from Communist takeover." They say, "By no means abandon the prisoners of war."

This is the second time today I have made this statement. I am going to keep making it until I see it in print.

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

Mr. SCOTT. I am glad to yield to the Senator from Alaska. It may help me to get these comments in the newspapers.

Mr. GRAVEL. In connection with POW's, does my colleague from Pennsylvania, who obviously has access to higher sources than I, have any information that the North Vietnamese Government would not do the same thing by the United States as they have done by the French, who had considerably in excess of 10,000 prisoners—in fact, the French lost 10,000 troops at Dien Bien Phu alone. They were incarcerated and it was only months after that, when the French said they were going to leave, that at the initiative of General Giap he said, "If you French are leaving be sure you take your prisoners with you."

Does the Senator from Pennsylvania have some information we are not aware of that they would not do this?

Mr. SCOTT. There is no way of knowing what the North Vietnamese will do. There is a difference. The difference is when the French left they agreed to leave the government to the people of Vietnam. They were dealing with a government which thought it was going to control all of Vietnam. They were leaving a government which had no reason to hold French prisoners as bargaining pawns to bring about the termination of activities by other forces. I have no way to know whether the North Vietnamese would not act in this situation as they did with the French on the matter of POW's, but neither have I any way of knowing they would act as they did with regard to the people of South Vietnam and North Vietnam when they proceeded to execute over 100,000 of their own Vietnamese people as soon as they got the French out. I have great respect for the French but at that time they reacted with war weariness.

The United States certainly does not want to face the future of the French. Moreover, my figure of 100,000 is minimal, since one of the young revolutionaries—he defined himself with that term before the Foreign Relations Committee—says the figure should be 195,000 rather than 100,000 for all of Vietnam, north and south together.

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

Mr. SCOTT. I yield.

Mr. GRAVEL. I would like to ask the Senator a question. I am not familiar with the figure. I was not at the hearing of the Foreign Relations Committee. So I am prepared to defer and accept that figure as accurate, because I have a high regard for the reputation of my friend from Pennsylvania.

Perhaps my friend could enlighten me as to the amount of butchery that took place in Cambodia after the invasion by American troops. We all read in Life magazine about it and saw pictures of Cambodians or Vietnamese floating down the rivers. Who committed those atrocities? Were those atrocities committed by the Vietcong, or did I read that it was some other? I was under the impression that this was done by the Cambodians and South Vietmanese because of the long-standing hatreds between them. In addition to that, there were atrocities which apparently were not occasioned by ourselves. I have heard a rumor—I do not know whether it is accurate; probably my friend does—that there were over 1 million butchered in Vietnam in the purges committed by that bulwark of capitalism that stands at our side. Maybe my friend could enlighten me on the butcheries that took place in those areas.

Mr. SCOTT. I can only say that atrocities are bad no matter who commits them. Atrocities are committed by people both civilized and uncivilized, regrettably.

The only figure I call to mind in Vietnam which was reported—we do not know whether it is true—was that 500,000 people were slaughtered in the Indonesian warfare which took place between the Communists and the other supporters of the Dictator Sukarno and those who overthrew one of the most repressed and tyrannical regimes in modern history.

As to Cambodia, I think we both made it clear that those were not atrocities which Americans committed; that undoubtedly they were slaughtered during the time the Cambodians were trying to increase their little army from 50,000 to 200,000; that that slaughter certainly was committed by the free Khmer, so-called, or the Communist forces; was contributed to by the North Vietnamese; and may indeed have been contributed to by Cambodians in opposition to them.

It only underscores the inevitable horror of war and the extremities to which they go. But I do not think that justifies the bloodthirstiness of Hanoi and the murder of people by them after Dien Bien Phu. They are still murdering them. They killed 3,000 at Hue when they had temporary occupation of that place.

Mr. GRAVEL. I think my colleague misunderstood me. My point was not to justify it anywhere in the world. As I intepreted my colleague, the Senator from Pennsylvania, he was trying to make the point that the reason why we have to stay in Vietnam was, first, to assure the security of that government and, second, to make sure no atrocities were committed.

If that is the reason why we are in Vietnam, the President should have sent some troops into Indonesia, because there were purges of a greater scale that took place there. I wonder about the dichotomy of the logic that has been employed by my friend.

Mr. SCOTT. I reply that it was not this President who was faced with the Indonesian problem, which was growing, festering, and burst out into flames, but another President. I myself think it unfortunate that we intervene this Nation everywhere in the world. It is unfortunate that we are engaged, even though by invitation, in Indochina.

I do think the point should be made that I was not arguing that we should give the South Vietnamese an assurance that they will be successful when we leave, but that we give them a fair and reasonable opportunity of defending themselves and of protecting themselves against atrocities.

Take, for instance, the Catholics who fled from the north and in large number now live in the south and are well rep-

resented in the South Vietnamese Parliament. Those Catholics learned that they and their friends are marked for the first to be slaughtered by the Communists if the Communists can get at them.

Mr. GRAVEL. On that point I dispute my colleague, because there are 1,700,000 Catholics in the north. Why would they be slaughtered? Why should the Catholics in the south, if the south were to become Communist, be slaughtered any more than the Catholics already living in the north?

Mr. SCOTT. I can answer that by saying because the Catholics in the south who were refugees left the north because some of their own families and fellow merchants were slaughtered, and some were successful in getting away. They are now convinced that they are on the purge list, the slaughter list, the blacklist, and they want to keep from getting killed.

Mr. GRAVEL. I do not think that answers my point. There are 1,700,000 Catholics in North Vietnam. They are obviously on somebody's list because they are Catholics. If the point is that because Catholics live in South Vietnam, they are going to be killed if the Americans leave, I cannot relate that to the fact that there are Catholics in North Vietnam now who are not being killed.

Mr. SCOTT. The Catholics who live in the north have made their peace with the North Vietnamese. They have gotten themselves into government or into industry, and they have found there are ways of surviving. But those who fled put a mark on themselves by the act of fleeing, by running away from the Communists, by voting with their feet, by seeking a refuge in the south, and in so doing, they are marked people, unless the government which has given them sanctuary and refuge is sustained.

Mr. GRAVEL. Would it not be less expensive for the United States to take those Catholics who were refugees into this country, as we have done in other places in the world? Would it not be less expensive to leave Vietnam tomorrow, load all those people onto ships, and give them 160 acres and $5,000 to get a grubstake in the United Sates. Would it not be less expensive to do that than to continue what we are doing?

Mr. SCOTT. I will reply by giving the Senator's answer to that: If we are going to do that for Indochina, why not do it for Burma? If we are going to do it for Burma, why not do it for any other country? If we do it for everybody else, why not do it for Mainland China and everybody else who wants to come to our country? And how many hundreds of billions of dollars does the Senator intend to appropriate in order to displace American working men from their jobs while these 1,700,000 Catholics, plus the other 5 million who wish to come, plus the 40 or 80 million who want to leave Indochina or other countries there and become American citizens?

Mr. GRAVEL. I agree with my colleague that it is an unbelievable argument and that it cannot be made. The argument cannot be made that we can afford to absorb them. Nor can the argument be made, similarly, that we have to fight for them, because if we fight for them in Vietnam we have to do it every place else in the world.

Mr. SCOTT. My argument is not that we continue to fight for them, but that we stop fighting for them and get out of there, but get out of there under such conditions as will assure them of an even and reasonable chance of protecting themselves in their own home.

Mr. GRAVEL. What is an even and reasonable chance?

Mr. SCOTT. An even and reasonable chance is being demonstrated by the President in the withdrawing of our troops. They are down to 270,000. By next October there should not be a force in South Vietnam capable of undertaking an incursion or offensive action.

We will be moving into a strictly defensive position. The last full division of American forces constituted for that kind of action is now in process of coming out, and by the same period next year, there will be no Americans in Vietnam, in my judgment, other than a small body of supportive or protective forces, and there may not even be those by the end of 1972, if we can get the prisoners of war out. So this President is doing what no other President, as far as I know, ever could do or even seriously thought of doing.

Mr. GRAVEL. Now that the Senator is talking about getting out——

Mr. SCOTT. Does not the Senator agree that we are getting out?

Mr. GRAVEL. No. I think we are withdrawing troops; I do not agree that we are getting out. I think that is the whole issue. I think many others have the same point of view as I.

Let us go to the definition of what "out" means. Let me ask the Senator from Pennsylvania—and I am sure he is informed on this question—does the term "getting out" with all these troops include the Air Force element that we have in Thailand, which is bombing South Vietnam almost daily? Is that a part of the definition of "getting out?" Will those troops also be withdrawn, or will they continue to bomb South Vietnam or North Vietnam elements, or continue to sustain the threat of bombing North Vietnam which our President has made?

Mr. SCOTT. The Senator is abandoning his argument about Indonesia now, and, having lost that argument, he is moving over to Thailand?

Mr. GRAVEL. I am not prepared to say I have lost the argument. I agree that my colleague is a very able debater, but I will not accept that statement.

Mr. SCOTT. We love each other; we know that, but the Senator has lost his argument, and is moving to Thailand.

Mr. GRAVEL. Will the Senator state the point I lost? I would like to know what it is.

Mr. SCOTT. I think the Senator has lost his argument that we are not really getting out of Southeast Asia. I say we are. Now the Senator says, "All right, let us not talk about that any more, let us talk about Thailand."

Mr. GRAVEL. Well, let us not move to Thailand. Let us stay right there.

Mr. SCOTT. The Senator does not want my answer about Thailand?

Mr. GRAVEL. No, let us stay in Vietnam for a while. It is early in the afternoon.

Mr. SCOTT. The Senator has time to spend.

Mr. GRAVEL. Is the Senator from Pennsylvania prepared to give me assurance about when, first, we will have zero Americans there? In other words, we will have our American Ambassador and the employees it takes to take care of the American Embassy, but no more involvement other than that. When will we see that day?

Mr. SCOTT. When we have the prisoners of war out, and when we are convinced that we have given these people a chance to defend themselves, we will move from a military force less than we now have in Korea to a force only essential to our Embassy.

Mr. GRAVEL. The Senator put a qualifier there. The qualifier is "when we have assurance that the present government will survive." Supposing those assurances are not available to us for 10 years; is the Senator from Pennsylvania telling me we are prepared to stay there for 10 years, to guarantee the success of this government?

Mr. SCOTT. I will say to the Senator from Alaska that I do not know whether he will be here in 1973 or whether I will be here in 1973, but God willing I will be here in 1973, because I was elected to be here. If the Senator will ask me the question at that time, I will be able to tell him that we have withdrawn our forces from Vietnam.

Mr. GRAVEL. But I am asking the question now. It was the Senator, not myself, who put up the proviso that he made, a clear proviso for all to see, that when that government is viable we will withdraw to zero.

When the Senator made that proviso, I placed a quid pro quo, a very simple and logical one: If that takes 10 years, is the Senator telling me and the American people that we are going to be there 10 years, under some type of formula which does not offend the public consciousness?

Mr. SCOTT. Well, not to put too short a phrase on it, no.

Mr. GRAVEL. What is the Senator saying, then, in that regard?

Mr. SCOTT. I am saying we have no intention whatever of being there in 10 years, or 5 years, or 4 years.

Mr. GRAVEL. Of course, it is not intentions we are talking of, it is facts.

Mr. SCOTT. The Senator is engaging, now, in debaters' points.

Mr. GRAVEL. I hope not. The Senator from Pennsylvania just took me to the cleaners with a debater's point by saying he had won when he had not won. Are we back on the same old ground?

Mr. SCOTT. Evidently the Senator is more anxious to win than to be logical.

Mr. GRAVEL. Far from it. We are talking about lives, and it is not a question of winning or losing. Human beings at this instant are dying in Southeast Asia, as a result of our policy as a nation, and we stand here responsible for that action.

Mr. SCOTT. But we do not stand here idle. We stand here doing what no one else has done, namely, getting out. The Senator presses me for a calendar date.

Mr. GRAVEL. No, I do not press for a calendar date.

Mr. SCOTT. Let me finish. I do not yield until I have a chance to reply to at least a fragment of the Senator's argument. Let me finish. I understand the Senator to say that he wants facts, and what he wants to know is, when are we getting out?

I say he will get that from Hanoi better than he will get it from the United States, because only Hanoi knows when they will release the prisoners of war. Only Hanoi knows when they are able to take aggressive action in the north. Only Hanoi knows when they will make it possible for us to talk seriously at Paris.

Now, what do we know? We know this President is getting us out, that by October we will have two-thirds of the troops out who were originally there by number, that we are ahead of schedule in the withdrawal, that we will be next year be down to, at most, a minimal supportive force, probably less than we now have in Korea; and I say, in answer to the Senator's question, that we will not even have them there if, by the end of 1972, we have a prisoner of war agreement, because it is my judgment that by that time the South Vietnamese will be able to have a fair and even chance of defending themselves. That is all I am saying.

Mr. GRAVEL. Jumping to the other point—and I wish to come back to this point again——

Mr. SCOTT. I have not forgotten Thailand.

Mr. GRAVEL. My colleague has not addressed himself to the point that I raised, so let me raise it again.

If we are bombing them into oblivion, can we say—I think it is false rhetoric to say it—that we are out? Because if we are bombing them, and they shoot down our planes and capture the aviators, they are obviously not going to give them back to us. So let us put the prisoner of war argument aside for the moment. I think what in fact would happen is what happened to the French, because history is very clear on that. When the French said they were going to get out, within months, the North Vietnamese said, "Not only are you going to get out, but take your prisoners with you."

Mr. SCOTT. "To leave us free to slaughter our neighbors," which they did.

Mr. GRAVEL. Mr. President, I have listened to my colleague very patiently——

Mr. SCOTT. The Senator has forgotten that I have the floor.

Mr. GRAVEL. Because I have great respect for his words. But let me restate his position, the position of the President of the United States and the Senator from Pennsylvania, which is very simply that we will get out, with the proviso, the qualification, that we have a secure government in South Vietnam.

I posed the question that if it takes 10 years—and that is not an improbable conjecture, because if you look at the record, we had over 500,000 troops in South Vietnam, and the populations of North Vietnam and South Vietnam are about the same, so if South Vietnam, with 500,000 American troops and with total air cover, could not cut the mustard in the last 3 years, how could we expect that in the next 10 years they could cut the mustard?

My quid pro quo is that if the Senator says our Nation will get down to zero when we are sure that government has a chance, then I ask, supposing that takes 10 years, is the Senator telling me and the American people that we are going to be there for 10 years?

Mr. SCOTT. Well, now, give me a chance to answer because the Senator is not debating me, he is debating himself. I never said "a secure government," so we can knock that strawman down. I said to give them an even fair chance of defending themselves. And I never said 10 years; I said 2 years in all probability; and I have over and over again made the point that we are not saying that we can trust Hanoi. The Senator from Alaska is arguing that point, that Hanoi will give us back the prisoners of war in 3 weeks. He has not a shred of evidence to sustain it, except that it happened when the French got out. But when the French got out, Hanoi did not think anybody was left to prevent their depredations in the south and extension of their control of the whole country. Now they know somebody is left—an army of a million people is left—and that army will have, at the end of this 2-year period, 2 more years of training; and that army, in my opinion, is going to be able to give a good account of itself, and probably will be able to save their country from the Communists. But if they cannot, at that point that is their business. We will have done honorably everything we can do to give them that chance.

Mr. GRAVEL. The Senator put the same proviso on it, a slight change of rhetoric, and here it is—a fair chance. A fair chance of success, I assume?

Mr. SCOTT. No, not success—a fair chance.

Mr. GRAVEL. My question is, when will we make the determination that they have a fair chance at success? That could take 10 years, based upon our experience in the last four. If that is the case, is my colleague prepared to back up the administration to stay there for 10 years?

Mr. SCOTT. No, of course not.

Mr. GRAVEL. Everybody is very religious in the rhetoric they use, and they leave the trapdoor open.

Mr. SCOTT. The Senator is either being opaque or oblique, and I cannot make up my mind which. What he is trying to get me to say is that we will be there 10 years, and I do not know any better way to say that than "no."

Mr. GRAVEL. Five years?

Mr. SCOTT. No. Pull it down? Four years? No. Three years? No, in all probability.

Mr. GRAVEL. Then, 2 years is what you settle on?

Mr. SCOTT. It is unlikely that we will be there beyond that.

Mr. GRAVEL. Two years is what you settle on?

Mr. SCOTT. Yes.

Mr. GRAVEL. Is 2 years going to be zero, no more than the ambassador and the maid?

Mr. SCOTT. You need two maids, I think.

Mr. GRAVEL. I would be happy to vote for two maids in Saigon or Hanoi, wherever the capital might be.

Mr. SCOTT. I think this president is leading us to a zero commitment, if that is what you are asking me. Then there will be an election, and I do not know who the next president will be there. If it is the present one or another, he will be presented with a far simpler situation. We will be out, and we hope they do not get us back into anything else. Our President will not, in my opinion.

Mr. GRAVEL. Does your terminology of "out" include the Air Force and bombing? Here is the crux of the problem. When the French got out, they got out. O-u-t is what happened. They got out. What we say is that we want to get out, but we do not tell them how we are going to get out; and the President is very scrupulous in his language to make sure that the threat of bombing to obliteration is there.

I ask the Senator, when the President says, "out," does he mean no more bombing?

Mr. SCOTT. The way the French went out considerably lowered their standing in the world powers, because they did not find out what was going to happen next.

Mr. GRAVEL. The French character has improved since they got out of Vietnam and since they got out of Algeria.

Mr. SCOTT. I am not talking about their character. I am talking about their stature and their status.

The Senator leads me on and on, so I go back. Question No. 1: "Do you support President Nixon in his plan to end the war in Southeast Asia?" Seventy-two, yes; 18, no; 10, no opinion. The Senator continues to address himself to the 18 percent. That is why I say you are on the losing side.

Mr. GRAVEL. My colleague is taking an oblique stand when he accuses me of doing so, and he is doing it with a sleight of hand that is very skillful.

Mr. SCOTT. I thank the Senator.

Mr. GRAVEL. If we can return to the issue, does "out" by definition include the air force, too—no bombing, no cover, no American planes? Does "out" mean no American involvement? Let the South Vietnamese fight the North Vietnamese all alone. Is that what he means by "out"?

Mr. SCOTT. Yes. I hope the Senator is listening this time, and I will try once more.

The President has said that his objective is total and complete withdrawal of all American participation in Vietnam. I share that commitment, and that, in my opinion, is going to be reached. You do not like provisos, but I did not make them. Hanoi made the proviso and did not let us have the POW's. I want the POW's out, and so do the American people.

Mr. GRAVEL. Then, we can go on the record at this point that, one, the definition of "out" that the President speaks

of, from your information, is zero—no ground forces, no Air Force, no Navy. Is that what we are talking about as zero? That is what the French were talking about.

Mr. SCOTT. The Navy perhaps is already out. Does the Senator want to abolish the 7th Fleet? Offer an amendment and see how many votes you get.

Mr. GRAVEL. No, I do not want to abolish the 7th Fleet. I think we need the 7th Fleet. We need a strong Navy and a strong Marine Corps and a strong Army, and I love those forces.

Mr. SCOTT. I am a naval officer. Do not ask me to abolish the Navy.

Mr. GRAVEL. I am just as proud of the Army as you are of the Navy, and I love the Army.

Mr. SCOTT. Let us not abolish either one. Let us not go crazy.

Mr. GRAVEL. My tack is to get to the bottom——

Mr. SCOTT. I do not think you have a tack. I think you have a nail, and I think you are trying to drive a nail in your argument, but you are not hitting the nail with the hammer.

Mr. GRAVEL. We are hitting the nail very well this afternoon. I have never read anything this extensive on this entire subject. I think we have a definition of what the administration means by "out." The President has not gone as far, but I cannot think of anyone in this Chamber who is closer to the President than you are.

Mr. SCOTT. The President has gone as far.

Mr. GRAVEL. Can you refresh my memory as to when the President has said "out," meaning out Navy, Marine Corps, Army, and out everything, except the Ambassador and two maids? Can you tell me when the President said it that clearly?

Mr. SCOTT. I am afraid that if the President called you on the telephone and told you that right now, you would not believe it.

Mr. GRAVEL. Yes, I would.

Mr. SCOTT. He has told the American people, and you just were not around. You were looking at the sports program that night.

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair enforce the rule that Senators refer to one another in the third person, rather than in the second person.

The PRESIDING OFFICER. The Senators are so admonished.

The Chair would also appreciate it if the Senators would address their questions through the Chair.

Mr. SCOTT. I suppose, Mr. President, we have to abandon the informality here, in which we should not indulge. Hereafter, I will say, "Does the Senator from Alaska favor the survival of the 7th Fleet?" The Senator from Alaska will say, "Yes," he favors the survival of the 7th Fleet, but he wants to talk about Thailand.

Then I ask the Senator from Alaska not talk about Thailand. In Thailand we are reducing our forces. In Thailand we have a treaty, unlike the Indochina situation. In Thailand we have been asked to be there, in accordance with the terms of that treaty. If the Senator does not like the treaty, he can move on the Senate floor to abrogate it.

Mr. GRAVEL. Let me say first, that the familiarity I exercised with my colleague from Pennsylvania is one of affection, and nothing more than that. But I think it is important that we follow the rules, and I feel sad that I cannot find ways to express this affection more strongly.

Referring to Thailand and the defense of Thailand and the commitment we have there, does that commitment require 30,000 troops, in the opinion of the Senator?

Mr. SCOTT. It requires whatever agreement we have made with Thailand.

Mr. GRAVEL. Does the Senator from Pennsylvania suggest that the agreement we have is a figure of 30,000 men?

Mr. SCOTT. I have nothing to do or to say about the number of troops which appear in Thailand in accordance with the treaty. The Senator probably knows more about how many troops are there than I do, because he may have been there counting them. I do not know what is adequate. I only know that the Thais tell the United States and the United States makes the judgment. Under that judgment, Thailand for a thousand years has been a free nation and is continuing to be a free nation. I think the Thais know what they are doing in having an agreement with the United States. They do not trust many people, and that is how they have stayed free.

Mr. GRAVEL. Certainly, the Senator cannot rest on that alone. We sit here talking about troop levels, about the draft, and whether we will press people into service. I cannot accept brushing off the figure of 30,000 to some underling in the administration. As a Senator, I want to know why we have to have 30,000 American troops in Thailand. What kind of agreement do we have which requires that number?

Then I wonder why most of the bombing that takes place in South Vietnam comes from Thai bases. If somebody is saying we are going to have zero in South Vietnam but we are going to keep a treaty requirement and keep an inflated figure of troops there to offer an aerial threat to North Vietnam and occasionally just bomb them to keep them alert, and then hope that they will give us our prisoners back—I do not see that logic. My first question is simple: Why do we have to have 30,000 troops in Thailand? What kind of agreement is it that requires that? Is it penciled in on that agreement? If it is, then that agreement should immediately come into question before this body, before we make a decision on the draft.

Mr. SCOTT. The Senator from Alaska has the same sources of information that I have. I suggest that he can go to the Armed Services Committee or to the Committee on Foreign Relations. He might get a different story from each one but, so far as I am concerned, he can pursue this further there; and, so far as I am concerned, Mr. President, I have another engagement and I am yielding the floor now.

Mr. GRAVEL. Before the Senator yields the floor, may I graciously thank him for this fine colloquy. If nothing else, it is a reaffirmation of the friendship and affection I hold for the distinguished Senator from Pennsylvania.

Mr. SCOTT. There is no question about it; the Senator from Alaska and I enjoy each other's company and are perfectly good friends. We simply have to agree to disagree on some of these matters. The Senator is conducting a filibuster, I am not. So, I am going somewhere else and wish the Senator would go somewhere else, too [Laughter.]

Mr. STENNIS. Mr. President, I shall briefly address myself, off the cuff, so to speak, to the amendment offered by the Senator from Montana with reference to troops in Western Europe being reduced by December 31 of this year to 150,000.

In a general way, I am familiar with that situation there, and have been for several years.

In 1968, I went to the NATO Conference in Brussels and made some preparation in advance for that trip and took part in the proceedings for the purpose of getting more familiar with the situation, the needs, and what our relationship to NATO really was. I have never been enthusiastic about our keeping great numbers of troops over there but I am fully convinced that we have to.

Of course, we all know that the distinguished Senator from Montana (Mr. MANSFIELD) is earnest and sincere and has worked on this for many years; but it is also true, Mr. President, that many of us have worked on it have also been greatly impressed with the general success of the NATO agreement.

Our foreign policy since World War II has cost us a great deal of money and a great deal of time and effort, but our policies on behalf of the free world in Western Europe have been highly successful. I made some remarks today about what we have gotten into elsewhere but, by contrast, I think that we have made the difference there, not only with the Berlin airlift, the Berlin Wall, but in other matters. A great deal has been accomplished on the plus side which offsets the amount of money we have spent there.

Mr. President, I am going to be fortified later with figures to back up some of these things I am going to say, but I do not have them now. Let me point out, first, that under the resolution, reducing our troops in Europe to 150,000 instead of 300,000, in round numbers, does not propose to save very much money in the operation of our Armed Forces. Those men and their dependents with them, who will be brought back here, so far as this resolution is concerned, will still be in the service. There may be some savings and I shall try to get the estimates of the amounts, but it is not a great deal, unless further reductions can be made in the total number of our military services.

By contrast, the bill itself carries on the actual reduction in our forces by the

numbers that have already been explained. For a full year's run this would amount to well above half a billion dollars in savings.

I strongly favor that much of a reduction. I believe that, rather rapidly thereafter, we could make even more of a reduction.

So let us start out with the fact that this is not going to be a great amount of saving—certainly not the elimination of 150,000 troops and the expense that would go with that.

On this matter of the balance of payments, which I think is a strong point—it is the strongest point behind this resolution—I do not have with me at the moment any figures, but let me point out in these off-the-cuff remarks that there are other contributing factors to the balance-of-payments problem.

One is the American manufacturers who are over there with their subsidiaries and branches and related items. Another factor that contributes to our balance-of-payments deficit there is the enormous amount of money that Americans spend there each year as tourists. I do not know just what the figures are, but I will get them and make them available. It goes a long way toward offsetting the charge that is being laid at the door solely of the military.

Another point involved is that the German Government in particular has made certain offset payments and has a treaty or an agreement—I do not know, offhand, just know long it will last—but they are making now what we call offset payments; that is, enough to make a dent in the balance of payments and reduce it some.

As I say, we will get the substance of that agreement for the benefit of this debate and get as much of the figures on it as we can.

As I stated, I went to the NATO Brussels Conference in 1968 and took a strong position, if I may describe it as such, that there had to be a greater contribution on the part of our NATO allies in Western Europe in regard to manpower and money—that is, the things that cost money—and that we were expecting them to move in that direction. We debated this thing in our committee, as we would here, and then we had plenary sessions, and they were willing to put me on the agenda, as it is called there. I took as strong a position as I knew how, consistent with the facts.

They have made headway. The executive department was represented there, taking the same position. That was in 1968.

In 1969 and 1970, the executive department took a stronger position. I believe they called an executive conference. Secretary of Defense Laird was there one of those years. Now there has been a new agreement that is the equivalent of about a $1 billion additional contribution which is to come from those allies—not in money directly paid into the Treasury, but it is being put up—some of it—perhaps a great part of it—in military construction costs and the furnishing of items of that kind.

So, there is positive effort. There is no deadheading. There is some improvement on the part of these NATO allies in Western Europe. I had hoped there would be more. I was expecting more, to be frank about it. However, certainly there has been a substantial change, and it is on the good side.

Mr. President, I went over there right after the invasion of Czechoslovakia. I am not immune to being affected by compassion or emotions or excitement on occasion. However, at least I have had enough experiences in that field to be what one might call an experienced investigator. I wanted to go in there and get the feeling of the situation.

On a rainy day, accompanied by one of the finest military officers I have ever found anywhere—one who certainly had nothing to sell—we went up and down the field where our men were in training and where members of the German army were in training. This was in the forest there next to the Czechoslovakian border.

We had planned in the afternoon to fly back and forth in a helicopter so that we could see those Soviet troops who were then occupying Czechoslovakia. Rain intervened, and I did not see them. However, I got the feel of the situation. This is a sensation that one has, and the realization comes to one that he has never had before, being out there in the field with the men. I am very glad indeed that we were there represented by what they call conventional forces—that is, less than nuclear weapons.

Some think that the only thing we should supply there should be nuclear weapons and a nuclear umbrella, so to speak; the airpower, and so forth. I would no longer be willing to settle merely for that.

None of those people in Western Europe have any control over our nuclear weapons. They feel that the only defense they have, that they have any control over or can do anything about, are the conventional forces. With our being in there with them, the fact that we are there, that our machine guns, our tanks, our men, and our armament are present, that in and of itself helps.

Mr. President, if the situation were reversed, we would then really know how they felt about having a strong ally sharing in this conventional deterrent—sharing in a military force that was not going to be totally destructive to both sides if it were turned loose.

That gives them the feeling that we are there and sharing in this system. It is a great source of satisfaction and inspiration and encouragement to them so that they will not submit to blackmail and not go over to the other side and not give up.

Mr. President, I came away without anyone trying to sell me anything. I was prouder than I had ever been for our part in this chance to help a free Europe and a free western world get back on its feet and continue as part of the free world.

I look upon our efforts there since World War II as highly successful, whereas, unfortunately, I do not think we have been so successful in other parts of the world.

Mr. President, that leads me up to this thought. I know that all these arguments are going to be made, and I am interested, too, in getting some reductions over there if we can do so in a proper way. However, this thought I have been expressing here leads up to this point of view. Whatever we do now, my position here is the same as it was in the committee. Whatever we do, let us not do anything precipitately or rush action by just a meat ax approach, with a mandatory reduction within 5 months. With all due deference to everyone, that is an extreme position. It does not represent a sound policy.

So, whatever we do now, let us not be precipitate. Let us be reasonable. Let us give this assurance and have the faith that those people have had. Let us let this continue and not just throw it overboard and stop it in this way just because we think they have not done as much as they should. We do not want to do that. No one intends to do that.

Take those people in Greece. One can say what he wants to about their present form of government. If I were looking for an ideal form of government, I would not pick theirs. However, as soldiers they have proven their ability to cover their part of a mutual defense compact. They have done exceptionally well. So has Turkey. Certainly their government is not anything that I would want to model our government by.

I say this with all due respect to them. However, if this is done preciptiously, what will they think? What will be the effect on those people? Can they still have assurance that we will continue to help? I do not think anyone wants to withdraw. However, what will they say? Will they say, "After all, maybe we had better make terms or begin to make terms." Can anyone give a definite answer to the contrary? I do not think so.

What about these people in Germany. Some say, "Well, they have been getting a free ride." Perhaps we have been contributing too much of the cost. However, I tell the Senate right now that a great part of the strength of European NATO is right there in Western Germany. One gets the feel of that. I speak with due deference to the others.

I think that whatever they might have meant to us in the past, in World War I and World War II, they are the ones that have meant the difference since World War II in trying to keep conditions there such that there would be a free world. And they are entitled to tremendous credit.

I went over there and told them 2½ years ago that I thought they would have to do more. I did not spare anything. However, I certainly do not want anything done in this way, drastically, or precipitately, to start any kind of wave there. This is a matter of international agreements or international policy.

Think how much this is tied to them. I do not have any doubt in my mind that our fleet in the Mediterranean, our presence in Western Europe, or elsewhere, is the most stabilizing influence for all

of these nations and even in the Mideast. I am no expert on the Mideast. I am no expert on anything. I do not aspire to be. But we have some knowledge of those things and some judgment of it.

I think that an abject withdrawal of half of these troops by the passage of this resolution will be a very dangerous thing to do.

If it must be done, if nothing less is going to satisfy Congress, let us give someone a mandate to proceed—and I say the President—and do this in a fashion that will not destroy the good that has been done and the strength that has been built up through this alliance—whatever we decide the percentage is going to be.

This is just not the way to do it. I know these matters are very sensitive. I imagine that the passage of this amendment would bring great merriment to the Soviets and those in the Middle East who are not friendly to us. I think it will bring merriment to those people and doubt to the others.

On the other hand, I think the same reduction could be made, if it must be made, in a more diplomatic way, a more understanding way, and in a more reasonable way, and avoid the dangers that I feel compelled to point out. If done on a constructive basis there will continue to be the protection to them and to us that there was originally intended to be.

I want to reduce our forces and put more emphasis on quality rather than numbers of our manpower. We are making a start in this bill but I believe this is one of the worst possible approaches to take. Precipitate action would destroy what has been built up over the years at great expense and, as I have said, leave those people. I do not know how long it would take to repair the damage.

I do not wish to be repetitive but I say for emphasis that approached in the right way I believe some reduction could be made over a span of time and good could be accomplished in that way without accomplishing the bad results along the lines I have discussed.

I will yield the floor if the Senator from Maryland wishes to speak.

Mr. MATHIAS. Mr. President, I appreciate the kindness of the distinguished Senator in yielding the floor. I have been following his argument with great interest. I think he made his presentation with great force. This is a subject which I have been studying very closely for the past several years.

I think all of us would like to see a reduction of forces, not only in Europe but also around the world. It is one of the goals Congress must have and it is one I am sure the President has. But this is an unfortunate moment in the history of the world to alter the balance of power rapidly. We have the initiation of East-West talks in Europe, the so-called Brandt Ostpolitik, and the SALT talks.

We have serious questions with respect to the armed forces in Europe. These are matters I would like to speak on at some length. I do not intend to do so at this time. I do have an amendment.

Mr. STENNIS. Mr. President, would the Senator yield at that point?

Mr. MATHIAS. I yield.

Mr. STENNIS. The Senator mentioned SALT. Unquestionably, I agree; and this is a major part of the reason why there should be no precipitate action. It would be pulling the rug out from under the policy of the United States.

Mr. MATHIAS. I thank the Senator from Mississippi for his intervention.

Mr. President, the amendment I am about to offer is in effect a substitute for the Mansfield amendment. It is language that I hope the Senate will adopt in lieu of the Mansfield amendment.

It declares that:

The Congress hereby finds that, under continuing review within the North Atlantic Treaty Organization, negotiations undertaken by its members aimed at relaxing tensions in Europe and improving East-West relations should be continued and encouraged; that in support of such negotiations, the Congress endorses the declared intention of the President to maintain the necessary level of United States armed forces in Europe; that the Congress affirms its support of the President's program to consult on a regular basis with America's European allies, individually and severally, regarding the total compass of America's relationship with Europe; and that significant changes in the level of United States forces in Europe should not be made without full consultation with the Congress.

AMENDMENT NO. 87

Mr. President, I offer the amendment as a substitute for the Mansfield amendment.

The PRESIDING OFFICER. The amendment will be read.

The amendment was read, as follows:

In lieu of the language proposed to be added at the end of the bill by Mr. Mansfield, insert a new title as follows:

TITLE IV—UNITED STATES ROLE IN THE NORTH ATLANTIC TREATY ORGANIZATION

SEC. 401. The Congress hereby finds that, under continuing review within the North Atlantic Treaty Organization, negotiations undertaken by its members aimed at relaxing tensions in Europe and improving East-West relations should be continued and encouraged; that in support of such negotiations, the Congress endorses the declared intention of the President to maintain the necessary level of United States armed forces in Europe; that the Congress affirms its support of the President's program to consult on a regular basis with America's European allies, individually and severally, regarding the total compass of America's relationship with Europe; and that significant changes in the level of United States forces in Europe should not be made without full consultation with the Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRAVEL. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Maryland (Mr. MATHIAS) as a substitute for the amendment of the Senator from Montana (Mr. MANSFIELD).

Mr. GRAVEL. We have a substitute amendment before us. That is the pending business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, on the pending business, I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment offered by the majority leader, the Senator from Montana (Mr. MANSFIELD), to H.R. 6531: Senators CHURCH, SYMINGTON, HUGHES, FULBRIGHT, PASTORE, MOSS, and BYRD of West Virginia.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

EXPIRATION OF TIME UNDER GERMANESS RULE

Mr. BYRD of West Virginia. Mr. President, has the period for the operation of the Pastore rule today now expired?

The PRESIDING OFFICER. It has.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from a Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Amendments to the Convention (Executive C, 92d Congress, first session), transmitted to the Senate today by the President of the United States, and that the protocol, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Amendments to the Convention, dated October 6, 1970.

I transmit also, for the information of the Senate, the report by the Secretary of State with respect to the Protocol.

The 1949 International Convention for

the Northwest Atlantic Fisheries contains no provisions for its amendment. Nevertheless, it has been found necessary to amend the Convention six times during the past 16 years and other amendments have been considered. Though every amendment adopted by the Commission which was established by the Convention has eventually entered into force, with the exception of one that is pending, these changes have generally been accomplished by means of treaties requiring approval by all parties to the Convention.

A more expeditious method of amending the Convention was considered desirable, and the United States, as Depositary Government, was requested in 1969 to examine this matter. Accordingly, the United States prepared a draft Protocol and submitted it to the 1970 Annual Meeting of the Commission. The Commission amended this proposal to simplify its procedures, which are described in the report by the Secretary of State, and adopted it without opposition.

It is hoped that this Protocol would overcome problems which have been encountered in securing ratification from Governments which have not objected to amendments but which for one reason or another have been slow in taking action on them.

Since a significant proportion of the area to which the Convention applies lies off our coast, and because it is important to our fishermen and to the entire Nation that the International Convention for the Northwest Atlantic Fisheries operate as effectively as possible, I recommend that the Senate give early and favorable consideration to the ratification of this Protocol.

RICHARD NIXON.

THE WHITE HOUSE, *May 11, 1971.*

ORDER FOR RECOGNITION OF SENATOR BELLMON, SENATOR GRIFFIN, AND SENATOR JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks by the distinguished Senator from Connecticut (Mr. WEICKER), the distinguished Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 15 minutes; that he be followed by the distinguished Senator from Michigan (Mr. GRIFFIN) for not to exceed 15 minutes; and that he be followed by the distinguished Senator from New York (Mr. JAVITS) for not to exceed 15 minutes—all of which will transpire prior to the recognition of the Senator from Alaska (Mr. GRAVEL) under the previous order.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. JAVITS when he introduced S. 1830 appear in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

CONVENTION ON ACTS OF TERRORISM AND EXTORTION OF INTERNATIONAL SIGNIFICANCE AND TAX CONVENTION WITH JAPAN—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance, signed at Washington on February 2, 1971—executive D, 92d Congress, first session—and the Tax Convention of March 8, 1971, with Japan—Executive E, 92d Congress, first session—transmitted to the Senate today by the President of the United States, and that the conventions, together with the President's messages, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

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

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance, signed at Washington on February 2, 1971.

I transmit also for the information of the Senate the report of the Acting Secretary of State with respect to the Convention.

Kidnapping and other crimes against foreign officials have become increasingly serious threats to the normal conduct of international relations. The kidnapping of officials for extortion purposes is a barbarous development which should be of serious concern to all civilized nations regardless of their political persuasion.

The General Assembly of the Organization of American States met in Washington last January for the specific purpose of dealing with this and other aspects of international terrorism. The Assembly faced the difficult task of preparing a convention which would provide both a clear statement condemning such acts and a mechanism for dealing effectively with those who perpetrate them. The Convention to which the Assembly agreed makes a significant contribution to international law. It represents an important first step in the development of effective moral and legal deterrents to crimes against diplomats and other foreign officials.

Although drafted within the forum of the Organization of American States, the Convention provides for accession by both member and non-member nations. I hope it will be ratified promptly by all its signatories and eventually by other states as well. The United States has supported and will continue to support actions which strengthen international cooperation to prevent and punish these terrorist acts.

In my report on foreign policy delivered to you on February 25, 1971, I made the following observations:

> "In some tragic cases, the forces of change take on extreme forms—hijacking, kidnapping, and terrorism. These are acts of desperation, morally bankrupt. The nations of the inter-American community recently signed a Convention dealing with their prevention and punishment. We hope that others will join in this commitment, and that its coverage will reach beyond the hemisphere."

Prompt United States action is necessary to signify our strong support of this position. I recommend, therefore, that the Senate give early and favorable consideration to the ratification of this Convention.

RICHARD NIXON.

THE WHITE HOUSE, *May 11, 1971.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and Japan for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Tokyo on March 8, 1971.

For the information of the Senate, I transmit also the report of the Acting Secretary of State with respect to the convention and copies of two exchanges of notes of March 8, 1971, relating to understandings in regard to certain provisions of the convention, as explained in the Secretary's report.

The existing income-tax convention of April 16, 1954, with Japan, as modified and supplemented by protocols of May 7, 1960, and August 14, 1962, would be terminated and replaced by the new convention upon the coming into force of the latter.

The new convention follows in general the pattern of bilateral income-tax conventions now in force between the United States and a number of other countries and reflects changes in United States and Japanese tax laws and recent developments in treaty policy of the two countries. So far as policy and technical considerations permit, the convention follows the model draft convention of the Organization for Economic Cooperation and Development published in 1963. The substance of the new convention with Japan is similar to that of income-tax conventions recently concluded by the

United States with France, Finland, and Belgium, except with respect to maximum rates on investment income. The Senate has given its advice and consent to those three conventions; the conventions with France and Finland have been brought into force.

In general, the maximum rates of taxation on investment income provided in the new convention with Japan are the same as those in the existing (1954) convention. Some of the major changes from the existing convention which are regarded as substantive improvements are outlined in the Secretary's report.

The convention has the approval of the Department of State and the Department of the Treasury.

I recommend that the Senate give early and favorable consideration to the convention.

RICHARD NIXON.

THE WHITE HOUSE, *May 11, 1971.*

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and 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. DOMINICK. Mr. President, earlier today I had the pleasure of listening to the distinguished majority leader offer his amendment which was designed to say that no appropriations would be passed which would fund more than 150,000 troops in Europe after December 31, 1971.

We have at the present time some 333,000 troops there with their dependents. The total American presence there in terms of military plus dependents, therefore, comes to about 525,000 people. We have maintained this force, or a larger force than this, for 25 years now, ever since World War II.

We now have more troops in Europe than we have in any other area of the world, even though meanwhile we have been involved in two other wars in Asia.

I made a speech approximately 6 years ago before the International Order of the Rotary in Denver, where many of our friends were. I pointed out at that time that the NATO allies had not met their commitments for NATO defense forces, that they showed no desire to meet them for the future, and that a balance-of-payments problem had been created for us by virtue of the maintenance of our umbrella over Western Europe.

I pointed out that I personally thought this was a big mistake, both on their part and on ours.

I was on the floor of the Senate a few years ago when the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), submitted his sense of the Senate resolution that we should have a substantial reduction of forces in Europe.

I was the second sponsor of that resolution for the very reasons I have been mentioning. I am not sure that is the reason that the distinguished majority leader submitted it. I am not sure that he is as concerned about the threat to Europe as I am. However, I am very much concerned. I do not believe we will ever get our Western allies to handle their fair share of their defense unless we show that, while they are withdrawing their troops from the Western Alliance, figuring on a fast defense if necessary, that we can do the same thing.

On the other hand, I do not believe that the amendment which the Senator from Montana has submitted at this point is correct.

What it does, is substitute the judgment of the Senate for the judgment of the President of the United States, who, under the Constitution, is responsible for determining what force levels need to be in what places in order to assure the defense of the American people.

I believe that for that reason, even though it is couched in terms of a cutback in appropriations, we are denigrating the authority of the President to perform the very duty he swore to perform when he took office.

As a result, earlier today I introduced a substitute which simply said that it is the sense of the Senate that continued strength of the American forces, plus their dependents, in the European Theater, under the NATO Alliance was creating a very substantial balance of payments problem for us and that it is the sense of the Senate that a substantial reduction in those forces should be made without in any way denigrating our commitments insofar as the NATO Alliance is concerned.

There are several factors to be considered.

One is the factor that our allies need to know that we are going to maintain our commitments under the NATO Alliance in the event of an attack by the Soviet Union.

The second is the factor that they have not met their commitments.

The third is that we have the ability, through fast airlift and prepositioning of supplies, to be able to come to their reinforcement as rapidly as possible in the event of conventional attack in the European Theater.

This would not be law. It would not cut back on the right of the Appropriations Committee to determine what it wants to do. All it would do would be to indicate the sense of the Senate, which I believe is here, that we have had too many forces for too long in Europe and that some steps should be taken to reduce them.

Without revealing any names, I have had an opportunity to discuss this matter with some European friends. They have indicated quite clearly that in their opinion it would be a very drastic mistake to remove the minor forces we have in Berlin, which is psychological. We should also keep adequate forces there to indicate that we are still going to meet our commitments in the event we are called on, if someone should get more adventurous than we now hope will be the case.

Mr. President, it is for that reason that I introduced the substitute for the Mansfield proposal today. I have also read the substitute proposed by my good friend, the Senator from Maryland (Mr. MATHIAS). That is also a sense of the Senate resolution. However, that sense of the Senate resolution has one phrase in it which I hope I can get him to modify before he calls it up for a vote. That is, that there should be no change in the force level without a full consultation with Congress.

The difficulty with that, as I see it, is that the Senate, therefore, puts itself on record that in the event of an attack during this period of time, the President, at least in the sense of the Senate, would have to come to Congress to determine whether he could even meet the NATO commitments by either increasing our force levels or by increasing the strength of our armament which he might need to withstand an attack.

It is for that reason that I think that particular substitute for the Mansfield proposal should be modified. I hope to take steps later on to bring this matter to the attention of the Senate. I have no idea whether I can persuade the Senator to do it or not. However, I will try.

In the event that fails and in the event the measure of the Senator from Maryland should fail, I would hope that we could come to the one which I have offered and have a rather quick vote on it.

It seems to me that this is an important area, but that it deals with constitutional restrictions on our part and an impairment of the President's right on the other part which he has sworn to uphold in order to defend this country, namely, where, when, and how he is going to place his troops. This really is the responsibility of the President, the National Security Council and the Department of Defense, far more, it seems to me, than the Senate.

I certainly hope the Senator from Montana, for whom I have great respect and affection, will not be successful in his amendment. Rather, I hope that at least one of the two resolutions expressing the sense of Congress be agreed to, either the Mathias resolution as modified, or if that fails, the one I advocate which calls for substantial reductions, and which leaves it up to the President

and National Security Council, where I think it properly belongs.

Mr. STENNIS. Mr. President, I am interested, indeed, in the remarks of the Senator from Colorado. As he said, he has been a party to many sense of the Senate resolutions before. I am glad he has done so again, and that this measure will be debated along with the others.

Mr. President, I have some hastily gathered figures that are certainly subject to revision. They are estimates at best, but we did not know this matter was going to be the pending business today and I did not have available all of the material.

I am advised that the balance-of-payments deficit resulting from our NATO commitment is not really as large as has been alleged in some places.

In the first place, about 80 percent of all the cost of our forces that are devoted and pledged to NATO is spent in the United States, since a great part of those forces so committed to NATO are stationed in the United States. I mention that to bring out the rest of the picture about the NATO forces.

One often hears the expression that NATO costs us $14 billion a year. There are ways to figure those costs, and I think when the $14 billion figure is used, it includes other costs in addition to what we spend in Western Europe. A great many of the forces which are committed to NATO are in the United States.

Our gross deficit in 1970 was about $1.7 billion resulting from our NATO commitments, and $0.8 billion of that, or $800 million, which is all but $900 million, was offset by European purchases and financial arrangements.

I assume these are the correct figures. We will check them and if they are not correct they will be corrected in the morning.

Mr. President, the current monetary crisis is not caused by our troops in NATO and we will not help that crisis very much if we split the alliance or take the chance of splitting the alliance.

Finally, withdrawing our troops from Europe would cost about $1.2 billion extra, with transportation costs and extra equipment that would be required for the troops at home in the way of housing, and items of that nature. So this is not all a one-sided picture. It is expensive and it runs up and it has cost us a great deal since World War II. But it has been worth a great deal and sizable progress has been made in trimming these costs.

I repeat that I am interested in this matter, in some kind of plan, if the Senate and Congress want to be placed in this picture rather than having just the negative emphasis on money. We can get some kind of arrangement where Congress is represented on an analysis basis and final recommendation of some kind in negotiations with these other countries. I personally know a great deal has been done in this direction in the last several years.

I am not willing now to take such precipitate action as this and I think it would be a great mistake. Not only would it upset our allies over there by taking such action so abruptly but I think great emphasis should be placed on the situation with respect to the SALT talks. We would be pulling the rug out from under the President and I think we can see many things that would be a repudiation of our policy and a diminution of our Nation's influence, prestige and position.

So whatever might be the ultimate level of our troops, the amount of money spent there, let us proceed with the caution that the subject demands. Let us proceed with the deliberation that a sensitive matter like this demands, and which is expected. It is all right to rock the boat some. That is all right as a general proposition, but which boat would we be rocking? We know how delicate the situation is with respect to the SALT talks, and we have some idea what we could expect in the Middle East.

Whatever is done, let it be deliberate, planned, and under the leadership of the Chief Executive and with Congress more directly involved. That would suit me. But I say with great deference that on this manpower bill we should not have a hobbling amendment that cuts into the very heart and vitals of our foreign policy, our international agreements, and our position in that area of the world.

I do not have to repeat it, but I remind Senators that I am not an internationalist, wanting to do everything for everyone and pay all the bills. During most of the period I have been here that is what we had been doing much of. I think we are getting our feet on the ground now.

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

Mr. STENNIS. I yield.

Mr. DOMINICK. Mr. President, I want to congratulate the Senator on his comments. I think they are most appropriate insofar as the Mansfield amendment is concerned.

I also want to congratulate him on leading the committee so that the average strength level of our force for fiscal 1972 is going to be reduced by 56,000 men, if we are able to get this bill through. I think that is the first important step we have taken in that area. I know the Senator is going to seek to have personnel hearings to see what he can do later on. So I congratulate him on that.

Mr. STENNIS. I thank the Senator, but the Senator is entitled to as much credit as I am on the subject.

Mr. DOMINICK. If we do reduce the number of troops in the European theater by action of the proper authorities—which I think are the National Security Council and the Defense Department, and not the Senate, even though we think they should be reduced—we would, by bringing them back, not be substantially increasing the cost overall, in view of the reduction in the total forces we have already proposed. We will have that to consider and conjure in the course of the appropriation process.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I yield the floor at this time.

Mr. GRAVEL. Mr. President, I would like to put something in the RECORD at this time. For me it is probably an unusual item to insert in the RECORD, but it is one I am proud to insert in the RECORD. It is an article written in the New York Times by the gentleman that I defeated for the office I now hold, the former Senator Ernest Gruening, who has written what I think is a fine editorial.

Let me add this comment. I have made it publicly on numerous occasions, but I have never made it publicly in this Chamber. Ever since I became acquainted with Senator Gruening back in 1956—in fact, I met him 2 months after I had arrived in the State of Alaska; I had occasion to be his driver as he was going around the political circuit in Anchorage—I considered myself a protege of his for a number of years. We obviously had a parting of the ways, because I chose to run against him; but in running against him I tried to conduct my campaign on a plane that demonstrated the high esteem that I held him in, and still do hold him in.

In my mind, he is one of the great Alaskans that we have. I think he is one of the great Americans. I think his service here in the Senate of the United States was a tenure that is worthy of great praise. I think that he will go down in history as one of the two Senators who voted against the Tonkin Gulf resolution. Certainly, this is a demonstration of his great wisdom and ability and vision to look ahead and see problems much before many others were able to see them.

I am proud to say that when he did vote against the Tonkin Gulf resolution, I was in the State legislature as a State representative. Though I was not broadly known throughout the State, I did enjoy some political reputation in my own community. I put that reputation at that point in time on the line in speaking on numerous occasions—in fact, at every opportunity I had publicly, on television, in political gatherings, and at other gatherings—in praise of him for his vote on the Tonkin Gulf resolution, because I felt he was right then, and I still think now he was right.

I ask unanimous consent to have printed in the RECORD at this point the editorial entitled "End the Draft—Now." It shows the continued resilience, agility of mind, and great wisdom that I think he has.

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

[From The New York Times, May 5, 1971]

END THE DRAFT—NOW

(By Ernest Gruening)

WASHINGTON.—Continuation of the draft when the Selective Service Act expires on June 30 is now planned by the White House. This move is, of course, supported by the Pentagon, but the decision rests with the Congress.

If Congress does not act, if either House fails to vote for extension, no more of our young men will be conscripted for service in Southeast Asia or elsewhere. Congress could, alternatively, repeal the Selective Service

Act enacted 23 years ago, and Senate Joint Resolution 20, sponsored by Senators Hatfield, McGovern, Cranston, Church and Proxmire, would do just that.

For those who, like this writer, feel that the draft should at the very least be made inapplicable to Southeast Asia, and, preferably, totally abolished, there is the apprehension that the Administration will promise, as Mr. Nixon did in 1968, to offer a volunteer army as a substitute, but will argue that the draft must be extended for a year or two in order to effect the transition. I hope the Congress will not fall into that trap. And let me say, parenthetically, that the present and past attempts to "reform" the draft are meaningless and futile. It is the draft itself that constitutes the injustice.

We should be reminded that for by far the greater-portion of our national life we had no conscription. The millions who emigrated from the Old World came in part to get away from the compulsory military service designed to further the ambitions of monarchies, and attracted by the absence of such compulsory service in "the land of freedom." Only briefly in times of war—the Civil War, World Wars I and II—was there a draft until, for the first time, peacetime conscription was established by Congress in 1948. It can scarcely be argued successfully that our nation has fared better under this departure from time-honored precedent.

The draft—for this war—has posed an unconscionable problem to the prospective draftee. It has been a major factor in campus unrest, in the alienation of our youth, and together with the war itself, the chief contributor to the national malaise. Our young people have come to realize that military service in Indochina is not service in defense of our country.

Since the exposures of the 1968 hearings of the Senate Foreign Relations Committee, people have learned that the Congress was misled by White House misrepresentations of what occurred in the Tonkin Gulf in August 1964 into giving President Johnson the unlimited power to wage war as he saw fit in Southeast Asia, with a resulting toll of nearly 50,000 Americans dead, 300,000 wounded, some crippled for life, and all the other unhappy consequences. They should know also that a resolution to achieve what the Tonkin Gulf resolution did had been drafted months before the Tonkin Gulf incident.

Our young people also know that the official allegations that we are there to bring freedom to the Vietnamese is made a mockery by the sleezy characters that we are supporting in power in Saigon whose actions are the counterparts of the oppressive tactics we denounce in our adversaries.

So the draftee is required to take part in a war that he considers unjustifiable, immoral and, as more and more is revealed, monstrous; to fight and kill people against whom he feels no grievance and perhaps be killed or maimed himself in the process, with the alternative, if he refuses, to go to jail for five years at hard labor and probable ruin of his future in civil life.

This is an infamous dilemma to which no American, indeed no member of a society that vaunts itself as free, should be subject.

The draftee is uniquely the victim of this injustice. Those who signed up voluntarily in any of the armed services knew when they enlisted they would have to go wherever they were sent.

While in the Senate I tried twice, in 1966 and 1967, to amend the Selective Service Act to provide that no draftees should be sent involuntarily to Southeast Asia without the consent of Congress. These attempts were voted down. Such a bill has now been introduced by Representative William Fitts Ryan of New York. But now that President Nixon has proclaimed for over two years, that he is ending the war, has repeatedly announced troop withdrawals, and Congressional voices echo that, "he's winding it down," what earthly justification is there for sending draftees to the slaughter?

Actually, while campaigning for election, Mr. Nixon said he would end conscription. But fulfillment of that campaign promise appears as elusive as the other campaign promises to end the war.

I am not a lawyer, constitutional or other, but being able to read, I cannot understand why conscription is not the involuntary servitude which the Thirteenth Amendment to the Constitution forbids. Yet the Supreme Court, with the two strict constructionists recently added, has avoided ruling on this crucial issue, and now has further decided, with Douglas alone dissenting, that one can't be a conscientious objector to this obscure war.

With the executive and judicial branches having failed our young men, our hope must rest with the legislative branch. The American people will be watching how their elected representatives in Congress vote on this issue, and who among these older men will sentence more of our boys to die in vain in an utterly discredited cause.

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

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

Mr. STENNIS. Mr. President, with such facts as I have been able to get on such brief notice, I proceed again, with the understanding that by tomorrow morning I will have an opportunity for a further check. These figures I believe to be correct, but if not they will be changed.

The resolution proposed on the Senate floor today, which would force the withdrawal of about 150,000 American troops from Europe within the next 7 months, could, as I have said before, cause a most severe rupture and misunderstanding in the relations between the United States and its European allies, with grave consequences to them and to us. That includes other friendly nations in that area of the world that are not within this alliance. It is extremely important, therefore, that the United States and its allies be able to maintain a conventional deterrent in Europe, so that it will not be necessary for us to plan in all cases, and so that our plans will not be limited to other kinds of weapons.

Moreover, uncertainties in the international situation in the Near East also make absolutely necessary and demand a U.S. posture in that part of the world. We should not let the war in Vietnam mislead us into believing that we have no interest anywhere else in the world.

Moreover, the suggested reductions are based upon a premise that I do not think is correct nor sound, which is that these reductions will result in major cost and balance-of-payments savings for the United States. Here are some figures that I have been able to get on that subject.

We would not save even a very significant portion of the cost of maintaining our Armed Forces by withdrawing the forces from Europe. True, there are savings, fairly small by comparison, in transportation, but there are very significant one-time costs for the United States in making such a rapid and radical redeployment. New equipment must be purchased for units which are brought back, since many of our tanks and heavy vehicles must be left in Europe in stockpiles. Base construction in the United States will be expensive, far more than it has ever been, and transportation costs to bring these forces back will, of course, also be great. That would apply whenever they are brought back, but it would be a demanding item for immediate incurment of costs. Even excluding the cost of new construction, the increased costs produced by redeployment such as that required by the amendment sponsored by the Senator from Montana would be approximately $1.2 billion.

Moreover, it is completely erroneous to argue that there are huge deficits in our balance of payments caused by our forces in Europe. It is very easy to imagine that these are a major factor in the balance-of-payments deficits, and it is often said that the cost of our NATO commitments in Europe is $14 billion a year. That leads the average person to believe that $14 billion of our tax money is spent in Western Europe. Mr. President, that is not correct. The $14 billion for our forces committed to NATO is not spent each year in Europe. Eighty percent of it is spent in the United States. This $14 billion includes the cost of maintaining in the United States units of our military services which might have to be deployed to Europe in a crisis.

The direct costs of our forces in Europe are only about $3 billion; and they produce a gross balance-of-payments deficit of only about $1.7 billion. This $1.7 billion is offset by purchases and other arrangements which our European allies supply, and that totals about $800 million.

Thus, the net deficit is only about $900 million, a figure not even close to the very large totals which are being quoted.

These figures apply to the land area of Western Europe. Our proper remedy in removing even these remaining deficits is to press the Europeans to increase further their offset purchases, not to destroy the NATO Alliance.

Finally, Mr. President, our NATO allies plan a very significant increase and modernization in their conventional forces in 1971 and 1976. About 1,000 tanks, 700 aircraft, and 59 escort ships would be added to their forces under this plan.

Someone might just brush that off and say that is no more than they ought to do. That is true; they ought to be doing this, but it is important that they are planning to do it.

I have been following these conferences

of NATO. I went to one. I do not have time to travel as much as I would like to, but I went to one through a sense of duty, and as I said this afternoon, I took a very vigorous position there that they must do more. I do not believe I made a dent in their armor, but others were over there on the same mission. I was there in 1968, and others were there then from the Johnson administration, I know that for the last 2 years, at least, we have been very urgent indeed on this matter, and now we have these definite promises and commitments.

I feel encouraged by that. As I have said, I am not willing just to leave them alone. I do not want to fail to insist on their stepped-up contributions. We got them to promise to make modern and to replace many of their tanks. That is not paying money into the Treasury, but it certainly is carrying their part. We had to do all that ourselves in the beginning. This thing started back in 1951, as I recall. I was a new member of the Committee on Armed Services then, and we considered the matter of NATO, whether or not we would go in.

The witness who impressed me the most was a gentleman who impressed many other people with his ability to sell an idea. He was then General Eisenhower, later President Eisenhower. I recall a statement he made then. After outlining all this, he said:

Gentlemen, I believe in this so strongly that I am willing to stake my place in history on the success of the outcome of this alliance.

Well, we went into it. He became the first supreme commander. He was the heart and soul of it, and headed it very successfully. It has been successful ever since. I have no doubt that it was successful by any measure, far more so than anything else we have been able to do in post-World War II in foreign policy and in international affairs.

I dislike to just choke it off here, reduce it by half, put it on half rations, more or less—the favorite offspring of America's contribution in international affairs for peace since World War II.

I think that one of the things that contributes to the current monetary crisis is the matter of confidence, especially as it affects interest rates. We will not improve that confidence now by just pitching this alliance overboard. It is my understanding that there is a chance for better understanding of the financial structure in western Europe. The Common Market is making some progress and is destined to make more.

So I think we have to stay with this thing and do our part until we can do better, and I believe that they will continue to make contributions.

Mr. President, I yield the floor.

ORDER FOR RECOGNITION OF SENATOR WEICKER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Connecticut (Mr. WEICKER) be recognized tomorrow immediately following the Senator from New York (Mr. JAVITS), rather than immediately following the Senator from Tennessee (Mr. BROCK).

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, does any Senator wish to speak further today?

Mr. President, I suggest the absence of a quorum. This will be the last quorum. I put the cloakroom on notice in the event any Senator wishes to come to the floor to make a statement before the Senate adjourns.

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 (Mr. TUNNEY.) Without objection, it is so ordered.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. and, following the recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order named:

Senator HUGHES, Senator BROCK, Senator BELLMON, Senator GRIFFIN, Senator JAVITS, Senator WEICKER, and Senator GRAVEL.

Immediately following the remarks of the distinguished Senator from Alaska (Mr. GRAVEL), there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Upon conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, H.R. 6531.

Attention is called to the fact that the Pastore rule of germaneness, paragraph 3, rule 8 of the Standing Rules of the Senate, by previous order, will extend for 5 hours instead of the normal 3 hours, beginning with the laying before the Senate of the unfinished business.

There may be, hopefully, a vote or some votes soon.

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 5 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Wednesday, May 12, 1971, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 11, 1971:

DEPARTMENT OF THE INTERIOR

Nathaniel Pryor Reed, of Florida, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

DIPLOMATIC AND FOREIGN SERVICE

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.

U.S. ADVISORY COMMISSION ON INFORMATION

The following-named persons to be members of the U.S. Advisory Commission on Information for the terms indicated:

For a term expiring January 27, 1973:

Frank Stanton, of New York.

Hobart Lewis, of New York.

For a term of 3 years expiring January 27, 1974:

James A. Michener, of Pennsylvania.

DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning Darrell D. Carter, to be a Foreign Service information officer of class 1, and ending Mrs. Katherine K. Young, to be a Foreign Service information officer of class 6, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Mar. 25, 1971;

The nominations beginning John George Bacon, to be a Foreign Service officer of class 1, and ending Matthew P. Ward, Jr., to be a Foreign Service officer of class 6, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Mar. 25, 1971; and

The nominations beginning J. Donald Blevins, for appointment as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America, and ending Michael M. Sherman, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Mar. 25, 1971.

HOUSE OF REPRESENTATIVES—*Tuesday, May 11, 1971*

The House met at 12 o'clock noon.

Rabbi Oscar L. Bookspan, Temple Hillel B'Nai Torah, West Roxbury, Mass., offered the following prayer:

ברוך אתה יי אלהינו מלך העולם שהחלק מחכמתו לבשר ידם.

Blessed art Thou, O Lord, who has imparted of Thy wisdom to mortals that they administer the welfare of our country. In these difficult and soul-stirring times, we invoke Thy guidance and inspiration upon those charged with the overwhelming responsibility of directing the affairs of this Nation.

To keep America as the land of freedom and equal opportunity for all its citizens, bent upon righteousness, and provide justice with mercy for all its inhabitants, our dedicated Members of Congress need vouchsafed unto them wisdom equal to their task, courage equal to their resolve and mastery equal to the enormity of the problems. Crown their