movement. But to be felt, supporters say, it must be implemented.

At best, the treaty can spur people to take individual action and put pressure on legislators, they add. At worst, says Mr. Corso, "It can be like writing a letter to Santa Claus to ask for peace."

In Dodge City, where Mr. Corso and 417 other students from St. Mary of the Plains College recently endorsed the treaty in a 10-to-1 vote, implementation is slow. Some students are lobbying at Republican Sen. Robert J. Dole's Dodge City office and are pushing to take the treaty before the Dodge City Council for endorsement.

DRAFT RESISTANCE

In Oregon, however, implementation is picking up speed as student supporters move out statewide to get one million pledges from those 18–25-year-olds who say they will vote, but only for candidates favoring immediate U.S. withdrawal from Vietnam.

In Charlottesville, Va., treaty supporters also are moving to implement its "spirit" by rallying behind the Charlottesville pledge, which has been circulating more than a year, The pledge says that when 100,000 people have signed, all signers will commit themselves to draft resistance.

Briefly, the People's Peace Treaty would commit the U.S. to set a date publicly for complete troop withdrawal, followed by a Vietnamese cease-fire agreement and discussions on release of American prisoners and procedures for guaranteeing the safety of withdrawing troops.

According to the proposed treaty terms, the U.S. would also "end the imposition of the Thieu-Ky regime," whereupon the Vietnamese would agree to a provisional coalition government to organize democratic elections. Results of the elections would be binding on all parties.

The greatest support for the treaty so far has come at the university level, where more than 70 colleges have ratified the document through student referendums or student senate votes. Much of the support has come from state and community colleges, relatively new to the forefront of the antiwar movement. Last week delegates to the White House Conference on Youth also endorsed the treaty.

OPPONENTS SPEAK OUT

The peace treaty also has been presented to one state Legislature—Vermont—and several city councils, including Cambridge, Mass., and Montgomery County, Md. In each case, the treaty was modified into a more general plea to "bring the boys home," either by the end of the year or "as soon as possible."

Yet, as proponents of the People's Peace Treaty stir, so do its critics. The State Department has denounced the treaty. So has the Republican National Committee. And so have the Young Americans for Freedom (YAF).

The critics voice three main charges: (1) The treaty is a "product of Hanoi," representing only the North Vietnamese and Viet Cong interests; (2) negotiators of the treaty did not represent a broad base of students either from the United States or from South Vietnam; and (3) endorsement of the treaty could undermine the U.S. Government's efforts at the peace table.

Rep. Richard H. Ichord (D) of Missouri, chairman of the House Internal Security Committee, has declared that "the provisions [of the treaty] are in essence the same terms which have been put forward repeatedly over the past few years by the Communist negotiators in Paris."

Authors of the People's Peace Treaty deny the charges, but do admit that many of the treaty's principles are similar to the Communist proposals. But the authors see these similarities as one of the treaty's strengths, helping to popularize and make understandable the North Vietnamese proposals to the average American.

Tracing the genesis of the Peace Treaty, Frank Greer, a national coordinator and author of the treaty, explains that through correspondence, many U.S. and South Vietnamese students began to see that "there needed to be a way that students over there and over here could coordinate ideas of students of both countries who wanted peace."

Last August, the U.S. National Student Association (NSA) congress voted a mandate for the NSA to explore a negotiated peace treaty with North and South Vietnamese students. They also chose a 15-member delegation to go to Vietnam.

The NSA delegates, however, were refused visas by the South Vietnamese Embassy. So, with the exception of one member, Doug Hostetter, who had applied separately, none of the delegates got into Saigon. They did spend time in Hanoi, however, before going to Paris to hammer out the treaty's final draft.

"The first treaty was written by the South Vietnamese students," explains Mr. Hostetter, who speaks fluent Vietnamese. "The second draft came from Hanoi. In Paris, we Americans worked on the final draft."

The final version was then communicated back to students in Saigon and Hanoi, who approved it.

"Basically, the students' politics [in South Vietnam] are very nationalistic," says Mr. Hostetter, who spent three years doing alternative service with the Mennonites in a small Vietnamese village. "Many are leery of communism, but prefer a coalition with the Communists to Thieu and Ky."

WWDC RECEIVES PRAISE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. HOGAN. Mr. Speaker, on April 16th, the District of Columbia government announced that from that date forward all ambulances shall be equipped with radio telephones that tie in directly with the Fire Department switchboard. Making this addition enables the various ambulance services—both public and private—to communicate instantly with the hospital and thus alert the medical personnel there to the particular needs of the patient being brought in.

Interestingly enough, this idea was espoused 2 years ago in a Radio Station WWDC documentary. Ross Simpson, a newsman for the local station, produced an award-winning documentary, "Definition: Emergency," which gave a searching look into the ambulance service in Washington. Mr. Simpson presented many areas where improvement was desperately needed—one of these areas being communication between ambulances and hospitals. He strongly suggested at that time that ambulances be equipped with radio telephones.

Having introduced legislation in the 91st Congress to establish an Ambulance Service Corps, I am pleased to see the District's emergency ambulance service being revised and improved.

Giving credit where it is due, I commend WWDC and Ross Simpson for their foresight. My only regret is that it took 2 years—and how many lives—for Mr. Simpson's suggestion to be implemented.

SENATE—*Friday, May 14, 1971*

The Senate met at 10 a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

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

O Lord of our life and God of our salvation, consecrate with a sense of Thy presence the way of our labor in this place. Guide by Thy spirit Thy servants who stand in this Chamber, who speak for the many and whose judgments share in determining the Nation's destiny. Scorning narrow partisanship or sectarian dogma make them followers of the larger vision which encompasses the well-being of all the people. Lead them through tension and out of contention into the clear light of Thy will, to the dawning of the one radiant kingdom the only law of which is love and the ruler of which is the sovereign God. 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 14, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BYRD of West Virginia 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 Thursday, May 13, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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 DEFENSE

The assistant legislative clerk read the nominations in the Department of Defense, as follows:

James E. Johnson, of California, to be an Assistant Secretary of the Navy.

Hadlai Austin Hull, of Minnesota, to be an Assistant Secretary of the Army.

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.

U.S. AIR FORCE

The assistant legislative clerk read sundry nominations in the U.S. Air Force.

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

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

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

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.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

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

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

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

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

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

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

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

LEGISLATIVE SESSION

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

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

LAW DAY

Mr. MANSFIELD. Mr. President, the editor and publisher of the Western News of Libby, Mont., an old friend of many years standing, Paul E. Verdon, has written an editorial in the April 29, 1971, issue of that newspaper.

It is entitled "Editorially Speaking," with the subhead "Change Within the Law."

It is a most fitting editorial as it applies to Law Day and as it applies to situations which have developed in the Nation's Capital in recent weeks and throughout the Nation.

Mr. President, I ask unanimous consent that this editorial—a commentary, really—be printed in the RECORD.

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

CHANGE WITHIN THE LAW

Before law existed, man was a snarling, thieving, head-bashing savage who lived entirely by his strength and his wits. Survival indeed was enjoyed only by the fittest.

Long before man learned to record his accomplishments, the need for rules of conduct gave birth to tribal mores. These strictures against the most elementary forms of misconduct were refined, expanded, and modified as human society became more complex.

Development of alphabets and systems of writing made it possible to record the rules, to interpret them, and to disseminate knowledge of them more widely. In the Far East and around the Mediterranean Sea, civilizations based on written codes of law were in existence almost 50 centuries ago.

So, Law Day, slated to be observed Saturday throughout all the nation, has a cultural background rooted in the distant beginning of man's search for a system of regulations that will insure a peaceful society and human freedom and dignity.

Though far from perfect, the American system of justice represents man's farthest advance along the path to full equality of every individual before the law and equal protection for every person.

For 14 years, the legal profession of the United States has joined with others concerned with maintaining responsible freedom to observe Law Day on May 1, a day when Communist countries stage their grandest festivals.

Montana's Law Day proclamation, issued this year by Lt. Gov. Tom Judge, acting for the absent Forrest Anderson, said "The liberty and freedom we enjoy is made possible only through the rule of law . . . A people without law is a nation without freedom or liberty." Montanans were urged to "support the courts and agencies of law enforcement and to utilize the resources of law to improve the quality of life for all Americans."

Law—wisely written, impartially interpreted, vigorously enforced—is the prerequisite of an orderly society. Without law, there is no justice, no freedom.

Working within the political system, respecting the law and following its precepts, all manner of social, economic and governmental improvement is possible. Extremist groups who function outside of or above the law, or who subvert it, cause only chaos. They contribute nothing to orderly solution of the problems of our times.

Within the law—both constitutional and statutory—are the avenues of change.

To dissent within the law is acceptable and encouraged. Changes of lasting benefit will result from orderly processes.

Violent protest only antagonizes the public and makes change more difficult to attain.

No reasonable person will argue that our system is perfect. But our lawfully constituted government is subject to legitimate change, which has been accomplished every time the need was proved.

Preservation of the law is our only assurance of a future of responsible freedom.

CIVIL SERVICE RETIREMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 104, S. 1681.

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

The assistant legislative clerk read as follows:

S. 1681. To liberalize eligibility for cost-of-living increases in civil service retirement annuities.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Post Office and Civil Service with an amendment: On page 2, line 3, following the words "is payable from the"; strike the word "fund" and insert the word "Fund", so as to make the bill read:

S. 1681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8340(c) of title 5, United States Code, is amended—

(1) by renumbering paragraphs (1) and (2) thereof as paragraphs (2) and (3), respectively; and

(2) by inserting immediately above paragraph (2) (renumbered as such by paragraph (1) of this section), the following new paragraph:

"(1) An annuity (except a deferred annuity under section 8338 of this title or any other provision of law) which—

"(A) is payable from the Fund to an employee or Member who retires, or to the widow or widower of a deceased employee or Member; and

"(B) has a commencing date after the effective date of the then last preceding annuity increase under subsection (b) of this section;

shall not be less than the annuity which would have been payable if the commencing date of such annuity had been the effective date of the then last preceding annuity increase under subsection (b) of this section.

In the administration of this paragraph, an employee or a deceased employee shall be deemed, for the purposes of section 8339(m) of this title, to have to his credit, on the effective date of the then last preceding annuity increase under subsection (b) of this section, a number of days of unused sick leave equal to the number of days of unused sick leave to his credit on the date of his separation from the service.".

SEC. 2. The amendments made by this Act shall apply only with respect to annuities which have a commencing date after the effective date of the first annuity increase under section 8340(b) of title 5, United States Code, which occurs on or after the date of enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–103), explaining the purposes of the measure.

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

PURPOSE

This legislation would permit an employee or Member of Congress eligible for an immediate, retirement annuity after a cost-of-living increase is effective, but before the next cost-of-living increase effective date, to retire and receive an annuity not less than it would have been had he been eligible and retired before the effective date. Also, the survivor annuity of an employee or Member who dies after the cost-of-living increase effective date would not be less than it would have been had it commenced on or before the effective date.

JUSTIFICATION

The Civil Service Retirement Act provides that whenever the Consumer Price Index shows a 3-percent increase for each of 3 consecutive months over the index for the base month, annuities are adjusted upward by the highest percentage of any of the 3 months plus 1 percent. The increase becomes effective on the first day of the third month following the end of the 3-month period and applies only to annuities commencing on or before the effective date. A survivor annuity is increased the same as an annuity of a retired employee.

Therefore, an employee must be eligible to retire and his annuity must commence on or before the effective date of a cost-of-living increase in order to receive the increase. This bill would permit an employee to retire after the effective date, but prior to the next cost-of-living increase, and receive an annuity not less than it would have been if he had retired prior to the effective date.

An employee who retires on or before the effective date receives a larger annuity than an employee who does not retire until a few days following the effective date, even though both may have the same service beginning date and high 3-year average salary. The same situation exists in computing the survivor annuities for the survivor of an employee who dies immediately prior to the increase date and an employee who dies immediately after.

For example, employee A retires 1 day before the effective date of a cost-of-living increase and receives an annuity of $985 a month. Employee B, not eligible until 1 month later, retires on an annuity of $956, or $29 a month less. Employee B would have to continue working for approximately 6 months in order to recover the amount lost because he was not eligible to retire by the effective date of the increase. This legislation would permit employee B to retire after the effective date and receive not less than he would have received had he retired by the effective date.

The present cost-of-living provisions, providing that the employee must retire prior to the effective date, always produce a great influx of retirement applications immediately before the effective date. For example, the last two increases, effective on November 1, 1969, and August 1, 1970, produced 25,000 and 19,800, retirement applications over the normal number of applications received.

This places tremendous burden on the Civil Service Commission to process these forms. A result is delayed annuity payments at a time when they are most needed by annuitants. S. 1681, by permitting an employee to delay retirement, would distribute more evenly the Commission's workload and thereby speed processing of retirement applications.

Employing agencies would also benefit by the enactment of this legislation. As a result of present "bunching" of retirements immediately prior to an increase effective date, many persons are reemployed as annuitants to complete projects and permit the agency to secure replacements.

COST

Assuming that a 5 percent cost-of-living annuity increase is effective in each fiscal year 1971 through 1980, the unfunded liability would be increased by a little over $92 million. The annual cumulative interest payment due the fund from the Secretary of the Treasury at the end of fiscal year 1981 would be a little over $3 million.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the assistant minority leader desire to be recognized under the standing order?

Mr. GRIFFIN. Yes, Mr. President.

MILITARY SELECTIVE SERVICE ACT—SENATOR MANSFIELD'S AMENDMENT NO. 86

Mr. GRIFFIN. Mr. President, although I have the greatest respect and affection for the majority leader, I must say that the timing of the Mansfield amendment could not have been more unfortunate or inappropriate. This Senate is in danger of going down in history as a Senate which derailed the most promising disarmament talks of our times.

Only this morning, Soviet Party Leader Brezhnev spoke of his interest in negotiating troop withdrawals in central Europe. What possible incentive would he have to pledge Warsaw Pact withdrawals if the Mansfield amendment should be adopted?

Many people may not realize it, but a 50-percent reduction in American forces in Europe would probably require a thin-out of our 6th Fleet. The President simply could not draw down the entire cut from ground forces in Europe. But in any event, such a sudden cut would drastically and unilaterally weaken our military position with respect to the Middle East just at a most promising moment in the long quest for peace between Israel and the Arabs.

The Mansfield amendment is a proposal which would dislodge some of the most important foundation stones of our overseas alliance system—our deterrent against conventional warfare in Europe as well as our deterrent against a big-power war in the Middle East.

Mr. MANSFIELD. If the assistant minority leader will yield, may I say that I was interested in the proposal made by Premier Brezhnev, which I only became aware of just before the Senate convened this morning.

Let me express the hope that this proposal be pursued expeditiously by the administration. If I know President Nixon, I am certain that it will be viewed with the most serious consideration and good faith. It is indeed encouraging and, if ultimately successful, it will bring about a major achievement which the President and many of us here have been seeking to obtain.

At the same time, I would hope that my amendment would be considered on its own. By itself, I believe it has overwhelming merit. I think it should be accepted by the Senate.

Mr. MATHIAS. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I yield to the Senator from Maryland.

Mr. MATHIAS. I want to join the distinguished Senator from Michigan, the acting minority leader, in the views that he has just voiced on the impact of the Brezhnev statement. This has a significant bearing on the pending business of the Senate.

I think it gives us a new view and a new hope that mutual and balanced force reductions are a possibility. I do not believe that we want to pursue any will-o'-the-wisp, but the fact that this has come about at this moment is a fortunate circumstance.

I do not believe it should be either undervalued or overvalued but should be placed in its proper perspective and, as the assistant Republican leader has just said, we should review it as it is.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The time of the assistant minority leader has expired.

Under the previous order, the Senator from Utah (Mr. Moss) is recognized for not to exceed 15 minutes.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT ACT—AMENDMENT

AMENDMENT NO. 91

Mr. MOSS. Mr. President, beginning with the 89th Congress, I have introduced bills to establish a Department of Natural Resources and Environment, and I did so again this year.

Today I submit an amended version of that bill. Its provisions differ somewhat from those of its predecessors, but the essential structure remains the same. The purpose of submitting an amendment to the bill is to make it conform in a number of particulars with the Natural Resources Department bill submitted by the Nixon administration.

The amended provisions will be discussed later.

A more rational agency structure to execute the natural resource responsibilities of the Federal Government has

long been advocated by far-sighted citizens. Moreover, most studies undertaken over the last several decades have led to strong recommendations for consolidation.

But these pleas have fallen on deaf ears. Often it has been argued that however logical such an arrangement might be, the necessary extensive changes would inflict unacceptable wounds on the conservation establishment.

Despite such opposition, however, the pressure of events has moved us in that direction.

I have discussed previously in the Chamber the evolution of the Department of the Interior. Originally, it was a catchall for agencies handling domestic problems. It has evolved, however, into an organization chiefly concerned with management, protection, and administration of natural resources—timber, forage, water, minerals, wildlife, and with the marketing of power and the promotion of outdoor recreation opportunities. The recent Secretaries—Udall, Hickel, and Morton—have looked upon their organization as a resources department. But they have lacked the authority and the designated responsibility to make it one, since resource functions of great magnitude have remained outside Interior. They have been generals commanding only half the troops. The other half have been deployed elsewhere on the field, ordered by different officers.

President Nixon's support of the concept of a Department of Natural Resources offers a shining opportunity to begin anew—to start at the beginning, so to speak, and do this job right.

THE RAPE OF OUR ENVIRONMENT

Fundamental considerations support the establishment of a Federal resources department.

First, perhaps is the terrible toll American progress has exacted from the natural environment.

Just 167 years ago, Lewis and Clark bade goodbye to St. Louis and began their 8,000-mile journey through the wilderness.

St. Louis was then the last outpost of civilization. The existence of the awesome barrier of the Rocky Mountains was hardly suspected. A prime object of their mission was to locate the "Great River of the West," which, it was mistakenly believed, emptied into the Pacific Ocean and completed a navigable route across the continent.

In the next 110 years, we drove the Indian and the buffalo from the plains, the beaver from the mountain streams, and the passenger pigeon from the air. We spanned the continent with rails and built a mature industrial economy.

In the 60 following years we increased the number of automobiles from 540,000 to 71,500,000—157 times increase. And we completed the settlement of 123 million persons west of the Appalachians.

Having done so much in so little time, it is little wonder that we have skinned and exhausted the land—to use Theodore Roosevelt's phrase.

The Senate has heard all too often the grim recital of fouled rivers, smoky skies, scarred hillsides, crowded national parks, disappearing wetlands, and endangered species. We understand that time is running out on this recently virgin land.

A second fundamental reason for the placement of principal resources responsibility in one department is the structure of nature itself.

Robert Frost said that what makes a nation in the beginning is "a good piece of geography." A piece of geography is a unit: Land, water, atmosphere, forests—all are part of the same system. For thousands of years, man's activities left nature relatively unscarred. But as we have put more and more pressure on the environment, a "multiplier" effect has come into play.

In March 1968, Dr. Stanley A. Caine, then Assistant Secretary of the Interior for Fish and Wildlife and Parks, talked about the long-term results of tinkering with the environment. Caine told an Argentine resource conference:

We are still pursuing too many essentially single-purpose programs, running a risk of failure—not necessarily failure to accomplish the narrow objective, but failure to anticipate the consequences of our actions. These consquences, often unexplored side effects, are ignored until they bear down upon us with intolerable changes in the environment. In some cases the costs of these changes may far exceed the direct benefits of a project.

THE NEED FOR A DEPARTMENT

The numerous and complex responsibilities of the Federal Government in the resources field offer numerous other reasons for the establishment of a DNR. These responsibilities include not only resources management, but also construction of public works; establishment of resources policy, both through legislation and through administrative regulations; dissemination of a vast range of information; and the conduct of many kinds of research and development.

Fulfilling such responsibilities for a nation expanding rapidly both in population and production of goods has led to the establishment of vast and numerous programs. Particularly in the last 15 years, responding to the deepening environmental crisis, Congress has enacted a long list of resource development and conservation laws. But most have been limited in scope; that is, they have applied to a single resource, or area of the country, or agency, or project. We have shied away from giving one head to our resource management effort.

It was the absence of such a head—and the resulting lack of coordination and comprehensive planning of our water resources—that was my principal concern when I introduced a Department of Natural Resources bill 5 years ago.

Primary water resources responsibility is still divided among three Federal departments. These are the Department of the Army, the Department of Agriculture, and the Department of the Interior. At one time, there was a fourth—Health, Education, and Welfare—but in 1967 President Johnson, under his reorganization powers, transferred the Water Pollution Control Administration from HEW to Interior. Now there are again four, as President Nixon has moved WPCA to the new Environmental Protection Agency and renamed it the Water Quality Office.

It must be understood that Congress did not set out to confuse water resource responsibilities. The Federal water management agencies were created years ago to solve specific problems and were placed in departments which were deemed appropriate then. The Corps of Engineers was born in the 1820's with an appropriation of $75,000 and an assignment to remove sandbars and "sawyers, planters and snags" in the Mississippi and Ohio Rivers to aid navigation. The Bureau of Reclamation—in the Department of the Interior—was created in 1902 to "reclaim" for agriculture land in 17 Western States.

With the passage of the years, both agencies have expanded greatly and have graduated to multipurpose water resource development.

In 1954 a watershed protection operation which was assigned—perhaps logically at that time—to the Soil Conservation Service put the Department of Agriculture into the water resources picture in a big way. Thus we came to have three major dam-building agencies.

All three engage in river basin planning. In addition, an important independent agency—the Federal Power Commission—also does river basin planning because with it rests the authority to license the dams built by investor-owned power companies.

A higher degree of coordination in water resource planning and management has, of course, been advocated for a long, long time.

But it was only in 1965 that Congress enacted a Water Resources Planning Act. It provided, essentially, a committee of Cabinet officials—assisted by a very competent staff—to coordinate the programs of the great departments in the water field and to make a biennial assessment of the adequacy of the Nation's water supply.

The act was a step forward; but the weakness of the program it established is evident. First, it places responsibility in a committee rather than in an individual. Second, it involves a number of men—Cabinet Secretaries—who have more than full time jobs managing their own departments, and who already serve on several other high level committees. Such an arrangement might have worked 30 years ago. But it is clearly inadequate today, when skillful water resource planning and management are essential to the provision of an adequate supply of clean water.

Administration of public lands is another resource area which suffers from dispersed management responsibility.

At present, the Bureau of Land Management in the Department of the Interior is responsible for the administration of part of our public lands, while most of the remainder is administered by the Forest Service in the Department of Agriculture.

These two agencies now operate under many conflicting policies and procedures which should be coordinated in the interest of good resource management as well as for the convenience of the public.

The management of outdoor recrea-

tion resources is also divided up among major departments. Citizens are frequently surprised to learn that the Army serves more recreation "customers" than any other department. This, of course, results from the millions of visits made each year to the reservoirs built and managed by the Corps of Engineers.

Next in recreation volume is the Department of Agriculture which manages the National Forests. Behind Army and Agriculture trails the Department of the Interior, even though it contains the Bureau of Outdoor Recreation.

The problems of two other resources—the oceans and the estuaries—should also be mentioned.

The sea is a somewhat new frontier in the resource field. In my view, coordinated natural resources programs cannot be set up without recognizing the rich resources of the oceans and the fact that—in management—it is difficult to separate the sea from the land or the ocean from the river which flows into it.

The need for an oceanography program has been well demonstrated. The only question that remains is which department can operate it most efficiently. I believe it fits into a Department of Natural Resources, and I am pleased to support Mr. Nixon's efforts to place it there.

Also the need for a policy to preserve, develop and restore the estuaries of the United States coastal and estuarine zone is well known, and the development and management of such a policy should obviously be directed by a department concerned with ocean and other water resource management.

WHAT WOULD A DNR DO?

Let me now turn to a more detailed examination of these proposals. What should a Department of Natural Resources do? What functions should be assigned to it? What agencies should it contain?

On these points I differ somewhat with the President. Let us examine the variance between my concept and that embodied in the legislation advanced by the administration.

The most significant difference is that my Department of Natural Resources and Environment would include the components of the Environmental Protection Agency—the Water Quality Office, Solid Waste Office, Air Pollution Control Office, Pesticide Office, and Radiation Office. The administration proposal, on the other hand, retains EPA as a separate agency as constituted by Mr. Nixon's reorganization plan of last year. In other words, a basic thrust of the Moss design is the placement—within the same department—of functions governing protection of natural resources as well as those governing development or exploitation of natural resources.

Last July I testified before the Subcommittee on Executive Reorganization of the Committee on Government Operations to offer my views on Mr. Nixon's Reorganization Plans Nos. 3 and 4 which established the Environmental Protection Agency and the National Oceanic and Atmospheric Administration.

I said at that time it would be helpful to have in one agency all of the programs directed to prevention of damage through air and water pollution, solid waste disposal, radiation, or pesticides, just as it would be helpful to place all of the programs dealing with oceanography under one administrator.

But I also said I would consider it more sensible if all our resources development programs could be coordinated with our resource regulation programs.

Let me use a specific example.

A number of coal-fired electric generating plants are in various stages of development in the Four Corners area of the southwest. These will utilize the plentiful coal of the region and water from the Colorado River system.

Some plants may be built on Federal lands, and power directed to population centers. The transmission lines must cross large stretches of public land. Therefore, easements for land use and contracts for water use would have to be negotiated with the Department of Natural Resources as they now must be with the Department of the Interior.

Numerous environmental problems arise, including: Impact of plant construction on sites; discharge of pollutants into the air; disposal of coal waste; location of powerlines—frequently the least expensive route renders a scenic area unsightly; and the return of water to the river system at a temperature higher than that at which it came out.

Should not these questions be considered and resolved by the same department that grants permission for the use of public property? My answer is "Yes."

I question giving authority to negate development programs to agencies that have no responsibility for affirmative action—for getting a job done. My point is that we must give ample consideration to the positive side of our production and consumption problems as well as emphasizing the "Thou shall not" aspects. I am also concerned about letting a new Department of Natural Resources off the hook, so to speak, by giving to another agency responsibility for keeping the air and water pure.

I am concerned about the interaction between protection and development because I recognize that both are essential. In this matter, our Nation is cast on the horns of a dilemma. Like a hero of Greek tragedy, we find only two courses of action open, either of which could be fatal. If we put the brakes on production, we face a sinking standard of living; if we press full steam ahead on production, we may—through pollution—destroy the life-giving environment.

Somehow, the technological and political genius of the American people must be harnessed to give us both development and conservation. Otherwise, American society as we have known it must pass into oblivion.

A THREE-PRONGED ATTACK

To accomplish this dual task, I believe we need a Department of Natural Resources and Environment exercising comprehensive authority. It must have the responsibility and the capability of keeping the environment clean and of developing sufficient resources to maintain an acceptable standard of living. It must lead the Nation into the new paths that must be found—paths that will permit an advanced industrial society to grow and still survive.

It has been argued that placing protection and development functions in the same department could favor exploitation at the expense of conservation. It has been said that a check on project promotion is needed, and that the Environmental Protection Agency provides such a check.

Yet, though I propose only one executive department for natural resources, I do not intend it to be the sole monitor of environmental condition. I would retain the Council on Environmental Quality; and I advocate passage of Senate Joint Resolution 17, to create in the Congress a Joint Committee on the Environment. In brief, this would result in the following arrangement:

First, the Department of Natural Resources and Environment would exercise the operating responsibilities of the Federal Government relating to natural resources development and protection.

Second, the Council on Environmental Quality would exercise present responsibilities which include evaluating the state of the environment and the operation of the department. The Council would also continue to prepare annually the official Environmental Quality Report of the President.

Third, the congressional joint committee would have the responsibility of holding public hearings on the report and of recommending to the legislative committees of the Congress such action as it deemed necessary.

In short, we would have a manager—the Department—a watchdog—the Council—and a legislative investigator—the joint committee.

Such an arrangement, I believe, would constitute a rational solution to the problem of organizing the Federal resource management effort to provide most effectively both protection and development.

INDIANS ARE A HUMAN RESOURCE

A second major difference between the Moss proposal and that of the administration is that I would place the Bureau of Indian Affairs and the Office of Territories in the Department of Health, Education, and Welfare; the adminstration places both in Natural Resources.

For some years, the argument has been advanced that the Indian people themselves prefer to work with Interior, and would therefore choose to be in a Department of Natural Resources, which is presumably more like home than HEW or a new Department of Human Resources.

A second argument for placing the Indian Bureau in DNR is that Indian lands are important resources, and I cannot gainsay that.

But good arguments must give way to better ones. The soil, water, wildlife, and air of the Indan lands must, of course, be conserved, as must all of the physical environment. And such conservation will be a responsibility of the Department of Natural Resources.

But national policy should be encouragement of the Indian to assume a full citizen's role, although, for some period, an additional measure of protection is

required. The administration's own list of the functions of the Bureau of Indian Affairs and the Office of Territories shows a preponderance of nonresource items. This list includes: Natural resources and economic development, education, public health and safety, job training and placement, and community services and facilities.

The Washington Evening Star left little more to be said when it declared:

Surely the Indians belong with the rest of us under a Department of Human Resources.

The rationale for placing the Office of Territories in DNR is, apparently, similar to that for placing the Indian Bureau there. But the arguments against such a location prevail as before. The natural resources of the territories must receive the attention of DNR. But these possessions should be regarded primarily as living space for people, and they should be managed by the agency with responsibility for health, welfare, and education.

There are a number of other—less significant—differences between my previous bill and that proposed by President Nixon. The amendment I am submitting today is consistent with the administration bill in practically all those particulars.

THE ROLE OF THE CORPS OF ENGINEERS

The most important of these differences is the positioning of the Corps of Engineers. Mr. Nixon would place the planning, project evaluation, and policy formulation functions of the corps in Natural Resources. He would fund the civil works program of the corps through the DNR. But he would retain construction, operation, and maintenance of projects under the jurisdiction of the Secretary of the Army. This is a good solution to the thorny problem of maintaining a national defense capability in the corps while providing more highly coordinated water resources planning, and I am pleased to support it.

Mr. Nixon would also include in Natural Resources all of the functions now part of the National Oceanic and Atmospheric Administration, and certain responsibilities now exercised by the Atomic Energy Commission.

His transfers from the Department of Agriculture are also more extensive than I had proposed. In addition to the Soil Conservation Service, they include: watershed loans in the Farmers Home Administration, natural resources economics in the Economic Research Service, and soil and water conservation in the Agricultural Research Service.

All of these changes have been incorporated in the bill I introduce today.

Mr. President, the Nation raised its sights on natural resource conservation when Congress passed the Environmental Protection Act.

One of the functions of the Council which that act created is to develop policies to conserve the environment. To implement such policies, program formulation and planning must be established on a longer range, more comprehensive basis, and these would be the truly valuable functions of a Department of National Resources.

Consider for example the streams of the United States. They would be looked upon, not only as locations for dams or objects of pollution abatement, but also as parts of a national system of waterways and water supply and scenic beauty —a public treasure to be preserved and enhanced.

Consider land. The responsibility of the Secretary of Natural Resources would include evaluating its use on a national basis. For instance, how much more land can we afford to devote to subdivisions or to super highways and how much must be retained open and free?

Consider energy. How much will be required in the years ahead? How much pollution can we afford in this generation? What fuels and what quantities need to be burned in its production?

Creation of a Department of Natural Resources should also focus and make more efficient all research programs relating to resources. And it should mean that areas, mostly neglected in the past —estuaries for example—now will be fully considered as part of resource planning.

The usual reason for supporting creation of new Federal departments is to increase efficiency by putting under one roof various bureaus performing related tasks. But obtaining such benefits of consolidation is not my basic reason for advocating a resources department. That reason is:

A DNR would—for the first time—make a member of the President's Cabinet responsible for formulating and augmenting a program to care for all of the Nation's natural resources.

Mr. President, if there ever was an idea whose time has come it is a Department of Natural Resources and Environment. If a case could be made when I first introduced this bill 6 years ago for such a department, it can be made doubly now. We must not only continue to establish overall policies for the development and management of our natural resources, but we must organize the Federal structure which deals with natural resources to see that today's great tasks are performed efficiently and effectively. We must concern ourselves with man's total environment.

I send to the desk an amendment in the nature of a substitute to S. 1025, the bill to establish a Department of Natural Resources and Environment. Joining me as cosponsors of this measure are the Senator from Montana (Mr. METCALF) and the Senator from New Jersey (Mr. CASE). I ask unanimous consent that the full text of the amendment be printed in the RECORD at the close of these remarks.

The ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia). The amendment will be received and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 91), which was referred to the Committee on Government Operations, reads as follows:

AMENDMENT No. 91

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE; FINDINGS

SECTION 1. (a) This Act may be cited as the "Department of Natural Resources and Environment Act".

(b) The Congress hereby finds that—

(1) expanding population and a rising standard of living combine to place unprecedented demands on the natural resources of the United States;

(2) the natural environment is suffering a progressive deterioration which affects the air we breathe, the water we drink, the soil which nourishes our food, the areas in which we take our recreation, and the natural beauty of our homeland;

(3) such deterioration demonstrates a failure in the larger sense of our conservation efforts, even though many successful conservation programs have been undertaken during the past many years by Federal, State, and local governments and by private groups;

(4) safeguarding the environment—air, water, and land—is a necessity to maintain conditions under which man and wildlife may continue to exist, to provide the raw materials essential to an expanding standard of living, and to maintain the beauty and usefulness for all purposes of our land;

(5) the responsibility of the Federal Government includes the exercise of leadership in water resource development, land management, ocean resource development, and air pollution abatement, as well as the operation of many programs and cooperation with State and local government and private groups in the carrying out of their resource management responsibilities; and

(6) the Federal agency structure which deals with natural resources grew up during a less demanding period of our history, and must be coordinated and reorganized if today's tasks are to be performed effectively.

DEPARTMENT OF NATURAL RESOURCES

SEC. 2. (a) There is hereby established at the seat of government, as an executive department of the United States Government, the Department of Natural Resources and Environment.

(b) The Secretary of Natural Resources and Environment may approve a seal of office for the Department, and judicial notice shall be taken of such seal.

PERSONNEL OF THE DEPARTMENT

SEC. 3. (a) There shall be at the head of the Department of Natural Resources and Environment a Secretary of Natural Resources and Environment (hereinafter referred to in this act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department of Natural Resources and Environment a Deputy Secretary of Natural Resources and Environment, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary of Natural Resources and Environment (or, during the absence or disability of the Deputy Secretary, or in the event of a vacancy in the office of Deputy Secretary, an Under Secretary or the General Counsel of the Department, determined according to such order as the Secretary shall prescribe) shall act for and exercise the powers of the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Deputy Secretary shall perform such functions as the Secretary shall prescribe from time to time.

(c) There shall be in the Department of Natural Resources and Environment an Under Secretary of Natural Resources and Environment for Water, and an Under Secretary of Natural Resources and Environment for Lands, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) There shall be in the Department of Natural Resources and Environment a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall perform such functions as the Secretary shall prescribe from time to time.

(e) The Secretary is authorized to appoint

and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the purposes and functions of this Act.

(f) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFER OF FUNCTIONS TO DEPARTMENT

SEC. 4. (a) Except to the extent otherwise herein provided, there are hereby transferred to and vested in the Secretary:

(1) All of the functions of the Secretary of the Interior, the Department of the Interior, and all officers and components of that Department.

(2) Such of the functions of the Secretary of Commerce, the Department of Commerce, and officers and components of that Department, as relate to or are utilized by the National Oceanic and Atmospheric Administration.

(3) (A) Such of the functions of the Secretary of Defense, the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the Chief of Engineers and the Corps of Engineers of the Department of the Army, as relate to or are utilized for civil works and civil regulatory functions: *Provided*, That all civil works construction, operation and maintenance, flood and coastal emergencies, and related activities, which shall be funded by the Secretary, shall be accomplished through and under the direction of the Secretary of the Army and the supervision of the Chief of Engineers.

(B) All of the functions of the Board of Engineers for Rivers and Harbors, Coastal Engineering Research Center, Board on Coastal Engineering Research, Mississippi River Commission, and California Debris Commission.

(4) Such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Forest Service.

(5) Such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Soil Conservation Service.

(6) Such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Natural Resource Economics Division of the Economic Research Service.

(7) Such of the functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of that Department, as relate to or are utilized by the Soil and Water Conservation Division of the Agricultural Research Service.

(8) Such of the functions of the Secretary of Transportation, the Department of Transportation, and officers and components of that Department, as relate to or are utilized for pipeline safety.

(9) All of the functions of the Water Resources Council.

(10) Such of the functions of the Atomic Energy Commission, and officers and components of that Commission, as relate to or are utilized for the following:

(A) the civilian power program: *Provided*, That all research and development programs and related activities, which shall be funded by the Secretary, shall be accomplished through and under the direction of the Commission;

(B) the raw materials program;

(C) the uranium enrichment and related distribution activities constituting part of the Commission's production program; and

(D) the Plowshare program: *Provided*, That all general research and development, device development, explosive effect tests, development of fielding systems, project execution, and related activities, which shall be funded by the Secretary, shall be accomplished through and under the direction of the Commission.

(11) Such functions transferred to the Administrator of the Environmental Protection Agency by paragraphs (1), (2), and (3) of section 2(a), and paragraphs (1) and (2) of section 2(b) of Reorganization Plan Numbered 3 of 1970.

(b)(1) All functions of the Bureau of Indian Affairs in the Department of the Interior, and all functions of the Secretary of the Interior being administered through the Bureau of Indian Affairs, are transferred to the Secretary of Health, Education, and Welfare.

(2) All functions of the Office of Territories in the Department of the Interior, and all functions of the Secretary of the Interior being administered through the Office of Territories, are transferred to the Secretary of Health, Education, and Welfare.

(c) With respect to the program and activities of the Atomic Energy Commission herein transferred, the functions of the Secretary shall be carried out under the following provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), and the Secretary shall perform the functions of the Commission set forth therein with respect to such transferred programs and activities, except as otherwise specified below:

(1) Chapter 1, "Declaration, Findings and Purpose".

(2) Chapter 2, "Definitions", except that the functions of the Commission set forth in subsections j (extraordinary nuclear occurrences), v (production facility), z (source material), aa (special nuclear material), and ee (utilization facility) of section 11 shall remain with the Commission.

(3) The following provisions of chapter 3, "Organization": sections 26 (General Advisory Committee), and 27 (consultation with the Department of Defense on atomic energy matters; functions of the Department of Defense).

(4) Chapters 4, "Research", and 5, "Production of Special Nuclear Material".

(5) The following provisions of chapter 6, "Special Nuclear Material": clauses 53a (ii) and (iii) (making available and distributing special nuclear material); subsection 53c (sale or lease, etc., of special nuclear material, enrichment sources, sales prices, agreements with licensees, use charges); subsection 53d (use charge for leased special nuclear material); subsection 53f (distribution of special nuclear material); section 54 (foreign distribution of special nuclear material); section 55 (acquisition of special nuclear material); section 56 (guaranteed purchase prices); subsection 57c (limitations on distributions of special nuclear material); and section 58 (Joint Committee review).

(6) The following provisions of chapter 7, "Source Material": section 63 (domestic distribution of source material), except the authority with respect to the issuance of licenses and of criteria governing such issuance; section 64 (foreign distribution of source material), except the authority to make the determination that the activity will not be inimical to the interests of the United States; section 65 (reporting); section 66 (acquisition); and section 67 (operations on lands belonging to the United States).

(7) Chapter 8, "Byproduct Material", except the authority of the Commission with respect to issuance of licenses, establishing exemptions from licensing, and determinations under subsection 82b as to whether foreign distributions would be inimical to the common defense and security.

(8) In chapter 9, "Military Applications of Atomic Energy", the authority in clause 91b (1) relating to delivery of enriched uranium to Department of Defense.

(9) In chapter 11, "International Activities", sections 121 (effect of international arrangements) and 122 (policies contained in international arrangements).

(10) In chapter 12, "Control of Information", subsections 144a (international cooperation pursuant to an agreement for cooperation); 145b (restriction on access to Restricted Data), except that the Commission shall make the determinations relative to access to Restricted Data; and 146b (power to control or restrict dissemination of information).

(11) In chapter 14, "General Authority", subsections 161a (advisory boards), c (investigations, subpenas), d (appointment and compensation of employees), e (acquisition and construction of facilities, etc.), f (utilization of services of others), g (acquisition and disposal of property), k (carrying of firearms), m (materials transactions with licensees), o (reports and records) except with respect to licensed activities, p (rules and regulations), q (easements), r (utility and related services), t (contracts implementing agreements for cooperation), u (long-term contract authority), and v (contracts for producing or enriching special nuclear material); and sections 162 (contract exemption authority), 163 (service of advisory committees), 164 (electric utility contracts), 165 (proscribed contract practices), 166 (Comptroller General audit), 167 (claims settlements), 168 (payments in lieu of taxes), 169 (no subsidy), and 170 (indemnification and limitation of liability) insofar as it authorizes and applies to agreements of indemnification with contractors.

(12) In chapter 15, "Compensation for Private Property Acquired", sections 171 (just compensation), 172 (condemnation of real property), and 174 (Attorney General approval of title).

(13) In chapter 17, "Joint Committee on Atomic Energy", section 202.

(14) In chapter 18, "Enforcement", section 229 (authority to issue trespass regulations), which shall apply to any facility, installation, or real property subject to the jurisdiction, administrtaion, or in the custody of the Secretary and utilized in carrying out any of the programs and activities of the Atomic Energy Commission herein transfered; section 230 (photographing, etc., of Commission installations), in which the words "property subject to the jurisdiction, administration, or in the custody of the Commission," shall be deemed to include property subject to the jurisdiction, administration, or in the custody of the Secretary and utilized in carrying out any of the programs and activities of the Atomic Energy Commission herein transferred; and section 232 (injunction proceedings).

(15) In chapter 19, "Miscellaneous", sections 251 (reports to Congress) and 261 (appropriations).

SEC. 5. (a) No license under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) shall be required for the conduct, by the Secretary or by persons under contract with and for the account of the Secretary, of the programs and activities herein transferred from the Atomic Energy Commission to the Secretary. In the conduct of such programs and activities, the Secretary shall establish standards and procedures for radiological protection of the public health and safety and the safeguarding of the national defense and security that are consistent with those established by the Commission to govern its own activities. Such standards and procedures shall be established with the advice and concurrence of the Atomic Energy Commission.

(b) With respect to the programs and activities of the Atomic Energy Commission herein transferred, the Secretary shall have all the rights, powers, and duties of the Commission under section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), in the case of inventions and discoveries, useful in the production or utilization of special nu-

clear material or atomic energy, made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Secretary, to the same extent as if entered into with or for the benefit of the Commission.

SAVINGS PROVISIONS; MATTERS RELATING TO TRANSFER OF AGENCIES AND OFFICES

SEC. 6. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any Federal instrumentality, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the appropriate officer to whom such functions are so transferred, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any Federal instrumentality, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before such instrumentality. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the instrumentality before which they were pending at the time of such transfer. In either case, orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the appropriate officer to whom such functions are so transferred, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any Federal instrumentality, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any Federal instrumentality, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of any such instrumentality as may be appropriate; and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any Federal instrumentality, or officer thereof in his official capacity, is a part to a suit, and under this Act—

(A) such instrumentality is transferred, or

(B) any function of such instrumentality or officer is transferred,

then such suit shall be continued by the appropriate instrumentality (except in the case of a suit not involving functions transferred by this Act, in which case the suit shall be continued by the instrumentality or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any Federal instrumentality or officer so transferred or functions of which are so transferred shall be deemed to mean the instrumentality or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of any Federal instrumentality or officer thereof, in the exercise of functions transferred under this Act, shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been issued or taken by the instrumentality or officer, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by any other officer of the United States pursuant to this Act.

(f) In the exercise of the functions transferred under this Act, the appropriate officer of the Federal instrumentality to which such functions are so transferred shall have the same authority as that vested in the officer exercising such functions immediately preceding their transfer, and such officer's actions in exercising such functions shall have the same force and effect as when exercised by such officer having such functions prior to their transfer pursuant to this Act.

TRANSFER OF AGENCIES AND OFFICES

SEC. 7. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferred to the appropriate Secretary of the executive department to whom such function is transferred by this Act. Except as provided in subsection (b), personnel engaged in functions transferred under this Act shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(b) No transfer of personnel pursuant to this section shall result in any such personnel being separated or reduced in grade or compensation for one year after such transfer.

(c) In any case where all of the functions of any Federal instrumentality are transferred pursuant to this title, such instrumentality shall lapse.

TECHNICAL AMENDMENTS

SEC. 8. (a) Section 19(d)(1) of title 3, United States Code, is amended by deleting "Secretary of the Interior" and inserting in lieu thereof "Secretary of Natural Resources and Environment".

(b) Section 101 of title 5, United States Code, is amended by deleting "The Department of the Interior" and inserting in lieu thereof "The Department of Natural Resources and Environment".

(c) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rates), is amended as follows:

(1) Section 5312 is amended by deleting "(6) Secretary of the Interior" and inserting in lieu thereof "(6) Secretary of Natural Resources and Environment".

(2) Section 5313 is amended by adding at the end thereof the following:

"(20) Deputy Secretary of Natural Resources and Environment."

(3) Section 5314 is amended by deleting "(8) Under Secretary of the Interior." and inserting in lieu thereof the following:

"(8) Under Secretary of Natural Resources and Environment for Water."

"(8A) Under Secretary of Natural Resources and Environment for Land."

(4) Section 5315 is amended (1) by deleting "(18) Assistant Secretaries of the Interior (5)", and (2) by deleting "(42) Solicitor of the Department of the Interior," and inserting in lieu thereof "(42) General Counsel, Department of Natural Resources and Environment.".

REPORT

SEC. 9. The Secretary shall, as soon as practicable after the end of each calendar year, make a report to the President for submission to the Congress on the activities of the Department during the preceding calendar year.

DEFINITION

SEC. 10. As used in this Act, the term—

(1) "function" or "functions" include powers and duties; and

(2) "Federal instrumentality" means any executive department of the United States or any agency, bureau, office, service, or other entity therein.

DELEGATION OF FUNCTIONS

SEC. 11. Any officer of the United States to whom functions are transferred pursuant to this Act may delegate such functions, or part thereof, to such of his officers and employees as he may designate, may authorize such successive redelegations of such functions to his officers and employees as he may deem desirable, and may make such rules and regulations as he may determine necessary to carry out such functions.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 12. (a) This Act shall take effect ninety days after the date of its enactment.

(b) Notwithstanding subsection (a) of this section, any of the officers provided for in section 3 of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred pursuant to this Act.

SUPPORT FOR SENATOR BAYH'S PROPOSALS CHALLENGING ADMINISTRATION ADOPTION OF NEW REGULATIONS LIBERALIZING CAPITAL DEPRECIATION ALLOWANCES

Mr. MOSS. Mr. President, I would like today to declare my strong support for Senate Resolution 98 and S. 1532 which challenge the administration's decision to initiate a new system of liberalized depreciation allowances without the prior approval of Congress.

President Nixon's intention to implement the new asset depreciation range, which would result in a $37 billion Federal revenue loss over the next decade, is yet another indication of a growing tendency by the executive branch to encroach on the legislative responsibilities of Congress in economic matters. For this reason, it should be vigorously opposed by Members of both parties.

Earlier this year, the President impounded over $12 billion in Federal funds which had been duly appropriated by the Congress for construction of roads, conservation projects, and low-cost housing. Now the Treasury proposes to make significant reductions in our Federal revenues without seeking legislative approval. Taken together, these moves by

the administration demonstrate not only the pursuance of economic policies highly inappropriate to present conditions, but a calculated disregard for the basic constitutional principle of "separation of powers."

It is the responsibility of Congress, and Congress alone, to determine this Nation's revenue policies and to make any necessary changes in the tax structure. President Nixon has arbitrarily decided to permit business firms the option of "writing off" their capital costs at an accelerated pace. He has chosen to abandon safeguards which the Treasury has used to insure that capital equipment is customarily retired at the same rate as depreciation expenses are declared on tax returns. This action constitutes a significant departure from the established principles of tax law and should have required congressional approval.

My colleagues should recognize that this action by the Treasury represents a policy decision by the President and not simply an effort to improve efficiency in administering existing tax law. There were no engineering or technical studies made that would warrant shorter economic lives for capital equipment and thus a more rapid rate of depreciation. The liberalization in depreciation allowances resulted essentially from a decision by the President to award a major tax break to business without going through the normal legislative process.

Nor should Congress ignore the serious economic issues involved. With the unemployment now over 6.1 percent there is, indeed, a critical need for strong fiscal action by the Federal Government. We must ask, however, if the proposed Treasury action will have an expansionary impact on the economy as a whole.

It hardly appears appropriate to liberalize depreciation allowances in the hopes of stimulating a higher rate of investment at a time when lagging consumption levels have already resulted in excess industrial capacity. With a relatively low effective demand for goods now being produced any tax benefits to businessmen would probably serve more as a windfall than as incentive to a higher rate of ploughback into new capital ventures.

President Nixon has attempted to rationalize liberalized depreciation allowances by citing the need to ease the industrial transition from wartime to peacetime production. There is indeed a need for national economic conversion but we must insure here, again, that the appropriate action is being taken.

In 1940, when there was a dire necessity to mobilize the American economy for wartime production, President Roosevelt made a specific request that Congress amend the Internal Revenue Code to encourage investment in defense facilities. Today, if President Nixon desires to ease the transition to peacetime, he should request similar legislation to allow rapid write offs to those firms actively attempting to convert from defense to new national priorities. Such action would be far more appropriate than an indiscriminate tax break to all business firms, regardless of participation in the conversion process.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). At this time, in accordance with the previous order, the Chair recognizes the distinguished junior Senator from Alaska (Mr. GRAVEL) for not to exceed 15 minutes.

Mr. GRAVEL. I thank the Presiding Officer. At this time I would like to bring up a number of items on which I think comment should be made.

THE INCREASE IN THE PRICE OF STEEL

Mr. GRAVEL. Mr. President, I wish to make note of a situation and I hope it will signal comments in this area by people more qualified than I. This is a very important subject. It is one on which I have read very little in the American newspapers and have heard even less about on the floor of the Senate since this action took place. It is a matter that I think has a momentous effect on the economy. I refer to the 6.5-percent increase in the price of steel put into effect by the steel companies beginning in May.

This administration, as a result of that price increase, I think, waffled a great deal on its commitment with respect to inflation and it waffled so badly that the best it could come up with was that this was prudent pricing. The supporters of the steel increase felt it was prudent, and interestingly enough this administration of the American Government went along with this "prudent" 6.5-percent increase in the price of steel, something that cascades throughout our economy, raising—and I do not know to what degree, but certainly with a multiplier effect—and contributing significantly to the cost of living.

It is interesting that this administration would look upon this 6.5-percent increase as prudent, when we have workingmen, people who work with their hands in the construction trade industries, seeking increases. I am not here to defend all increases and take the side of labor; some increases are legitimate and some are not; but I think, by and large, the increases that the workingmen have sought have been legitimate.

We see increases sought by the workingman. We see the President of the United States invoke or actually set aside the provisions of the Bacon-Davis Act, which had a tremendous denigrating effect on the economy; and it was so denigrating it was my opinion, and the opinion of others, that that is why the President had to recant on this decision. His action, for all purposes, would have destroyed the labor movement in this country.

I underscore the parallel; that is, that in this administration, stockholders and people who profit as owners of steel corporations receive no criticism at all; but when the workingman, the labor man, sought to improve his lot he had the full force of Government visited upon him. I think that parallel or comparison will be remembered not only this year but will be remembered next year.

THE INCONGRUITY OF AMERICAN POLICY

Mr. GRAVEL. Mr. President, I wish to raise a matter which I raised last December about the incongruity of American policy which places us in South Vietnam in an effort to contain communism, thereby involving us in a full-fledged war, killing people, having foreigners killed, having South Vietnamese and North Vietnamese killed, and having Americans killed, all in the name of containing and fighting communism. I was making the comparison at that time to events in other parts of the world where we have helped Communists.

One particular instance was reported in the press recently, in the Washington Post of May 12, about American Air Force medics jumping into the Pacific with parachutes, parachuting down into the sea to try to get aboard a Soviet fishing vessel, to minister to the physical needs of a Soviet citizen. The reason why they had to be parachuted was that the sea was so rough. So one can imagine how dangerous it must have been for these Americans to parachute into the Pacific, and then to be hauled aboard the Russian vessel to minister to the Soviet citizen.

In my mind, that is a fine example of man on man, human being on human being, trying to help one another with a true spirit of humanity.

I mention this because it makes me wonder why it is that nations, in an eclectic way, finds means, in a wholesale fashion, to murder each other, when, left to their own devices, men can seek a level of peace and humanity.

I ask unanimous consent that the brief article to which I have referred to be printed at this point in the RECORD.

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

[From the Washington Post, May 12, 1971]

CHUTISTS TREAT INJURED RUSSIAN

An injured Russian seaman has been brought to an Oregon hospital after Air Force medics jumped into the Pacific and gave him first aid treatment aboard a Soviet refrigerator ship.

The Pentagon said yesterday the seaman, 44-year-old Kuraev Vladimir Vasilijivich, was taken off the 278-foot Russian food processing ship Pachenda off Astoria, Ore.

Because of rough seas, an amphibious plane was unable to land but three U.S. pararescue men parachuted into the sea and were taken aboard the vessel to treat the injured seaman.

THE MANSFIELD PROPOSAL AND ADMINISTRATION POLICY

Mr. GRAVEL. Mr. President, on another matter, I want to compliment the majority leader for what I think was a very unusual bon mot. I think one seldom sees the tactics of the President in this regard, when he appears to be calling

on everybody and anybody who has a name in the field of foreign policy to man the barricades and lend a hand to the present policy that the present administration is trying to sustain, a policy which the majority leader has brought into severe question by, to my mind, a very courageous proposal.

Before going on. I note that the distinguished Senator from Maryland (Mr. MATHIAS) is on the floor, and I want to yield to him as much time as he may need for his purposes.

Mr. MATHIAS. Mr. President, I thank the Senator from Alaska for yielding to me so that I may, very briefly, make two unanimous-consent requests. They refer to two articles which appeared in today's press. First was an editorial which appeared in the Washington Post, entitled "The Mansfield Amendment: Why Not Vietnam"?

I think that is a good question. I want to assure the editors of the Washington Post that before the pending business is disposed of, we will move on to the question of Vietnam.

The editorial poses such a strong argument for defeat of the Mansfield amendment that I feel the editorial should be made a part of the debate, and so I ask unanimous consent that it be included in the RECORD.

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

[From the Washington Post, May 14, 1971]

THE MANSFIELD AMENDMENT: WHY NOT VIETNAM?

The merits, the politics and the diplomacy of the Mansfield amendment to the draft-extension bill, which would compel the United States to halve its troop strength in Europe by Dec. 31, are three separate matters.

On the merits, the amendment is a disaster. The essence of alliance is to consult with one's allies about the common interest. To present them with a *fait accompli*, especially one of the Mansfield magnitude, would quite certainly cost the United States not only the confidence of its allies but the respect of its adversaries. In particular, the prospects of negotiating troop reductions or political settlements in Europe with the Warsaw Pact would disintegrate. Important sums might be saved on the American defense budget and balance of payments. Far more important increments would be lost to Washington's world position and its word.

The politics of the Mansfield amendment seem to be that even though its sponsor may give way on details of number and date in order to get it through the Senate, the measure stands virtually no chance of clearing the House, and the President doubtless would employ a veto if any significant shred of it reached his desk. We have a certain sympathy for Senator Mansfield, who has tried patiently and politely for years to win successive Presidents over to his view, but this does not justify his use of a legislative bludgeon now. The very fact that he introduced his amendment, even though it may be watered down and finally defeated, will stretch taut the already strained relations between the White House and the Capitol and—without just cause—embarrass the President in his conduct of foreign affairs.

This is where the diplomacy of the amendment lies. There is nothing magic about the figure of 310,000 American men in Europe but it is spun of more than cotton candy. It reflects a NATO consensus on the military requirements of Western security and it also reflects a political guarantee of the American commitment to Europe. Any change from this figure must express more than a senator's irritation or the general weariness over Vietnam or an attack of balance-of-payments blues. Above all, any change must flow from alliance decision.

We have never been sanguine about chances of getting Moscow to negotiate troop cuts, if only because of the large occupation role of Soviet troops in East Europe. This should not mean, however, that American troops are frozen in place until Moscow feels ready to trust its East European allies. Ideally, reduction or thinout or redeployment would be mutual but in practice it may be appropriate and safe simply for NATO to sit down and *as an alliance* explore again whether improvements in NATO firepower or mobility or changes in the nature of the Soviet threat may not permit certain agreed reductions, or whether the growing unity and strength of West Europe may now allow the Europeans themselves to take over a greater share of their own defense. The key words are, we repeat, *as an alliance*. Therein, the postwar years have shown, lies the true security of the West.

In fact, if Senator Mansfield and others feel an overwhelming urge to retrench and reduce American forces overseas, there is another far more appropriate place they might look: Vietnam. To summon home troops from one theater where they have helped keep the peace well for more than two decades, while shying from removing troops from a theater of costly and agonizing war, is lopsided and baffling. There looms in the Senate, beyond the Hatfield-McGovern amendment that would set a flat deadline for withdrawal from Vietnam, the Cooper-Church amendment that would in effect require the President to set a deadline linked to Hanoi's release of American POWs. Why Europe, why not Vietnam?

Mr. MATHIAS. Mr. President, I also want to call to the attention of the Senate an article which appeared in today's New York Times, written by a distinguished journalist, Mr. James Reston. He has entitled his article, with a certain amount of dry humor, "Meat-Ax Mike."

He does not carry out in the theme of the article the appellation of meat ax which he applies to the distinguished majority leader. In fact, by his article, he indicates that the majority leader is anything but a meat-ax politician, and that what he tries to do through the Mansfield amendment, which Mr. Reston thinks should be defeated, is to bring about some thoughtful change in our military relationships with the other NATO allies.

This is not at all a thought which I think is repugnant to other Members of the Senate. NATO has been a great institution, but it is not a monument. It is not unchangeable, immutable.

I think the thoughts expressed by Mr. Reston as to the long-range effects of the debate are extremely substantive and valuable. While Mr. Reston hopes, as I hope, that the Mansfield amendment will be defeated, I think the long-range change which may come about as a result of our discussions can be useful.

It is my intention, when I submit my modification of the substitute for the Mansfield amendment, to provide for full consideration, for careful consideration, so there can be the kind of evaluation which will keep NATO alive and a vital and viable institution, and not merely a monument to a heroic moment in American history.

I ask unanimous consent that the article entitled "Meat-Ax Mike" be printed in the RECORD as a part of my remarks.

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

[From the New York Times, May 14, 1971]

MEAT-AX MIKE

(By James Reston)

WASHINGTON, May 13.—Mike Mansfield, the majority leader in the Senate, is a cool and sensible man, so when he tries to cut the American military forces in Europe in two it is obvious that something is seriously wrong.

Mainly, it is the accumulated frustrations of over twenty years. Mike is fed up with the war, with the cost of the military, with the failure of most of the European allies to hold up their end of the common defense burden, with the inability of the Government to resolve any of these problems.

For ten years now, he has been wrinkling his expressive face and appealing to successive administrations to make substantial cuts in U.S. forces in Europe. Last August, he sent a long catalogue of questions to Secretary of Defense Laird on this subject and never even got an answer. The recent European run on the dollar was too much for him, so he reached for his meat-ax.

His general charge is fair enough: the American military presence in the world is too large, the allied contribution too small, and neither is very responsive to gentle persuasion.

According to his figures, the United States now has over 2,000 bases in over thirty countries all over the world, surrounded by 1,750,000 military personnel, military dependents and indigenous workers at an annual cost of about $4.5 billion a year.

In Europe alone, the United States has 300,000 military men, 225,000 dependents, 128 generals, and over 7,000 nuclear warheads, and is even paying land taxes on some of its bases. "We are paying them to stay there to defend them," Senator Mansfield says, and a lot of his colleagues on both sides of the aisle share his resentment.

Well, the Congress of the United States, silly as it sometimes is and much as it likes and respects Senator Mansfield, is not going to dismember the most effective American alliance of the century by voting to compel the President to halve his European force, but this is what happens in Washington when old policies are not kept up to date and appeals for sensible review of force levels are ignored.

In their preoccupation with the Vietnam war, the last two Administrations have allowed the North Atlantic Alliance to loiter down into a miliary organization that is just large enough to be enormously expensive, and yet just small enough to be vulnerable to defeat without the use of tactical weapons.

It was the aim of American policy over the last generation—and of Senator Mansfield—to encourage the formation of a strong and unified Europe which could act as an equal partner with the United States in a shared defense of a common civilization.

Instead, the Europeans have preferred to enjoy their prosperity and national independence rather than pay the price of political union, and have counted on the United States for their security rather than on one another.

This has caused increasing irritation here, particularly when the cost of U.S. arms has contributed to monetary crises abroad and social and economic difficulties at home; but it is clearly far too large a problem, encompassing nothing less than the organization of

world peace, to be handled with a sudden rider on a Senate bill that has not even gone through the scrutiny of public or private hearings in this session of the Congress.

What is particularly ironic about this is that the Mansfield amendment was tossed at the Senate precisely at the time when the West Europeans are finally on the verge of bringing Britain into the European Economic Community and making progress at last toward some political unity.

Still, Mr. Mansfield is not an ill-tempered isolationist acting out of frustration and caprice. He knows the U.S. Army in Europe is bloated with noncombat and noncombat support troops. He feels the war is coming to an end in Vietnam and that, with China emerging from isolation, new reappraisals of policy in Asia as well as in Europe are on the horizon.

Also, he has been around this city just long enough to know, as John Gardner says, that institutions don't move unless they are shoved, and that on such questions as influencing the Pentagon and the allies, a gentle shove is not enough.

So for the moment he sounds like the terrible-tempered Mr. Bang, and he has the President, the Secretaries of State and Defense, Henry Kissinger and assorted spokesmen rushing to the defense of the grand alliance.

But maybe Mike's gentle meat ax will do some good after all. He could even revive some talk about building a sensible world order again, and no such large subject as that has been discussed around here since Lyndon Johnson discovered Vietnam.

Mr. GRAVEL. I thank the Senator from Maryland for what I think was a very appropriate reference to the organization as an institution, and not a monument. I think this is a movement from a monument to an institution, because it has not changed for 20 years, which to my mind typifies its monumental immutability.

But, to return to what I was saying before I yielded to the Senator from Maryland, about the President's calling in all the names which could be found to lend credibility to his objections to the Mansfield amendment, I think the best statement in that regard was made by the Senator from Montana (Mr. MANSFIELD) himself, as reported in the New York Times, and I quote from Senator MANSFIELD:

> They are calling in all the old-timers, all the guys who formulated this policy 25 years ago. It just illustrates the generation gap in our policy.

I think that is so ably said.

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

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. GRAVEL. Mr. President, lastly, I ask unanimous consent to include in the RECORD an editorial from the Christian Science Monitor that appeared on May 11, entitled "And Corrections at Home." The substance of the article is the state of our Military Establishment. A good deal of the criticism that has taken place thus far, and that will continue to take place, is that those who wish to cut the numbers in our Military Establishment are really trying to hamper the Military Establishment.

Nothing could be further from the truth. The case we will make rests squarely on the Gates Commission, which is a very outstanding commission and which has made the most definitive statement ever made with reference to our Military Establishment. General Gruenther and General Norstad are on the Commission, two very fine military officers. The Commission approved unanimously all of the recommendations they put forth. It truly can be said, as the Commission itself said, what they are trying to do is improve the military. That is exactly what we are trying to do—improve the military; because if we have an improved military, we obviously have improved our defense posture, and a proper defense posture, and a proper defense posture is paramount.

This article demonstrates the excesses that are wrapped in today's military, and places in proper focus a good portion of the blame on the fact that we have the draft, and the draft has been, certainly to a great extent, responsible in a culpable way for the difficulties we face with regard to our military. I would only like to say that this could be easily corrected by letting the draft expire at the end of next month.

The PRESIDING OFFICER. Does the Senator desire to have the editorial printed in the RECORD?

Mr. GRAVEL. Yes.

The PRESIDING OFFICER. Is there objection?

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

AND CORRECTIONS AT HOME

There may be many other contributing reasons behind the drop in the value of the dollar, but only one is really important. The political leadership in Washintgon has for six years tried to run a very expensive war "on the cuff" like the family that lives beyond its means.

The fault has been bipartisan. It was committed in the first case by Lyndon Johnson: In 1965 his economic and congressional leaders advised him to raise taxes and pay for the war as he went along. He refused, on the comforting theory that the overwhelming might of the American military machine would win the war before the cost began to hurt.

Richard Nixon promised his backers of 1968 that if elected he could cut taxes. Unlike some presidents who have put embarrassing campaign promises aside on getting to the White House, Mr. Nixon insisted on dropping the income surtax.

It is merely coincidental that Washington's European creditors chose to close down on easy credit (buying more dollars than they want or need at the old official rate) at the same time that Congress begins debate on extension of the so-called "selective service" system, and an Army staff sergeant goes on trial for making a fortune out of Army PXs. But there is a connection among all these things.

Corrupt staff sergeants are just another surface manifestation of living beyond one's means.

The American Army is the most overstuffed in history. Thanks to the draft, it has become accustomed to more manpower than it ever needed. It lives extravagantly, in every way. Its greatest single extravagance has been to keep long-term volunteers largely in safe occupations while sending the drafted men into combat. Roughly nine out of ten combat riflemen in Vietnam have been draftees.

The Vietnam war was itself a luxury possible only because the draft existed.

The Army has been living high, on unlimited manpower. The Government has been living high, on fighting faraway frontier wars without enough taxation to carry them. And it all comes together in a day of reckoning. It's always like this sooner or later, for those who live beyond their means. The time comes when creditors cut off credit. That is precisely what the European bankers have done to Uncle Sam.

One way to prevent a recurrence will be to make sure that no president ever again commits half a million Americans to a faraway war as easily as President Johnson was allowed to do it.

And one way for Congress to do that will be to take a very careful look at the draft. Perhaps it has to be extended for another year or two; but it need not be extended indefinitely, nor need a president be able to use it at his discretion for wars beyond the country's resources.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, the Senate will now proceed to the transaction of routine morning business for a period of not to exceed 30 minutes, with speeches of Senators limited to 3 minutes.

THE GROSS NATIONAL PRODUCT AND THE ECONOMY

Mr. GRIFFIN. Mr. President, on February 24, 1971, the New York Times published an article written by Edwin L. Dale, Jr., entitled "Samuelson Derides Nixon's Forecast on the Economy." Included in that article was this quotation:

> The 1970 winner of the Nobel Prize for economics used such terms as "poppycock," "ludicrous," "cynical" and "comic opera" today to describe the Nixon Administration's relatively optimistic projections of the economy for this year.

Mr. President, in this morning's Washington Post on page 1 and this morning's New York Times on page 55, it is reported that a revision and updating of the first quarter GNP figures makes clear that the Nation's gross national product actually increased by nearly $31 billion in the first quarter of 1971 instead of the originally projected $28.5 billion. This new figure translates into an increase in dollar value of 13.1 percent over the fourth quarter of 1970, which is the largest percentage increase in the GNP since 1958.

A number of critics thought that the administration's hopes for economic expansion of this order were unrealistic. For example, Otto Eckstein, a former Democratic member of the Council of Economic Advisers and professor at Harvard, predicted earlier this year that the first quarter GNP would increase only about $22 billion. His prognosticative skills should be duly noted today.

This increase brings the seasonally adjusted annual rate for the GNP up to $1,020.7 billion. Real GNP—the GNP stated in 1958 dollars—also was revised upward to a seasonally adjusted annual rate of $732.7 billion, a 7.1-percent increase over the fourth quarter of 1970.

Most importantly, the upward revision

of the GNP is due to the fact that personal consumption expenditures were higher than originally projected—an indication that consumer confidence is returning and that continued expansion is in sight. Moreover, about half of this upward adjustment in GNP is an improvement in real terms, so that inflation was not the principle reason for the economy's expansion.

Along with the upward revision in the GNP first quarter figures, increased retail sales and upward bound corporate profits show that the economy is responding to President Nixon's policies. First quarter retail sales now stand at $31,649 million, an increase over the fourth quarter of 1970 of 4.1 percent.

The seasonally adjusted annual rate for corporate profits in the first quarter of 1971 stands at $86.4 billion, an increase over the first quarter of 1970 of 4.6 percent. The trend of corporate profits points upward and reflects the continuing upswing in the economy.

Mr. President, it is time for those who have been determined to play politics with the Nation's economy to take a new look at President Nixon's statement when he said:

Nineteen seventy-one will be a good year, and 1972 will be a very good year.

I ask unanimous consent to have printed in the RECORD the article which appeared on the front page of today's Washington Post, entitled "GNP Figure Increased for First Quarter," written by Carole Shifrin, and the article entitled "GNP Rose More Than Estimated," written by Edwin L. Dale, Jr., and published on page 55 of today's New York Times.

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

GNP FIGURE INCREASED FOR FIRST QUARTER

(By Carole Shifrin)

A report heartening to the Nixon administration indicates that the pace of the nation's economy was faster in the first quarter than earlier statistics had suggested.

The Commerce Department said yesterday the Gross National Product—total output of goods and services—increased by a record $30.8 billion in the first quarter to an annual rate of $1,020 billion. In preliminary figures, Commerce said the economy had grown by $28.5 billion in the three-month period to $1,018 billion.

Along with the $2.3 billion rise in the GNP figures, Commerce reported that corporate profits rebounded strongly in the first quarter after an actual decline in the fourth quarter of 1970.

Clouding the economic picture, however, were figures showing that the inflation rate in the first quarter, at an annual rate of 5.6 per cent, was worse than the 5.2 per cent reported earlier. This is the so-called GNP price deflator, considered the best measure of inflation in the economy.

George Shultz, director of the Office of Management and Budget, called the new GNP data "gratifying" and said it indicates "a good strong first quarter.

"We think the economy is moving along smartly," he said. Although conceding the figures show "a considerable price increase," he pointed out they also reflect a 7.1 per cent gain in real economic growth, whereas earlier figures showed a 6.5 per cent gain.

Commerce Secretary Maurice Stans was also optimistic about the new figures, calling them "solid confirmation of the strong resurgence of the U.S. economy."

Although the newer data edged the administration a bit closer to its goal of a $1,065 billion economy this year, it falls short of what most economists believe was needed in the first quarter to attain the goal. Most economists had suggested that a first-quarter GNP increase of $35 billion was necessary to put the economy on the track to achieve the official projection.

Most of the first-quarter GNP gain—which, at 13.1 per cent, is the largest in 13 years—is still attributable to a rebound from last year's General Motors strike. Of the $30.8 billion gain in output, the Commerce Department figures indicate that $19.6 billion of it was in automobiles and associated products; the other $11.2 billion was a gain in the rest of the economy.

Earlier figures had shown a gain of $19.2 billion in automobiles and $9.3 billion for the rest of the economy. Most of the $2.3 billion increase in first-quarter GNP figures, therefore, was attributable to gains in the rest of the economy.

Contributing to the gain was an increase of $1.7 billion in consumer expenditures in the first quarter. A Commerce official indicated that Americans spent $1.4 billion more on durable goods—furniture, household goods and other durables—and $300 million more on non-durable goods—food and clothing—than the earlier figures showed.

As a consequence, consumers saved less. Personal savings in the first quarter declined $1.5 billion from the earlier estimate to a 7.0 per cent savings rate from 7.2 per cent in the preliminary report.

Other factors contributing to the revised GNP gain were residential construction, up $400 million over the earlier report; net exports, up $500 million, and total government purchases, up $700 million.

Business inventories were revised downward by $1 billion from earlier figures.

A Commerce official attributed the change in the inflation rate—from 5.2 per cent to 5.6 per cent—to three factors: increased costs of private construction; a larger increase in prices of exported goods than imported goods, and higher food prices in March than were anticipated in the earlier report.

As to corporate profits, Commerce reported that first quarter before-tax book profits increased 13.2 per cent from the fourth quarter to a seasonally adjusted annual rate of $86.4 billion. The $10.1 billion three-month rise compares to an $8.1 billion drop the quarter before, a reflection primarily of effects of the GM strike.

GNP ROSE MORE THAN ESTIMATED: FIGURES REPORTED FOR FIRST QUARTER—ADVANCE MADE IN CORPORATE EARNINGS

(By Edwin L. Dale, Jr.)

WASHINGTON.—The nation's total output of goods and services rose a little more in this year's first quarter than the preliminary estimate a month ago had indicated the Commerce Department reported today.

It also said that corporate profits before taxes rose $10.1-billion in the first quarter to an annual rate of $86.4-billion. This was higher than in any quarter of 1970 but still was below profits in 1969.

The gross national product in the first quarter was put at an annual rate of $1,020.7-billion up $30.8-billion from 1970's fourth quarter and $2.33-billion higher than previously estimated. However, in real terms—the G.N.P. measured in constant 1958 dollars—the new figure was only $1.1-billion higher than the earlier estimate, at $732.7-billion.

This real measure of the G.N.P. rose at an annual rate of 7 per cent in the first quarter, in contrast to a drop of 4 per cent in the fourth quarter of 1970. The automobile strike late last year and the subsequent recovery accounted for most of the difference.

The Secretary of Commerce, Maurice Stans, said today's report provided "solid confirmation of the strong resurgence of the United States economy." He added that "the major economic signs point to vigorous economic growth in the second quarter," citing as "one of the most important" the continued strength of retail sales.

The big rise in the gross national product in the first quarter came despite an unusually low level of inventory accumulation—less even than in the depressed fourth quarter. "Final sales" (the G.N.P. minus inventory changes) rose by $33-billion, a huge increase by any measure.

However, as measured by the G.N.P. price index there was little or no lessening of inflation in the first quarter. This was in contrast to the picture presented by the consumer price index. The G.N.P. price index for the private sector, adjusted to remove distortions, rose by 5.1 per cent in the first quarter, the same as in the last quarter of 1970.

As compared with the preliminary report, the chief upward revision in today's G.N.P. figures was in personal consumption spending. Exports were also revised upward and inventory accumulation downward.

Like the gross national product, the profit figures in the first quarter were dominated by the recovery in the automobile industry. The $86.4-billion annual rate for profits before taxes compared with $81.3-billion for all 1970 and $91.2-billion for 1969.

After-tax profits were put at $47.5-billion, up from $41.4-billion in the fourth quarter of 1970. The report said corporate tax liabilities rose $4-billion, with the downward impact of the expiration of the income-tax surcharge offset in part by provisions of the 1969 Tax Reform Act.

The rise in corporate tax liabilities resulted in an increase in Federal receipts, reducing the deficit in the budget as measured on the "national income accounts' basis, which is often used as a measure of the stimulative effect of the budget on the economy.

The budget deficit on this basis was at an annual rate of $13.3-billion in the first year's fourth quarter.

CONTINUING AUTHORITY FOR THE COMMITTEE ON APPROPRIATIONS TO SIT DURING SESSIONS OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Appropriations be, and it is hereby authorized during the 92d Congress, to file reports during adjournments or recesses of the Senate, on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI pursuant to rule XL for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

This is the usual form. The leadership just forgot to bring it to the attention of the Senate at the beginning of the session.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, this, as the majority leader has stated, is a practice that has been followed traditionally in the Senate, and the request

has been cleared, as I understand it, with the minority leader.

Mr. MANSFIELD. Yes. I make it, really, at the request of the distinguished chairman of the Appropriations Committee and the ranking minority member.

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

THE STATE OF THE ECONOMY AS REFLECTED IN THE GROSS NATIONAL PRODUCT

Mr. PROXMIRE. Mr. President, in response, in part, to what the distinguished assistant minority leader (Mr. GRIFFIN) said a moment ago, there is no question but that the announcement by the Department of Commerce today concerning the increase in the gross national product is encouraging. We must all recognize that. It was a somewhat better first quarter, before these revisions which makes it even better. But, Mr. President, we have to put this news in proper perspective.

What has been compared by the administration is the first quarter of this year—January, February, and March—with the last quarter of last year—October, November, and December. When you do that, you are comparing a quarter last year which was extraordinarily depressed by the General Motors strike with a quarter this year which had an extraordinary comeback because the General Motors strike was over, so that whereas they sold very few cars in the last quarter of last year, they had a very large increase, much larger than they would otherwise have had, in the first quarter.

If you take that out—which I think would be only fair—or compare the third quarter of last year with the first quarter of this year, either way, you will still find the economy is moving ahead very, very slowly indeed.

One of the most interesting elements of the newly revised statistics is that the GNP price deflator, which all economists recognize as the best measure of inflation, shows a higher degree of inflation in this first quarter of the year than had been estimated before—very close to 6 percent. I think when we recognize that we have 6.1 percent of our people out of work, recognize that inflation is still not under control, and recognize that wholesales prices went up in April by an annual rate of 6 percent, we must recognize that we still have a long, long road to go to get our economy on the right track.

Mr. President, I think that the President has had a very difficult time with our economy, because it was overheated when he took over; there is no question about that. It was necessary to cool the economy down. But I think we must recognize that we have at the present time a situation where unemployment is much too high and there is every indication that high unemployment is likely to continue. Economists who have testified before our Joint Economic Committee have said they expect it to continue at close to a 6-percent level for the rest of the year; and there is no solid evidence that we have inflation under control.

Mr. President, I yield the floor.

ORDER FOR ADJOURNMENT UNTIL MONDAY MAY 17, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon on Monday next.

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

Mr. BYRD of West Virginia. That order, of course, Mr. President, is subject to change later today.

(Subsequently, the order was changed to provide for the Senate to recess until 9 a.m. on Monday.)

ORDER FOR RECOGNITION OF SENATORS BELLMON AND GRAVEL ON MONDAY

Mr. BYRD of West Virginia. I ask unanimous consent that on Monday next, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 15 minutes.

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

Mr. BYRD of West Virginia. I ask unanimous consent that, following the remarks of Senator BELLMON on Monday next, the distinguished Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes.

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

Is there further morning business?

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 (Mr. ALLEN). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON CONTRACTS NEGOTIATED BY NASA

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on contracts negotiated under 10 U.S.C. 2304 (a)(11) and (a)(16) for the period July 1, 1970, through December 31, 1970 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

PROPOSED LEGISLATION TO BROADEN AUTHORITY OF THE SECRETARY OF THE MILITARY DEPARTMENTS

A letter from the Secretary of the Navy, submitting a draft of proposed legislation to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AMEND DRIVER REGISTER

A letter from the Secretary of Transportation, submitting a draft of proposed legislation to provide for the maintenance of a register listing the names of certain persons who have had their motor vehicle operator's licenses denied or withdrawn and to allow more efficient use of that information, and for other purposes (with accompanying papers); to the Committee on Commerce.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Highway Program Shows Limited Progress Toward Increasing Accessibility To and Through Appalachia" (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the assessment of the Teachers Corps program at Northern Arizona University and participating schools on the Navajo and Hopi Indian Reservations (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION DECLARING THAT THE UNITED STATES HOLDS CERTAIN LANDS IN TRUST FOR THE MINNESOTA CHIPPEWA TRIBE, MINNESOTA

A letter from the Assistant Secretary of the Interior, submitting a draft of proposed legislation to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SYMINGTON, from the Committee on Armed Services, without amendment:

H.R. 7500. An act to provide for the placement of Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, when retired, on the retired list in the grade of general (Rept. No. 92–108).

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. MANSFIELD:

S. 1862. A bill to authorize the Secretary of the Interior to accept deeds conveying land to the United States of America in trust for any one of the Fort Peck Indian children of James Olson and Charlotte Boyd Olson. Referred to the Committee on Interior and Insular Affairs.

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 1863. A bill to authorize the Secretary of the Interior to convey certain lands to August Sobotka and Joseph J. Tomalino of Intake, Mont. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 1864. A bill for the relief of Antonio Passalaqua. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (by request):

S. 1865. A bill to amend section 3307 of title 5, United States Code, to authorize the Attorney General to establish age limitations for certain appointments. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. PERCY, Mr. BAYH, Mr. BROOKE, Mr. CRANSTON, Mr. GRIFFIN, Mr. HATFIELD, Mr. HUMPHREY, Mr. MONTOYA,

Mr. SCOTT, Mr. THURMOND, and Mr. TUNNEY):

S. 1866. A bill for the relief of Clayton Bion Craig, Arthur P. Wuth, Mrs. Lenore D. Hanks, David E. Sleeper, and DeWitt John. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (by request):

S. 1867. A bill to amend the Bail Reform Act of 1966 to provide for pretrial detention of dangerous persons charged with dangerous or organized crime acts; and

S. 1868. A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to authorize revocation of pretrial release for persons who violate their release conditions, intimidate witnesses or jurors, or commit new offenses, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HRUSKA:

S. 1869. A bill to amend the Immigration and Nationality Act to provide for waiver of excludability for certain aliens, and for other purposes; and

S. 1870. A bill for the relief of Alfred Hiltbrunner. Referred to the Committee on the Judiciary.

By Mr. CHILES:

S. 1871. A bill to amend the United States Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent housing projects, and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family (or its other principal wage earner). Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CASE (for himself, Mr. BAYH, Mr. CHILES, Mr. CRANSTON, Mr. EAGLETON, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. MATHIAS, Mr. MCGOVERN, Mr. MONDALE, Mr. MOSS, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCOTT, Mr. SCHWEIKER, Mr. STEVENSON, Mr. TAFT, Mr. TOWER, Mr. TUNNEY, Mr. WILLIAMS, and Mr. WEICKER):

S. 1372. A bill for the relief of Soviet Jews. Referred to the Commitee on the Judiciary.

By Mr. PROUTY:

S. 1873. A bill to amend the National Labor Relation Act to make certain limitations on penalties levied by a labor organization upon its members, and for other purposes. Referred to the Committee on Labor and Public Welware.

By Mr. MAGNUSON:

S. 1874. A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (for himself, Mr. BAYH, Mr. BENNETT, Mr. BENTSEN, Mr. BIBLE, Mr. BOGGS, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CASE, Mr. CHURCH, Mr. COOPER, Mr. COTTON, Mr. CRANSTON, Mr. CURTIS, Mr. EAGLETON, Mr. EASTLAND, Mr. GOLDWATER, Mr. GRAVEL, Mr. GURNEY, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HOLLINGS, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. ROTH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPARKMAN, Mr. SPONG, Mr. STEVENS, Mr. SYMINGTON, Mr. THURMOND, Mr. TUNNEY, Mr. WILLIAMS, Mr. YOUNG, and Mr. GRIFFIN):

S. 1875. A bill to establish the calendar year as the fiscal year of the Government and to provide for separate periods during sessions of the Congress for the consideration of appropriation bills, and for other purposes. Referred to the Committee on Government Operations.

By Mr. BURDICK:

S. 1876. A bill to provide for the division of jurisdiction between State and Federal courts, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BROCK:

S. 1877. A bill to amend title II of the Social Security Act and chapters 2 and 21 of the Internal Revenue Code of 1954 to exclude from earnings for social security benefit and tax purposes certain royalties and renewal commissions paid to an individual after the year in which he attained age 65, and certain payments made to an individual's survivors or estate after the year of his death. Referred to the Committee on Finance.

By Mr. HANSEN (for himself, Mr. MANSFIELD, Mr. METCALF, and Mr. MCGEE):

S. 1878. A bill to amend section 5 of Public Law 89-664, which established the Bighorn Canyon National Recreation Area. Referred to the Committee on Interior and Insular Affairs.

By Mr. HATFIELD:

S.J. Res. 97. A joint resolution proposing an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HRUSKA (by request):

S. 1865. A bill to amend section 3307 of title 5, United States Code, to authorize the Attorney General to establish age limitations for certain appointments. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk a bill to authorize the Attorney General to establish age limits for certain appointments, and ask that it be appropriately referred. I ask unanimous consent that, at the conclusion of my remarks, there be printed in the RECORD the full text of the bill, the Attorney General's letter of transmittal, and a Statement of Purpose and Justification prepared by the Department of Justice.

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

(See exhibits 1, 2, and 3.)

Mr. HRUSKA. Mr. President, recent events throughout the country have, among other things, underscored the need for flexible and responsive law enforcement. The need for qualified young people in law enforcement continues to grow. In the Department of Justice, however, there are a number of highly specialized law enforcement positions to which appointments are made in the competitive Civil Service. Section 3307 of title 5, United States Code, presently prohibits the Attorney General from fixing age limits for original appointments to these positions, although he feels such limits are extremely important.

The positions in question are:

Border Patrol Agent, Immigration and Naturalization Service;

Criminal Investigator, Bureau of Narcotics and Dangerous Drugs;

Correctional Officer, Bureau of Prisons; and

Deputy U.S. Marshal, U.S. Marshals Service.

The strenuous and hazardous activities of those who occupy these positions are detailed in the Statement of Purpose and Justification which will appear at the conclusion of these remarks. I will not repeat them at this point. I can only add my personal conviction that there is great need to bring to these positions young and flexible applicants who can meet today's challenges in the field of law enforcement.

Mr. President, the renowned Federal Bureau of Investigation has established age limits for original appointments to Special Agent. The District of Columbia Police and the U.S. Park Police, who combined in such outstanding fashion during recent weeks to protect the citizens of the District and the Federal Government, also have age limitations on original appointments. Regarding the Park Police, their authority to establish these age limits was created during the 91st Congress in a manner similar to that which today I propose.

The Senator is a firm believer in the general principle that age should not be a factor in employment. I know the Attorney General has the same conviction. It is doubly impressive, therefore, that the Attorney General has asked for this specific authority in order to make the agencies in question still more responsive to the needs of law enforcement in their highly specialized fields.

Mr. President, this is an important proposal. Its enactment will enable the Department of Justice to improve still further the outstanding services it now provides to the Federal Government and to the people. I urge the Senate to give prompt and favorable consideration to this bill.

EXHIBIT 1

S. 1865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3307 of title 5, United States Code, is amended by designating the present section as subsection (a), and by adding the following as subsection (b):

"(b) Notwithstanding the provisions of (a), the Attorney General, with the concurrence of such agent as the President may designate, is authorized to determine and fix the minimum and maximum limits of age within which original appointments may be made in the Department of Justice to Border Patrol Agent in the Immigration and Naturalization Service, Criminal Investigator in the Bureau of Narcotics and Dangerous Drugs, Correctional Officer in the Bureau of Prisons, and Deputy United States Marshal in the United States Marshals Service."

EXHIBIT 2

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., April 26, 1971.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a

legislative proposal to authorize the Attorney General to establish age limitations for certain appointments within the Department of Justice.

Current law effectively prohibits the establishment of maximum age limitations for employees entering Federal employment through the competitive civil service. As provided in Section 3307 in title 5, United States Code:

Appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.

The Department of Justice is the Federal Government's principal law enforcement agency, and accordingly employs a substantial number of specialized professional personnel. In the Department, original appointments to Special Agent positions in the Federal Bureau of Investigation, which are not in the competitive service, are subject to established minimum and maximum age limitations. Because of the prohibition in Section 3307 of title 5, United States Code, equally desirable age limitations do not exist for original appointments to the following law enforcement positions:

Border Patrol Agent, Immigration and Naturalization Service;

Criminal Investigator, Bureau of Narcotics and Dangerous Drugs;

Correctional Officer, Bureau of Prisons;

Deputy United States Marshal, United States Marshals Service.

The 91st Congress has demonstrated a recognition of the need to depart, in limited situations, from the general rule that age should not be a qualification for employment. Public Law 91–73, approved September 26, 1969, authorizes the Secretary of the Interior to establish minimum and maximum age limits for original appointments to the United States Park Police.

The basic justifications for the recent passage of Public Law 91–73 apply with equal force to the four Department of Justice positions listed above. There is a vital need to attract young, flexible, career-minded individuals to these strenuous and hazardous professions. The highly specialized training received by new employees selected for these positions is becoming more extensive and expensive. Age limitations will enhance the ability of these employees to survive this training, perform at peak efficiency on the job, and remain with their agencies for a greater length of time prior to retirement.

These troubled times require our very best efforts in the area of law enforcement. Enactment of this proposal will enable the Department to take a significant step in its continuing efforts to provide the best possible law enforcement services to the people.

The Office of Management and Budget has advised that there is no objection to the enactment of this legislation from the standpoint of the Administration's program.

Sincerely,

JOHN N. MITCHELL,
Attorney General.

EXHIBIT 3

STATEMENT OF PURPOSE AND JUSTIFICATION OF PROPOSED LEGISLATION TO AMEND 5 U.S.C. § 3307, TO AUTHORIZE THE ATTORNEY GENERAL TO ESTABLISH AGE LIMITATIONS FOR CERTAIN APPOINTMENTS

The purpose of the proposed legislation is to amend section 3307 of title 5, United States Code, to authorize the Attorney General to establish age limitations for original appointments to the following law enforcement positions:

Border Patrol Agent, Immigration and Naturalization Service;

Criminal Investigator, Bureau of Narcotics and Dangerous Drugs;

Correctional Officer, Bureau of Prisons; and

Deputy United States Marshal, United States Marshals Service.

The need to attract young, flexible, career-minded individuals to such strenuous and hazardous professions is best demonstrated by a brief description of the duties of persons occupying these positions.

The Border Patrol is a mobile uniformed enforcement organization with a principal mission to prevent the smuggling and illegal entry of aliens into the United States and to detect, apprehend, and initiate departure of aliens illegally in this country. The Border Patrol Agent encounters persons, both aliens and citizens, attempting to smuggle contraband including narcotics, marijuana, and dangerous drugs. Such persons are arrested and the contraband seized for referral to the U.S. Bureau of Customs. Also, violators, including those who are armed and dangerous, of other federal, state, and local laws are frequently encountered and taken into custody. The duties of Border Patrol officers involve physical exertion under rigorous environmental conditions and irregular as well as protracted and arduous tours of duty. Patrol duties are performed on foot, in motor and jeep-type vehicles, and officers frequently fly as observers in aircraft. These duties are carried out in extreme temperatures and very often in rugged terrain inaccessible by vehicles. Border Patrol officers must, therefore, be in very good physical condition, able to walk long distances, and also able to run in pursuit of fugitives. They must also be able to board moving freight trains and must often physically restrain persons being arrested. Since its organization in 1924, the Border Patrol has had 48 officers killed in the line of duty. Twenty-three of these officers were killed as a result of direct assault. During the 1960's there were eleven officers killed in the line of duty with a force of some 1,200 to 1,400 men.

The Bureau of Narcotics and Dangerous Drugs Criminal Investigator serves as the cutting edge of the Bureau's mission to enforce the Federal narcotic and dangerous drug laws. The persons occupying this position have a hazardous and arduous task; they work well over fifty hours per week in all types of weather and conditions, at all hours, and often in an undercover capacity. Inherent to the nature of the job are the elements of danger and surprise counter-moves by defendants. To competently and successfully perform these duties, the Criminal Investigator must be agile, both physically and mentally. This is a strenuous and taxing vocation and would prove doubly so to the older Criminal Investigator trainee not previously engaged in similar occupations.

Strenuous and hazardous duty is certainly no stranger to the Bureau of Prisons Correctional Officer. The inmate population of our Federal prisons is showing a steady increase in numbers at the same time that the average age of inmates is declining. This increase in population is causing critical overcrowding in a number of institutions and thus demands of our correctional officers greater alertness, keener judgment, and more physical stamina than at any previous time. The younger prison population is more sophisticated and more volatile. The incidents of assaults against both inmates and staff has shown an increase in the past year.

But, the physical demand on a Correctional Officer is not the only reason for a maximum age limitation for original appointments to this position. The final report of the Joint Commission on Correctional Manpower and Training notes, "Young people are missing from the correctional employment scene. While other vocations have tried to capture the enthusiasm and vitality of the present generation of students, the Joint Commission was unable to discover any such broad-scale effort in corrections. . . . [J]uveniles make up about one-third of the total correctional workload and are being referred to correctional agencies at a greater rate than adults. Generation-gap problems between workers and young correctional clients will no doubt increase if efforts are not made to recruit young people into the field."

The Deputy United States Marshal is not only called upon to effect arrests, but is required to transport and guard federal prisoners, often over long distances. This type of job responsibility requires both physical stamina and personal stability in order to respond to spontaneous events. Moreover, deputy marshals are often detailed on special assignments ranging from the enforcement of Federal court orders to the protection of government witnesses in the prosecution of major organized crime personalities. When on special assignment, the deputy must be on the job notwithstanding any possible danger, round-the-clock hours, or inclement weather. Every man on special assignment is a key one, and a break in one link of the chain because of sickness or infirmity precipitates the failure of the entire mission.

Persons are recruited for the four above positions through the competitive civil service. Maximum age limitations for these law enforcement posts are effectively prohibited by 5 U.S.C. § 3307:

Appropriated funds may not be used to pay an employee who establishes a maximum age requirement for entrance into the competitive service.

The proposed legislation would amend 5 U.S.C. § 3307 to authorize the Attorney General, with the concurrence of such agent as the President may designate, to determine and fix the minimum and maximum limits of age within which original appointments may be made to above-described positions.

The law enforcement profession is in general agreement that a maximum age limit is essential in recruiting new personnel. A 1968 survey by the International Association of Chiefs of Police found that of the 162 law enforcement agencies contacted throughout the United States, eighty-nine percent set a standard of thirty-five years or younger as the maximum age for recruits.

Moreover, the Federal government has recognized the value of age limitations for law enforcement appointments. In the Department of Justice, original appointments to Special Agent positions in the Federal Bureau of Investigation, which are not in the competitive service, are subject to established minimum and maximum age limitations. The 91st Congress recognized the need to make certain exceptions to the general rule that age should not be a qualification for employment by enacting Public Law 91–73 authorizing the Secretary of the Interior to establish minimum and maximum age limitations for original appointments to the United States Park Police.

The basic justification for the recent passage of Public Law 91–73 applys with equal force to the four Department of Justice law enforcement positions described above. The enactment of this legislation will remove a significant impediment to the Department's continuous efforts to provide the citizenry with quality law enforcement.

SECTION ANALYSIS

The proposed legislation, which contains only one section, would amend section 3307 of title 5, United States Code, by designating the present section as subsection (a), and by adding a new subsection (b) which would authorize the Attorney General to determine and fix the maximum and minimum limits of age within which original appointments may be made in the Department of Justice to Border Patrol Agent in the Immigration and Naturalization Service, Criminal Investigator in the Bureau of Narcotics and Dangerous Drugs, Correctional Officer in the Bureau of Prisons, and Dep-

uty United States Marshal in the United States Marshals Service.

By Mr. HRUSKA (by request):

S. 1867. A bill to amend the Bail Reform Act of 1966 to provide for pretrial detention of dangerous persons charged with dangerous or organized crime acts; and

S. 1868. A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to authorize consideration of danger to the community in setting conditions of release, to authorize revocation of pretrial release for persons who violate their release conditions, intimidate witnesses or jurors, or commit new offenses, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk two bills relating to the reform of the Federal bail system which I am pleased to introduce on behalf of the Attorney General. I ask that they be appropriately referred. I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the texts of the transmittal letters from the Department of Justice and the texts of the bills.

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

(See exhibits 1, 2, 3, and 4.)

Mr. HRUSKA. Mr. President, these two bills are new in concept and execution, however, they do have antecedents in past Congresses. Two years ago I joined with the distinguished Senator from South Carolina (Mr. THURMOND) and the late Senator from Illinois (Mr. Dirksen) in introducing S. 2600, 91st Congress, a bill to amend the Bail Reform Act of 1966.

The amendments I proposed were dissigned to correct certain deficiencies in the law which had been revealed by 3 years' experience under the Bail Reform Act. Like the act itself, the amendments were intended to govern bail proceedings in all Federal courts.

After long debate, Congress approved bail reform for the Nation's Capital, in the District of Columbia Court Reform and Criminal Procedure Act of 1970. But it did not act on my amendments for the rest of the federal system. Federal courts in 92 of the 93 judicial districts are still applying the Bail Reform Act without amendment, and they are still confronting the same deficiencies in the act that inspired my bill of 2 years ago.

Because the need for corrective action still remains I am sponsoring these new and revised bail reform bills for consideration by the 92d Congress.

Bail reform has been the subject of considerable controversy in this country since January 1969 when President Nixon asked Congress to authorize the limited pretrail detention of certain dangerous defendants. The President then observed that increasing numbers of serious crimes were being committed by persons already indicted for earlier crimes but free on pretrial release. He suggested that one reasonable way to alleviate this problem was to hold dangerous hard-core recidivists, charged with serious felonies, in temporary pretrial custody until they could be brought to a speedy trial.

Pretrial detention was a major feature of S. 2600 when it was introduced 2 years ago. A revised version is contained in the proposals which I am submitting today.

This new bill has been significantly changed. It strictly limits the noncapital offenses for which a detention order may be issued to the most serious offenses under Federal law. There is no longer a need to include in this national legislation the serious offenses in the District of Columbia because they were covered by the District crime legislation last year. The new bill can thus focus exclusively on a few Federal crimes of great magnitude, such as kidnapping, bank robbery, bombing, aircraft hijacking, racketeering, and the unlawful sale of heroin. The class of persons most substantially affected by this new legislation will be the wanton mercenaries of organized crime.

Open, candid pretrial detention has always been explained as a device to achieve several legitimate objectives.

First, it will reduce the amount of crime committed by persons released on bail. Recidivist defendants may commit multiple crimes while out on bail, some because they are unable to resist the temptation, some because they have nothing but contempt for society. Often these defendants are professional criminals, who have been known to commit 10 or 15 crimes while out on bail.

By detaining the most dangerous of these defendants, we can make reductions in the rate of crime. In addition, the prospect of immediate confinement and an expedited trial should serve as a powerful deterrent to persons contemplating criminal conduct.

Second, apart from a reduction in the rate of crime, individual instances often arise in which a noncapital defendant is so clearly a menace to the public safety that his release before trial would be reckless and dangerous. In these cases, pretrial detention is virtually essential.

Let me give you an example. Last July a uniformed police officer here in the District spotted a man in an alley under suspicious circumstances. He went up to the man to investigate. The suspect shouted for help, and, suddenly, two men jumped the officer from behind. When the attackers had wrestled the officer's service revolver away from him the suspect screamed, "Kill him, kill him." Within the next few seconds, five shots were fired, three directly at the officer. By some miracle, he was not killed.

The question I posed last summer when I read about this case was simply this: Suppose all three men had been arrested and positively identified. Should they have been released? Even though they were probably narcotics addicts or pushers and even though they had assaulted a police officer and come within inches of killing him, they were entitled to release under Federal law.

But could anyone seriously argue that it was in the public interest that these three men should be released? Can anyone seriously argue that society is absolutely without power to restrain these men and to prevent them from trying to kill again?

It is hard to understand the opposition to reasonable safety measures to protect the public from such persons. For we all know that the Bail Reform Act today mandates the release of armed addicts who attempt murder—except in the District of Columbia. This is reason enough for the law to be changed.

Third, pretrial detention is a desirable judicial reform that will restore integrity to the legal system. For hundreds of years judges have detained defendants who were thought to be dangerous through the simple expedient of setting high bond. This practice continues nearly everywhere.

The National Jail Census, conducted March 15, 1970, revealed that 83,079 persons who had not been tried or convicted were being detained in local jails. However, only a fraction of these persons were capital defendants who could be held without bond. Most were held in custody because they did not have the money to make bond.

Mr. President, a classic example of this hypocritical process occurred last June in New York. Police arrested a man they suspected as the "Dapper Dan bandit" who had been involved in 20 bank robberies. In proceedings before a U.S. magistrate, an assistant U.S. attorney asked that bail be set at $100,000. The magistrate denied the request with the comment that "we haven't gotten to the point of preventive bail yet." He then set bail at $50,000.

Mr. President, the "Dapper Dan" incident illustrates quite clearly that many dangerous persons are still detained through the historic expedient of setting high bond, even while the committing magistrate criticizes "preventive bail."

The time has come to reform the law. The understandable judicial instinct to protect society from defendants who pose an obvious danger to the community should not continue to operate without restraint. It can and must be channeled into constructive procedures which limit the range of the judge's discretion and protect the rights of criminal defendants.

Unnecessary detention remains a significant problem, even in the federal system. Minimizing the use of money bond is surely part of the answer. But as we move away from money bond, we must devise other means of coping with those persons who constitute a serious threat to community safety—the organized criminal, the armed and desperate addict, the mad bomber, the professional thug. These people, having committed one serious crime, cannot be turned loose on an unsuspecting public. Pretrial detention—open, candid, and infused with due process safeguards—is the answer.

Two years of intense debate have not shaken my belief, nor the belief of the President and the Department of Justice, in the merits of pretrial detention as a desirable and needed judicial reform. The time will come when it will be approved by Congress for the entire federal

system, for that is the only realistic way for us to free ourselves from the money bond system.

Mr. President, in the short term, however, it is apparent that the greatest impetus for the passage of this legislation—the bail situation in the District of Columbia—has been removed. It is also clear that as long as a constitutional cloud hangs over this proposal, it will meet with resistance in both Houses of Congress. A case can thus be made for deferring action on pretrial detention until we have had a chance to scrutinize its application in the District of Columbia and until the courts have resolved the chief constitutional questions that have thus far been raised.

With this course in mind, I have introduced pretrial detention in a separate bill, apart from the other needed bail reforms. This will assure that action can be taken on the other reforms without doing battle at this time on pretrial detention.

I am very pleased and gratified that the distinguished Senator from North Carolina (Mr. ERVIN) has agreed to hold hearings on the subject of bail reform other than pretrial detention, and I earnestly hope that he and I and the other members of the Subcommittee on Constitutional Rights can work together in the same spirit of cooperation that produced the original Bail Reform Act of 5 years ago.

Let me now outline briefly the most important bail amendments I have introduced today and the areas they will involve in the bill we hope will be pushed wholeheartedly in this session of Congress. In the main, there is agreement on the necessity to consider and enact some corrections, particularly as to the following principal points.

1. CONSIDERATION OF A DEFENDANT'S DANGER

Section 3146 of the Bail Reform Act prevents a judicial officer from considering a noncapital defendant's potential danger to persons in the community. The section not only bars the outright detention of these dangerous defendants before trial but also bars any judicial consideration of dangerousness in setting conditions of pretrial release.

This is totally unrealistic. Some noncapital defendants are clearly dangerous; and if the law forbids their detention, it should at least permit the court to evaluate and respond to their dangerousness in formulating appropriate nonfinancial conditions of release. Several of my amendments would accomplish this end. Thus, section 3146 would be amended to read, in part:

Any person charged with an offense, other than an offense punishable by death, shall, at his appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the officer determines, in the exercise of his discretion, that such release will not reasonably assure the appearance of the person as required *or the safety of any other person or the community*. When such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial *or the safety of any other person or the community* or if no single condition gives that assurance, any combination of the [conditions permitted in the statute]. (Emphasis added).

Under these amendments, and others, the court would be able to take account of the danger a defendant might pose to the community. It could impose a curfew or work release when either of those conditions appear desirable. The section would assert in unmistakable terms, however, that:

No *financial* condition may be imposed to assure the safety of any other person or the community. (Emphasis added.)

This proviso would assure, as far as it is possible to assure by legislation, that henceforward the old hypocrisy of money bond manipulation will cease and desist.

2. APPEAL FROM CONDITIONS OF RELEASE OR ORDER OF DETENTION

A second important section of the bill would revise section 3147 of the bail reform law. This section is entitled "Appeal From Conditions of Release," and it provides that a noncapital defendant who is detained as a result of his inabiilty to meet the conditions of release, may appeal the order of the court. According to the terms of the section, this appeal "shall be determined promptly."

Examination reveals that section 3147 needs at least two strengthening amendments. For instance, the section contains no authority for the Government to appeal a release order. Thus, if an identified kidnapper, who had allegedly pistol-whipped his victim and collected an exorbitant ransom that was not recovered, were released by the court on personal recognizance, the Government could not appeal the court's order to ask for more sensible conditions of release. This shortcoming is indefensible. Federal bail law should accommodate the interests of both defendants and the public. By allowing a defendant the right to appeal, we recognize that situations may arise in which the release conditions established by the court are unnecessarily restrictive and hence susceptible to reasonable modification. By allowing the Government the right to appeal, we will recognize that a judge may on occasion be unduly lax in protecting the legitimate interests of the public.

Section 3147 should also be amended to clarify the law. Although capital defendants and convicted defendants may now appeal a release order or an order of detention, the right to appeal in these situations is not provided in the act itself. The right is set out elsewhere and is difficult to locate. Section 3147 should be amended so that all rights to appeal a bail order, for defendants and the Government, may be found in one section of the Federal statutes. This amendment would in no way affect the substance of a defendant's right to appeal. It would merely establish that right where everyone can find it.

3. BAIL ON APPEAL

A third area for amendment is bail on appeal. Section 3148 of the Bail Reform Act provides that a person who has been convicted of an offense and is either awaiting sentence or has filed an appeal or a petition for a writ of certiorari, is to be treated in accordance with the provisions of section 3146—the pretrial release section—unless the court or judge has reason to believe that no one or more conditions of release will reasonably assure that the person will not flee or pose a danger to the community. If a risk of flight or danger is believed to exist, the defendant may be detained.

The existing law is not sound with respect to a person who has been convicted of an offense and sentenced to a term of confinement. In this situation, the court has determined that the defendant should not continue his present lifestyle, that instead he should be imprisoned for his own good or for the good of society. A defendant thus sentenced has a strong motive to flee the jurisdiction. He may also be bitter as a result of his conviction and seek revenge at the expense of society. In cases of this sort, there should be no presumption for postsentence release.

After conviction, a defendant is stripped of any and every presumption of innocence. The articulated reasons for his pretrial freedom no longer apply. After a sentence of imprisonment, a defendant should assume the burden of demonstrating that he is not likely to flee or pose a danger to the community and that his appeal is not frivolous but raises a substantial question of law or fact. There is reason to believe that some Federal judges have been too lenient with bail on appeal. For example, a defendant convicted in Illinois of aiding and abetting an armed bank robbery and sentenced to 18 years in prison, was released on $35,000 appeal bond. Within 3 days, he had left the jurisdiction, robbed a supermarket, and killed a Louisville police officer while attempting to escape. His three cohorts in crime were free on bond from a supermarket stickup in Madison, Wis. All four men were caught and sentenced to death.

Certainly, no one was served by the release of any of these men. But the release of a man already convicted of an armed robbery and sentenced to 18 years in prison is outrageous and inexcusable. Attorney General John Mitchell is quite correct when he states that:

There is nothing more frustrating to the public than the spectacle of men who have been tried, convicted, and sentenced, running about committing new crimes.

When bail is freely granted to persons who have been convicted and sentenced to confinement, appeals are encouraged, rehabilitation is obstructed, and the struggle for speedy justice is seriously undermined.

If speedy trials are a deterrent to crime, lengthy appeals while defendants remain at large will destroy that deterrent. Any effort to speed up the trial of criminal cases will be futile if we do not tighten bail on appeal.

In revising section 3148, pains have been taken to respond to the criticisms directed by the Senator from North Carolina (Mr. ERVIN) toward the appeal provision in last year's District of Colum-

bia crime legislation. The two provisions are not the same; and I am confident that the reason for the Senator's objection to the District of Columbia legislation has been removed from this bill.

4. PENALTIES FOR FAILURE TO APPEAR

Section 3150 of the Bail Reform Act sets penalties for a defendant's willful failure to appear in court as required. In short, it sets penalties for jumping bail. Five years' experience under the Bail Reform Act suggests that something more is needed to make this section work than the provisions of the present statutes I am therefore proposing several amendments.

The amendments are of critical importance to the successful operation of the bail reform law. The overriding purpose of the law is to eliminate all unnecessary pretrial detention. To accomplish this end, society takes a chance that defendants will keep their pledge to return for trial. Willful failure to appear as required constitutes not only a serious breach of a defendant's pledge but also a direct assault on the administration of justice. It cannot be tolerated.

More than a slap on the wrist is needed to deter bail jumping. Past experience suggests that tough minimum penalties are required to deter defendants from jumping bail and to justify the separate prosecution of these offenders under the law. Tiny, insignificant penalties and concurrent penalties do not achieve satisfactory results.

The amendment proposed for section 3150 would also clarify the meaning of a "willful" failure to appear. There is no attempt here to trap unwitting defendants, but there is a conscious attempt to preclude evasions which escape punishment. A defendant is not to escape punishment by strained interpretations of the term "willful" or by ingenious efforts to avoid notice.

5. SANCTIONS FOR VIOLATING CONDITIONS OF RELEASE

The Bail Reform Act fails to authorize clear judicial sanctions for defendants who violate the conditions of their release. This shortcoming is corrected by a proposed new section, 3150A, which would read in part:

A person who has been conditionally released pursuant to section 3146 and who has violated a condition of release shall be subject to revocation of release and to prosecution for contempt of court.

Subsection (b) of proposed section 3150A details the proceedings for revocation of release and subsection (c) sets out guidelines for imposition of criminal contempt sanctions.

Section 3150A(b) would be a particularly welcome addition to the law. Although some courts have revoked bail under the act, particularly for defendants who have committed an additional offense during the period of release, many judges have been extremely hesitant to revoke bail for lack of clear authority. The absence of effective sanctions for violations of conditions of release has made it difficult to administer the law.

6. SANCTIONS FOR THREATENING WITNESSES OR JURORS ON RELEASE

Another proposed new section, 3150B, would read in part:

A person who has been conditionally released pursuant to section 3146 and who has threatened, injured, intimidated, or attempted to threaten, injure, or intimidate a prospective juror or witness, shall be subject to revocation of release.

This section, if enacted, would codify the case law. In *United States* v. *Bentvena*, 288 F. 2d 442, 445 (2d Cir. 1961), the court held that:

A district court "possessed an inherent authority to remand the defendants into custody during trial in the exercise of a sound discretion.

In *United States* v. *Gilbert*, 425 F. 2d 490, 491–92 (D.C. Cir. 1969), the court said:

We are satisfied that courts have the inherent power to confine the defendant in order to protect future witnesses at the pretrial stage as well as during trial.

The necessities of judicial administration and efficient criminal prosecution require that this power reside in the courts.

Although this section is limited to revocations of release, I have not changed my views that a broader power is actually needed. As I said a year ago in reference to the Gilbert case, "The Bail Reform Act should be amended because, as drafted—it does not—authorize detention of those who would threaten or injure jurors or witnesses or otherwise disrupt the administration of justice. These grounds for pretrial detention are almost universally accepted as necessary and reasonable, but they are not recognized by the language of the 1966 Act. Thus, we have the unfortunate spectacle of a court . . . proclaiming its inherent power to detain defendants who are likely to interfere with the administration of justice, though the controlling statutory language is to the contrary. I do not question the soundness of the court's decision; but neither do I condone the necessity of simply ignoring a statutory command of the Congress."

7. SANCTIONS FOR COMMITTING SERIOUS OFFENSES ON RELEASE

A third new section, 3150C, would permit the revocation of release for defendants who are charged with a felony during the period of their release on another offense. As I noted earlier, the absence of clear authority to revoke bail, even when revocation is fully justified, has hampered courts and led to very peculiar judicial conduct. Thus, in the District of Columbia, we saw a local judge impose money bond of $250,000 on a defendant who was apprehended during a second bank robbery—of the same bank—after once being granted pretrial release. How much simpler and more honest it would have been for the court to have revoked bail. This would be possible if this section is adopted.

8. PENALTIES FOR OFFENSES COMMITTED ON RELEASE

Finally, this bill proposes an amendment which relates to additional penalties that may be imposed for offenses committed during a period of release. The possibility that bail may be revoked is not enough to deter new crimes. We must also provide a formal recognition in the statutes that the commission of crime on bail is deserving of additional penalties as an aggravated betrayal of the trust placed in a defendant when he is released.

Under every bail statute I have ever sponsored, pretrial release has been the preferred policy, and it remains so in this legislation. In order to effectuate this policy, we must be able and determined to move against those who abuse the rights that are granted to them. If we fail to do this, the public will rightfully lose confidence in the law.

Mr. President, I believe the amendments proposed today will tangibly improve the administration of justice. Certainly, they will strengthen the Bail Reform Act, which I was proud to cosponsor 5 years ago. The chief proponent of that bill at that time was the senior Senator from North Carolina. Many of these amendments enjoy the support of the American Bar Association's Advisory Committee on Pretrial Release. They are urgently needed reforms, and they merit the prompt and favorable attention of Congress.

Mr. President, I yield the floor.

EXHIBIT 1

S. 1867

A bill to amend the Bail Reform Act of 1966 to provide for pretrial detention of dangerous persons charged with dangerous or organized crime acts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 207 of title 18, United States Code, is amended by adding after section 3146 the following new section:

"§3146A. Pretrial detention in certain noncapital cases.

"(a) A judicial officer may order a person detained under this section prior to trial if—

"(1) the person is charged with a dangerous or organized crime act, as defined in section 3152(6); and

"(2)(A) the person has been convicted of a felony, as defined in section 3152(3), within the ten-year period immediately preceding the commission of the offense for which he is presently charged, (B) the dangerous or organized crime act, as defined in section 3152(6), was allegedly committed while the person was, with respect to a felony, on bail or other release or on probation, parole, or mandatory release pending completion of a sentence, (C) the person is an addict, as defined in section 3152(7), or (D) the Government certifies by motion that based on the person's pattern of behavior consisting of his past and present conduct, and on the other factors set out in section 3146(b), there is no condition or combination of conditions which will reasonably assure the safety of any other person or the community; and

"(3) the judicial officer—

"(A) holds a pretrial detention hearing in accordance with the provisions of subsection (b) of this section;

"(B) finds—

"(i) that the person is a person described in subsections (a)(1) and (a)(2) of this section;

"(ii) that—

"(a) in the case of a person described only in paragraph (D) of subsection (a)(2), based on the person's pattern of behavior consisting of his past and present conduct, and on the other factors set out in section 3146(b), or

"(b) in the case of a person described in paragraph (A), (B), or (C) of such subsection, based on the factors set out in section 3146(b),

there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

"(iii) on the basis of information presented by proffer or otherwise to the judicial officer there is a substantial probability that the person committed the offense for which he is before the judicial officer; and

"(C) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

"(b) The following procedures shall apply to pretrial detention hearings held pursuant to this section:

"(1) Whenever the person is before a judicial officer, the hearing may be initiated on oral motion of the United States attorney.

"(2) Whenever the person has been released pursuant to section 3146 and it subsequently appears that the person may be subject to pretrial detention, the United States attorney may initiate a pretrial detention hearing by ex parte written motion. Upon such motion the judicial officer may issue a warrant for the arrest of the person and if the person is outside the district, he shall be brought before a judicial officer in the district where he is arrested and shall then be transferred to the district in which his arrest was ordered for proceedings in accordance with this section.

"(3) The pretrial detention hearing shall be held immediately upon the person's being brought before the judicial officer for such hearing unless the person or the United States attorney moves for a continuance. A continuance granted on motion of the person shall not exceed five calendar days, unless there are extenuating circumstances. A continuance on motion of the United States attorney shall be granted upon good cause shown and shall not exceed three calendar days. The person may be detained pending the hearing.

"(4) The person shall be entitled to representation by counsel and shall be entitled to present information by proffer or otherwise, to testify, and to present witnesses in his own behalf.

"(5) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

"(6) Testimony of the person given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but such testimony shall be admissible in proceedings under section 3150, in perjury proceedings, and for the purpose of impeachment in any subsequent proceedings.

"(7) An appeal from an order granting or denying detention may be taken pursuant to section 3147.

"(c) The following shall be applicable to persons detained pursuant to this section:

"(1) The person shall be confined, to the extent practicable, in facilities separate from convicted persons awaiting or serving sentences or being held in custody pending appeal.

"(2) The person shall be afforded reasonable opportunity for private consultation with counsel and, for good cause shown, shall be released upon order of the judicial officer in the custody of the United States marshal or other appropriate person for limited periods of time to prepare defenses or for other proper reasons.

"(3) The case of the person shall be placed on an expedited calendar and, consistent with the sound administration of justice, his trial shall be given priority.

"(4) The person shall be treated in accordance with section 3146—

"(A) upon the expiration of sixty calendar days, unless the trial is in progress or the trial has been delayed at the request of the person other than by the filing of timely motions except for motions for continuances; or

"(B) whenever a judicial officer finds that a subsequent event has eliminated the basis for detention.

"(5) The person shall be deemed detained pursuant to section 3148 if he is convicted.

"(d) The judicial officer may detain for a period not to exceed five calendar days a person charged with an offense who comes before him for a bail determination if it appears that the person is on probation, parole, or mandatory release pending completion of sentence for any offense under State or Federal law and that the person may flee or pose a danger to any other person or the community if released. During the five-day period, the United States attorney shall notify the appropriate State or Federal probation or parole officials. If such officials fail or decline to take the person into custody during such period, the person shall be treated in accordance with section 3146, unless he is subject to detention under this chapter. If the person is subsequently convicted of the offense charged, he shall receive credit toward service of sentence for the time he was detained pursuant to this subsection.

"(e) Whenever it appears that a person charged with a dangerous or organized crime act, as defined in section 3152(6), may be an addict, as defined in section 3152(7), the judicial officer may, upon motion of the United States attorney, order the person detained in custody for a period not to exceed three calendar days, under medical supervision, to determine whether the person is an addict. Upon or before the expiration of three calendar days, the person shall be brought before a judicial officer and the results of the determination shall be presented to the judicial officer. The judicial officer thereupon (1) shall treat the person in accordance with section 3146 or (2) upon motion of the United States attorney, may hold a pretrial detention hearing pursuant to this section."

SEC. 2. Section 3152 of title 18, United States Code, is amended by adding at the end thereof the following new subsections:

"(3) The term 'felony' means any criminal offense punishable by imprisonment for more than one year by an Act of Congress or the law of a State.

"(4) The term 'misdemeanor' means any criminal of offense punishable by imprisonment for one year or less by an Act of Congress or the law of a State.

"(5) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

"(6) The term 'dangerous or organized crime act' means (1) an offense under section 892, 893, 894, 1951 or 1952 of title 18, United States Code (racketeering), (2) unlawful sale or distribution of a narcotic drug or depressant or stimulant substance, as defined in the Controlled Substances Act, if the offense is punishable by imprisonment for more than one year, (3) an offense under subsection (d), (f), (h), or (i) of section 844 of title 18, United States Code (bombing), (4) an offense under section 902(j) of the Federal Aviation Act of 1958, as added by section 1 of the Act of September 5, 1961, 75 Stat. 466 (49 U.S.C. 1472(j)) (assault related to aircraft hijacking), (5) a kidnaping offense under section 351, 1201, or 1751 of title 18, United States Code, (6) a robbery offense under section 2111, 2112, 2113, or 2114 of title 18, United States Code, or (7) an attempt or conspiracy to commit any of the foregoing offenses.

"(7) The term 'addict' means an individual who habitually uses a narcotic drug, as defined in Section 102(16) of the Controlled Substances Act, 84 Stat. 1242, so as to endanger the public morals, health, safety, or welfare.

EXHIBIT 2

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 14, 1971.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to amend the Bail Reform Act to provide for pretrial detention of dangerous persons charged with dangerous or organized crime acts.

The Bail Reform Act of 1966 was enacted to assure that all persons, regardless of their financial status, would not needlessly be detained. During the four years since passage of the Act, there has been increasing concern about the commission of crime by dangerous persons released prior to trial. In order to alleviate this situation, we are proposing to give judicial officers authority to deny pretrial release for a sixty day period for certain defendants charged with a "dangerous or organized crime act" who are found to be dangerous after a hearing with appropriate procedural safeguards. A "dangerous or organized crime act is specifically defined in the proposal to include only the following offenses: loan sharking, racketeering, sale of narcotic drugs, assault related to aircraft hijacking, bombing, kidnapping and robbery.

Even if the defendant is charged with one of these offenses he may not be considered for pretrial detention unless (1) he has been convicted of a felony within the preceding ten years, (2) the offense charged was allegedly committed while the person was, with respect to a felony, on bail or other release, or on probation, parole or mandatory release, (3) the person is an addict, or (4) the Government certifies by motion that based on such person's pattern of behavior consisting of his past and present conduct and on other factors, there is no condition or combination of conditions which will reasonably assure the safety of the community.

No one falling within the specific categories, as outlined above, can be ordered detained unless a detention hearing is held. At this hearing the judicial officer must find that the person falls within one of the above categories, that a substantial probability exists that the person committed the offense charged, and that no condition or combination of conditions of release will reasonably assure the safety of any other person or the community.

The bill also provides a number of strong procedural protections to safeguard the rights of defendants. For example, anyone who is detained will be able to effectively assist in the preparation of his case, and may even secure release for limited periods to obtain evidence or witnesses. Once ordered detained, the person will be entitled to an expedited trial and to have release conditions set within sixty days unless the trial is in progress or the trial is being delayed at his request.

I urge early consideration and adoption of this proposed legislation.

The Office of Management and Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

———,
Attorney General.

EXHIBIT 3

S. 1868

A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to authorize revocation of pretrial release for persons who violate their release conditions, intimidate witnesses or jurors, or commit new offenses, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3146 of title 18, United States Code, is amended as follows:

(a) by inserting in subsection (a) the words "or the safety of any other person or the community" (1) after "as required" in the first sentence, and (2) after "for trial" in the second sentence;

(b) by amending paragraph (5) of subsection (a) to read as follows:

"(5) impose any other condition, including a condition requiring that the person return to custody after specified hours of release for employment or other limited purposes.";

(c) by adding the following sentence at the end of subsection (a): "No financial condition may be imposed to assure the safety of any other person or the community.";

(d) by amending subsection (b) to read as follows:

"(b) In determining which conditions of release will reasonably assure the appearance of a person as required and the safety of any other person or the community, the judicial officer shall, on the basis of available information, take into account such matters as the nature and circumstances of the offense charged, the weight of the evidence against the person, his family ties, employment, financial resources, character and mental condition, past conduct, length of residence in the community, record of convictions, and any record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings."; and

(e) by deleting the period at the end of subsection (c), and adding ", and shall warn such person of the penalties provided in section 3150D of this title."

SEC. 2. Section 3147 of title 18, United States Code, is amended:

(a) by changing the title to read:

"§ 3147. Appeal from conditions of release or order of detention.";

(b) by adding after the phrase "the offense charged," in subsection (b) the phrase "or (3) he is ordered detained or an order of detention has been permitted to stand by a judge of the court having original jurisdiction over the offense charged,"; and

(c) by adding after subsection (b) the following new subsections:

"(c) In any case in which a judicial officer other than a judge of the court having original jurisdiction over the offense with which a person is charged orders his release with or without setting terms or conditions of release, the United States attorney may move the court having original jurisdiction over the offense to amend or revoke the order. Such motion shall be considered promptly.

"(d) In any case in which—

"(1) a person is ordered released, with or without the setting of terms or conditions of release by a judge of the court having original jurisdiction over the offense with which the person is charged, or

"(2) a judge of a court having such original jurisdiction does not grant the motion of the United States attorney filed pursuant to subsection (c), the United States attorney may appeal to the court having appellate jurisdiction over such court. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, the court may (A) remand the case for a further hearing, or (B) with or without additional evidence, change the terms or conditions of release, or order detention as provided for in this chapter."

SEC. 3. Section 3148 of title 18, United States Code, is amended to read as follows:

"§ 3148. Release in capital cases or after conviction.

"(a) A person (1) who is charged with an offense punishable by death, or (2) who has been convicted of an offense and is awaiting sentence, shall be treated in accordance with the provisions of section 3146 unless the judicial officer has reason to believe that no one or more conditions of release will reasonably assure that the person will not flee or pose a danger to any other person or to the community. If such a risk of flight or danger is believed to exist, the person may be ordered detained.

"(b) A person who has been convicted of an offense and sentenced to death or to a term of confinement or imprisonment and has filed an appeal or a petition for a writ of certiorari shall be detained unless the judicial officer finds by clear and convincing evidence that (1) the person is not likely to flee or pose a danger to any other person or to the property of others, and (2) the appeal or petition for a writ of certiorari raises a substantial question of law or fact. Upon such findings, the judicial officer shall treat the person in accordance with the provisions of section 3146.

"(c) The provisions of section 3147 shall apply to persons described in this section, except that a finding of the judicial officer that an appeal or petition for writ of certiorari does not raise by clear and convincing evidence a substantial question of law or fact shall receive de novo consideration in the court in which review is sought."

SEC. 4. Section 3150 of title 18, United States Code, is amended:

(a) by adding the letter "(a)" before the word "Whoever";

(b) (1) by inserting the phrase "or prior to commencement of sentence" after the word "chapter"; and

(2) by inserting the phrase "or commencement of sentence" after the phrase "while awaiting sentence."

(c) by deleting in paragraph (1) the phrase "or imprisoned not more than five years, or both" and inserting in lieu thereof the phrase "and imprisoned for not less than one year and not more than five years";

(d) by deleting in paragraph (2) the phrase "or imprisoned for not more than one year, or both" and inserting in lieu thereof the phrase "and imprisoned for not less than ninety days and not more than one year"; and

(e) by adding at the end thereof the following new subsections:

"(b) Failure to appear after notice of the appearance date shall be prima facie evidence that the failure to appear is willful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether the failure to appear was willful, but the giving of such warning shall not be a prerequisite to conviction under this section.

"(c) This section applies to a defendant even if he has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made, and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

"(d) A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment."

SEC. 5. Chapter 207 of title 18, United States Code, is amended by adding after section 3150 the following new sections:

"§ 3150A. Sanctions for violation of release conditions.

"(a) A person who has been conditionally released pursuant to section 3146 and who has violated a condition of release shall be subject to revocation of release and to prosecution for contempt of court.

"(b) Proceedings for revocation of release may be initiated on motion of the United States attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and the person shall be brought before a judicial officer in the district where he is arrested. He shall then be transferred to the district in which his arrest was ordered for proceedings in accordance with this section. No order of revocation shall be entered unless, after a hearing, the judicial officer finds that there is clear and convincing evidence that the person has violated a condition of his release.

"(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with procedures applicable to criminal contempt, it is established that the person has intentionally violated a condition of his release. The contempt proceedings shall be expedited and heard by the court without a jury. A person found guilty of contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than $1,000, or both.

"§ 3150B. Sanctions for threatening witnesses or jurors while on release.

"(a) A person who has been conditionally released pursuant to section 3146 and who has threatened, injured, intimidated, or attempted to threaten, injure, or intimidate a prospective witness or juror, shall be subject to revocation of release.

"(b) Proceedings for revocation of release may be initiated on motion of the United States attorney. No order of revocation shall be entered unless, after a hearing, the judicial officer finds that there is clear and convincing evidence that the person has threatened, injured, intimidated or attempted to threaten, injure, or intimidate a prospective witness or juror.

"§ 3150C. Sanctions for committing serious offenses while on release.

"(a) A person who has been conditionally released pursuant to section 3146 and as to whom there is probable cause to believe he has committed a felony while released shall be subject to revocation of release.

"'(b) Proceedings for revocation of release may be initiated on motion of the United States attorney. No order of revocation shall be entered unless, after a hearing, the judicial officer finds by clear and convincing evidence that (1) a State or Federal magistrate, judge, judicial officer or grand jury has found probable cause to believe that the person has committed a felony and (2) such felony was committed while the person was released on the prior charge.

"§ 3150D. Penalties for offenses committed while on release.

"(a) A person convicted of an offense committed while released pursuant to section 3146 shall be subject to the following penalties in addition to any other applicable penalties:

"(1) a term of imprisonment of not less than one year and not more than five years if convicted of committing a felony while released.

"(2) a term of imprisonment of not less than ninety days and not more than one

year if convicted of committing a misdemeanor while released.

"(b) The giving of a warning to the person when released of the penalties imposed by this section shall not be a prerequisite to application of this section.

"(c) A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment."

SEC. 6. Section 3152 of title 18, United States Code, is amended:

(a) by adding the letter "D" after "3150" in the first line; and

(b) by adding at the end thereof the following new subsections:

"(3) The term 'felony' means any criminal offense punishable by imprisonment for more than one year by an Act of Congress or the law of a State.

"(4) The term 'misdemeanor' means any criminal offense punishable by imprisonment for one year or less by an Act of Congress or the law of a State.

"(5) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States."

SEC. 7. SEVERABILITY. If a provision of this Act is held invalid, all provisions which are severable shall remain in effect. If a provision of this Act is held invalid in one or more of its applications the provision shall remain in effect in all its other applications.

EXHIBIT 4

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 14, 1971.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to amend the Bail Reform Act of 1966 for the purpose of updating the law to meet problems confronting the federal bail system.

The Bail Reform Act of 1966 was enacted to assure that all persons, regardless of their financial status, would not needlessly be detained. Four years of experience under the Act have exposed some further problems which need legislative resolution. In particular, there is need for legislative authorization to consider danger to the community in setting nonfinancial pretrial release conditions, to revoke the release of those defendants who violate release conditions, intimidate witnesses or jurors, or commit new offenses, to punish those who commit crimes while released on bail with added penalties, and to limit bail pending appeal for defendants who are convicted and sentenced to imprisonment.

The proposed statute would amend the present Bail Reform Act and authorize the judicial officer to consider danger to another person or to the community in setting nonfinancial pretrial release conditions. This proposal has been widely accepted and has been endorsed by the President's District of Columbia Crime Commission, the American Bar Association Pretrial Release Committee, the District of Columbia Judicial Conference Committee and others who have studied the operation of the Bail Reform Act.

The bill also contains authority for revocation of release whenever a person violates a condition of his release, intimidates or threatens a witness or juror, or commits a new offense (felony only). This proposal is modeled after the American Bar Association's Minimum Standards for Criminal Justice—Pretrial Release. As an alternative to revocation for violation of a release condition, a clear and specific contempt sanction is spelled out.

In order to deter unlawful conduct while on release the bill provides for a mandatory minimum additional penalty in such cases. The penalty is also made to run consecutively to all other penalties.

With respect to persons convicted of a criminal offense and sentenced to a term of imprisonment, the proposed statute favors detention pending appeal unless the person convicted can show that (1) he is not likely to flee or pose a danger to any other person or to the property of others, and (2) the appeal raises a substantial question of law or fact. A similar provision was approved by Congress last year for the District of Columbia.

I urged early consideration and adoption of this proposed legislation.

The Office of Management and Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

ATTORNEY GENERAL.

By Mr. HRUSKA:

S. 1869. A bill to amend the Immigration and Nationality Act to provide for waiver of excludability for certain aliens, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk a bill to amend the Immigration and Nationality Act, and ask that it be appropriately referred. I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HRUSKA. Mr. President, this bill would amend section 212 of the act by adding a new subsection. This new provision would change the law to permit the Attorney General to exercise discretion in admitting to the United States an alien who has previously entered the United States, or tried to enter, through fraud or concealment of a material fact. Under section 212 as presently written an alien is forever barred from receiving a visa if he has committed such a fraud, regardless of the circumstances or length of time that has passed since his misrepresentation.

The new subsection (j) to section 212 which I propose would authorize the Attorney General to allow such an alien to apply for a visa for admission to the United States, under appropriate conditions, if the fraud or misrepresentation occurred more than 10 years prior to such application by the alien. It would not guarantee the alien admission, but would merely give the Attorney General the authority to allow such an alien to apply for admission in any case appropriate.

Mr. President, this is a small but important step forward in making our immigation practices more equitable. Over the years I have had a number of unfortunate situations brought to my attention in which an alien, in his eager desire to become a resident and citizen of our great country, misrepresented a fact relating to his status. I do not condone such an act, but we must all appreciate that these frauds are often the product of youthful indiscretions.

As recently as last month such a case was brought to my attention by a local attorney. It concerns a doctor now in Vienna who came to this country as a young man and became a citizen. His citizenship was later revoked because of some false statements he made on entry, and he was required to leave the country. Even though these events occurred over 30 years ago, and this doctor had evidently led an exemplary life in Vienna since, he is forever barred from admission to this country. This doctor passionately desires to again become, and die, an American. Under my proposal, because the acts for which he is barred occurred more than 10 years ago, he would be eligible for a waiver from the Attorney General if he were found otherwise suitable for admission.

Mr. President, I urge that this bill receive prompt and favorable consideration. It is consistent with American principles of basic fairness, and with our image as the greatest and most generous country on earth.

EXHIBIT 1

S. 1869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end thereof a new subsection (j) to read as follows:

"(j) An alien who would be ineligible to receive a visa, or would be excludable, under the provisions of paragraph (19) of subsection (a) may be granted a visa and admitted to the United States, if otherwise admissible, (1) if it shall be established to the satisfaction of the Attorney General that the act or acts rendering such alien ineligible to receive a visa, or excludable, under such paragraph were committed more than ten years prior to the date of application for a visa; and (2) if the Attorney General, in his discretion, and pursuant to such terms, conditions, and procedures as he may by regulations prescribe, has consented to the alien's applying or reapplying for a visa and for admission to the United States."

By Mr. CHILES:

S. 1871. A bill to amend the United States Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent housing projects, and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family—or its other principal wage-earner. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. CHILES. Mr. President, today I am introducing a bill which will provide mandatory child care centers in all future federally assisted low-rent housing projects for families.

What few of the centers that are being built today in many cases are isolated from many of the families they are supposed to serve.

Building and maintaining child care services within public housing projects will free mothers and fathers to seek employment and work and, at the same time, provide for the protection and safekeeping of their children.

This proposal, introduced in the House by Congressman PEPPER of Florida, au-

thorizes the Federal Government to carry the entire cost of construction of child care centers in all new projects and in existing projects which apply for assistance.

The local sponsoring agency along with the tenants will determine the type of program to be run in the centers.

To encourage parents of children to work and yet not penalize them for doing so is dealt with in this bill. It provides that if two or more members of the same family have income, and the family's total income increases, they may remain in the project by paying an increased rent consistent with the increased income.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD following my remarks.

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

S. 1871

A bill to amend the United States Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent housing projects, and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family (or its other principal wage earner)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 15 of the United States Housing Act of 1937 is amended by inserting after paragraph (9) the following new paragraph:

"(10)(A) Every contract for loans or annual contributions made pursuant to this Act with respect to a low-rent housing project initiated on or after the date of the enactment of this subparagraph (other than a project designed principally for elderly families or a project for low-rent housing in private accommodations) must provide that the project shall include such child-care facilities as the Secretary deems adequate and appropriate to serve the tenant families and to enable members of such families to secure and engage in employment, training, special education, and vocational rehabilitation.

"(B) The Secretary is authorized to enter into contracts to make grants to public housing agencies to pay the full cost of constructing or otherwise establishing, and maintaining, child-care centers and other child-care facilities in low-rent housing projects as described in subparagraph (A), and to enter into such contracts and make such grants with respect to projects initiated before the date of the enactment of such subparagraph as well as those initiated on or after such date. There are authorized to be appropriated such sums as may be necessary for purposes of this subparagraph."

(b)(1) The first sentence of section 2(1) of such Act is amended by inserting before the period at the end thereof the following: "(including child-care facilities as required by section 15(10))".

(2) Section 2(9) of such Act is amended by inserting before the period at the end thereof the following: ", as well as child-care facilities as required by section 15(10)".

SEC. 2. Section 10(g)(3) of the United States Housing Act of 1937 is amended—

(1) by inserting "(A)" after "unless", and

(2) by inserting before the semicolon at the end thereof the following: ", or (B) two or more members of the family have income and the family's total income would not have increased beyond such maximum limits if only the income of the member of the family whose income is highest were taken into account, in which event the family may be permitted to remain if it pays an increased rent consistent with its increased income".

By Mr. CASE (for himself, Mr. BAYH, Mr. CHILES, Mr. CRANSTON, Mr. EAGLETON, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. MATHIAS, Mr. MCGOVERN, Mr. MONDALE, Mr. MOSS, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCOTT, Mr. SCHWEIKER, Mr. STEVENSON, Mr. TAFT, Mr. TOWER, Mr. TUNNEY, Mr. WILLIAMS, and Mr. WEICKER):

S. 1872. A bill for the relief of Soviet Jews. Referred to the Committee on the Judiciary.

Mr. CASE. Mr. President, I am today introducing a bill which would provide 30,000 special refugee visas to Soviet Jews. These 30,000 special visas would be considered outside the regular immigrant quota system. Under existing legislation, the Immigration and Naturalization Service is permitted to issue only 10,200 visas annually to refugees from the Eastern Hemisphere, and this quota has been oversubscribed for the last 2 years.

I am gratified that 27 Senators of both parties have joined me in cosponsoring this bill. I strongly believe that their support shows the deep sentiment in the Senate that something must be done for the relief of Soviet Jews. A similar bill has been introduced in the House.

I am fully aware that the Soviet Government is unlikely to permit such a large number of Jews to leave the Soviet Union and that most of those who could leave would prefer to go to Israel. Nevertheless, I feel it is extremely important that the United States show its willingness to accept those Jews who wish to come here and are permitted to leave. My view is reinforced by the favorable effect such a gesture by the United States would have on Soviet and world opinion.

We have already opened our doors to more than 30,000 Hungarian refugees and 565,000 Cubans. We should do no less for the victims of Soviet persecution.

A list of cosponsors of my bill follows:

1. Birch Bayh, Democrat, of Indiana.
2. Lawton Chiles, Democrat, of Florida.
3. Alan Cranston, Democrat, of California.
4. Thomas Eagleton, Democrat, of Missouri.
5. Fred R. Harris, Democrat, of Oklahoma.
6. Philip Hart, Democrat, of Michigan.
7. Mark Hatfield, Republican, of Oregon.
8. Harold Hughes, Democrat, of Iowa.
9. Hubert H. Humphrey, Democrat, of Minnesota.
10. Charles Mathias, Republican, of Maryland.
11. George McGovern, Democrat, of South Dakota.
12. Walter F. Mondale, Democrat, of Minnesota.
13. Frank E. Moss, Democrat, of Utah.
14. Robert W. Packwood, Republican, of Oregon.
15. John O. Pastore, Democrat, of Rhode Island.
16. James Pearson, Republican, of Kansas.
17. Claiborne Pell, Democrat, of Rhode Island.
18. William Proxmire, Democrat, of Wisconsin.
19. Abraham Ribicoff, Democrat, of Connecticut.
20. Hugh Scott, Republican, of Pennsylvania.
21. Richard S. Schweiker, Republican, of Pennsylvania.
22. Adlai E. Stevenson III, Democrat, of Illinois.
23. Robert Taft, Jr., Republican, of Ohio.
24. John G. Tower, Republican, of Texas.
25. John V. Tunney, Democrat, of California.
26. Harrison A. Williams, Jr., Democrat, or New Jersey.
27. Lowell Weicker, Republican, of Connecticut.

Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that a statement prepared by him be printed in the RECORD.

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

STATEMENT BY SENATOR MUSKIE

Mr. President, I note with regret the ongoing trial in Leningrad of nine Soviet Jews.

I know that the American people as a whole can only deplore this and other evidence of the persecution of Soviet Jews in Russia.

For this reason, I am pleased to join today in co-sponsoring legislation, introduced by the senior Senator from New Jersey, Mr. Case, to authorize the issuance of 30,000 additional refugee visas for the admission of Soviet Jews to the United States.

This proposal is consistent with efforts we have made in the past to welcome refugees into our country.

It is consistent with the ideals of many of our forefathers, who came to this country to avoid religious persecution.

Unfortunately, there is little that we can do to ensure the right of emigration of these people.

But we can, and should, at least take the step provided for by this legislation to demonstrate to the Soviet Jews, and to victims of religious persecution everywhere, that the United States stands firmly by her commitment to the right of freedom of religious expression for all people, and that she will welcome those who suffer from such persecution.

By Mr. PROUTY:

S. 1873. A bill to amend the National Labor Relations Act to make certain limitations on penalties levied by a labor organization upon its members, and for other purposes. Referred to the Committee on Labor and Public Welfare.

LABOR ORGANIZATION PENALTIES LIMITATION ACT OF 1971

Mr. PROUTY. Mr. President, I send a bill to the desk and ask that it be appropriately referred. I also ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROUTY. Mr. President, prior to 1947, labor organizations held complete authority over the job security of rank-and-file union members.

The man's skill, competence, and ability meant nothing, nor did the employer's desire to retain him as an employee, if he incurred the wrath of his union's leadership.

By the simple device of expelling this man from the union, the union leaders forced the company to discharge him under union security agreements providing that union membership was a condition of employment.

It is obvious that rank-and-file employees thought many times of the consequences before opposing the union leaders' acts, policies, or statements of any kind—personal and political as well as those relating to union or employment-connected affairs.

The Taft-Hartley amendments to the National Labor Relations Act in 1947 attempted to cope with this problem, and did so to a substantial extent.

Agreements requiring union membership as a condition of obtaining employment were prohibited agreements requiring union membership after 30 days of employment as a condition of continued employment were sanctioned, and a union's right to prescribe its own rules for the acquisition or retention of union membership was protected.

However, rank-and-file employees were given additional job protection from retaliatory action by their union leaders through the requirement that an employee could not be discharged under a union security agreement for nonmembership in the union if membership in the union was denied or terminated for any reason other than his failure to tender the periodic dues and initiation fees uniformly required as a condition of obtaining or retaining union membership.

Thus, while a union retained the right to expel a member, it lost the power to force him to engage in conduct or activities he did not favor by holding the loss of his job over his head. His job was secure, as far as the union's authority was concerned, so long as he paid or tendered his initiation fees and union dues.

The 1947 Taft-Hartley Amendments to the National Labor Relations Act gave rank-and-file employees greater protection from abusive use of power by his union leaders in another area.

The original National Labor Relations Act, commonly called the Wagner Act, contained a sort of magna carta for workers in our country by guaranteeing them the right to organize, form, join or assist labor organizations; to bargain collectively; to select their own bargaining representatives; and to engage in any other concerted activities for the purposes of collective bargaining or for their own mutual aid or protection.

The Taft-Hartley amendments extended this guaranty to cover the right of a rank and file employee to refrain from engaging in any or all of these activities, except where he refuses to pay initiation fees or union dues under a valid union security agreement.

For example, prior to 1947, a union member was protected from retaliation by his employer if he refused to cross his union's picket line to go to work.

After the 1947 amendment, this same employee was also protected from retaliation from the union if he decided he wanted to cross his union's picket line and go to work. Or so, at least, everyone thought. He could still be expelled from union membership, of course, but expulsion for this reason could not result in the union lawfully requesting the company to discharge him under a union-security agreement.

Public and congressional discontent and concern over alleged abuses of power by union leaders in conducting the internal affairs of their unions—areas over which the National Labor Relations Board had no jurisdiction—continued to increase.

This mounting concern that some unions had gone too far in protecting the interests of union officers at the expense of the interests of rank and file members was reflected and culminated in the enactment in 1959 of the Labor-Management Reporting and Disclosure Act, otherwise known as the Landrum-Griffin Act.

Under this legislation, a whole new range of procedural and substantive obligations was placed upon labor organizations. See, for example, *Ryan* v. *I.B.E.W.*, 361 F. 2d 942.

Government responsibility for implementing and enforcing these regulations bearing essentially on the internal affairs of unions was vested in the Department of Labor under the Landrum-Griffin Act rather than in the National Labor Relations Board.

Nevertheless, The National Labor Relations Board and the courts moved into this area and fashioned changes in employee-protection provisions.

The technique employed by unions to circumvent the clear intent of the National Labor Relations Act was use of the union fine.

Since 1947, as noted above, section 7 of the National Labor Relations Act has guaranteed employees the right to engage in—or to refrain from engaging in—the activities therein enumerated.

Thus, a union member's right to cross his union's picket line to go to work is an activity protected by section 7. A union's attempt to restrain or coerce him in the exercise of this right is an unfair labor practice under section 8(b)(1)(A) of the National Labor Relations Act, while a union's attempt to have the employer fire him or otherwise discriminate against him for engaging in this conduct is also a violation of section 8(b)(2) of the act. If acquiesced in by the employer, of course, the employer also commits unfair labor practices under section 8(a)(1) and (3).

The new approach worked, however. Exorbitant daily fines placed on members for crossing their union's picket line were held to be collectible in State court litigation, and the National Labor Relations Board and the U.S. Supreme Court sanctioned this action as well as holding that it did not constitute an unfair labor practice by the union.

See *Allis Chalmers Manufacturing Co.* 149 NLRB 67 (1964); affirmed 388 U.S. 175 (1967).

Similarly, union fines have been upheld against employees for filing deauthorization petitions with the National Labor Relations Board—that is, petitions seeking a Board election to determine whether representation by the incumbent union is still desired by a majority of the employees.

See *Tawas Tube Products, Inc.*, 151 NLRB 46 (1965). Cf. *Pittsburgh-Des Moines Steel Co.*, 154 NLRB 692 (1965); affirmed 373 F. 2d 443 (CA 9—1967).

This device has also been used successfully by unions to achieve unilaterally what they were unable to obtain through collective bargaining at the bargaining table.

Thus, the National Labor Relations Board and the courts have found no violation of the National Labor Relations Act where a union has assessed fines against its members for exceeding production quotas unilaterally established and prescribed by the union. See *Wisconsin Motors Corp.*, 145 NLRB 1097 (1964); affirmed 393 F. 2d 49 (CA 7—1968).

The key to this latest successful approach by union leaders to keeping their rank and file members "in line" is, of course, the fact that State courts have held such fines collectible rather than throwing these actions out on the ground that they ran counter to public policy, and the additional fact that the National Labor Relations Board and the Federal courts have refused to find such conduct unlawful under the National Labor Relations Act.

Indirectly, therefore, unions have found a way to "restrain or coerce" rank and file members in the exercise of rights supposedly protected by section 7 of the National Labor Relations Act—rights which Congress thought it had fully protected under the 1947 Taft-Hartley amendments.

The right to levy fine can indeed be a heavy and coercive penalty upon individual union members. This is particularly so if the fines are for exercising rights guaranteed under the National Labor Relations Act, or for engaging in conduct which is in accord with their collective bargaining agreement.

The essence of my amendment, Mr. President, is this. It would be an unfair labor practice for a union to fine any member for exercising rights which are his under the law, or for carrying out the lawful instructions of his employer.

The present officially approved power to fine union members opens the door to vast and possibly unlimited future employee liability as this doctrine is applied and expanded.

It is particularly regrettable when this liability fastens upon an employee who never wanted to be a union member but

who is required to be under a lawful union security agreement.

I submit that union abuse of this power with judicial approval is completely at odds with the objective of establishing democratic procedures for union affairs, and directly contravenes the right of the minority to dissent.

In 1953, the U.S. Supreme Court said:

The policy of the act is to insulate employees' jobs from their organizational rights. *Radio Officers' Union* v. *NLRB*, 347 U.S. 17, 40.

This, I submit, is what my bill is designed to help accomplish.

EXHIBIT 1

S. 1873

A bill to amend the National Labor Relations Act to make certain limitations on penalties levied by a labor organization upon its members, and for other purposes

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 "Labor Organization Penalties Limitation Act of 1971".

SEC. 2. Section 8(b)(1) of the National Labor Relations Act (29 U.S.C. 158(b)(1)) is amended by striking out the semicolon at the end of the proviso in part A and inserting in lieu thereof a colon and the following:

"Provided further, That it shall be an unfair labor practice under this section for a labor organization to levy a fine on any person, or to deprive any person of monetary benefits to which he has contributed and would eventually be payable to him or his beneficiary by reason of past or present union membership, for exercising rights under this act (including but not limited to the right to refrain from concerted activity, to file petitions, or give testimony under this act) or for carrying out lawful instructions of his employer.".

By Mr. MAGNUSON:

S. 1874. A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes. Referred to the Committee on Labor and Public Welfare.

THE CHILDREN'S DENTAL HEALTH ACT OF 1971

Mr. MAGNUSON. Mr. President, the Nation, the Congress and the administration now recognize that we are in the midst of a national health care crisis. As chairman of the Appropriations Subcommittee on Labor-HEW here in the Senate I have long urged greater Federal effort to eradicate this tragic anomaly wherein so many of our citizens in this, the richest Nation in mankind's history, receive inadequate health care or, as is far too often the case, no care at all. Consequently, I am pleased to see that awareness of this health care crisis has become so widespread. I am encouraged by the concern which several of my colleagues have manifested with their national health insurance proposals, and I applaud the President's declaration in his state of the Union message that one of his administration's major objectives is to make this the healthiest Nation in the world.

Today, then, amid this national awareness, congressional concern and Presidential commitment, I am introducing for appropriate reference "The Children's Dental Health Act of 1971." I am introducing this legislation for two major reasons.

First, dental defects and disease in children pose a substantial national health problem meriting heightened national attention and intensified Federal action.

Second, the accelerating demand for dental care requires that we place more emphasis on preventive care and that we maximize the productivity of our dentists by teaming them with specially trained auxiliaries.

"The Children's Dental Health Act of 1971" looks, then, both to present and future needs.

Turning our attention first to the present need of the Nation's children for improved and increased dental care we find these disturbing facts: By age 2, half of America's children have decayed teeth. By the time he enters school, the average child has three decayed teeth and by his fifteenth year he has eleven decayed, missing or filled teeth. Over half of all children in the country have never been to a dentist and an even larger proportion of rural youngsters have never visited a dentist. But by far the greatest need is among children from low-income families for almost 70 percent of them have never been to a dentist.

Unfortunately, we have no way of measuring the actual cost which the Nation is incurring with each passing day by neglecting the dental needs of such a large proportion of its children. However, if we consider the days missed from school because of aching cavities, the inability of youngsters with painful dental defects to function fully even when they are in school, the obvious connection between rotted teeth, the inability to eat properly and serious medical problems, and the psychological distress suffered by children with dental and oral disfigurement, we know the costs are high indeed. But even if we limited our assessment of the total cost to the few quantitative measurements that we do have, we would find that it is enormous. For example, for every 100 Selective Service recruits the Armed Forces supply or perform 500 fillings, 80 extractions, 25 bridges and 20 dentures.

Mr. President, the neglect of dental health in this country is not a new problem nor is this the first time that its existence has been recognized in the Congress. On the contrary, the need for an increased federal dental health effort has been strikingly obvious for many years, and it has been the subject of countless pleas by a variety of public officials. In 1962, Mr. Wilbur Cohen, then the Secretary of HEW, said:

Dental disorders are . . . the most neglected of all health conditions plaguing the American people.

In 1968 another Secretary of HEW, Mr. John Gardner, speaking of this problem said:

The magnitude of the need is overwhelming.

In 1969, the current administration's first Secretary of HEW, Mr. Robert Finch, said:

I was . . . shocked to find, after coming into office, that we have not really had a national dental policy, particularly with respect to youngsters.

In that same year, my appropriations subcommittee received a letter from the distinguished Senators from Montana in which they urged action to "realine Federal dental health care policy in a more rational and constructive way."

The Congress has not been satisfied with mere words, either, Mr. President. There has been legislative effort in this critical area of health care. In 1965, the distinguished senior Senator from Connecticut obtained Senate approval for legislation which would have provided coverage under the medicaid for dental care for poor children. Unfortunately, however, the House conferees refused to accept this important breakthrough and Senator Ribicoff's legislation died without becoming law.

But in 1968, legislation was approved and enacted into law, establishing a new program designed to assist in the financing of dental care for young children. However, in the legislation's first year, fiscal year 1969, the other Chamber did not agree to provide funds for this program. Then in 1970 when we included funds for this program in the HEW appropriations bill the administration used its 2-percent budget cutting authority to eliminate them.

Mr. President, this immediate and pressing need for Federal action can no longer be ignored or met with mere token measures if we seriously intend to overcome the crisis in health care. The Children's Dental Health Act of 1971 confronts this immediate need on two fronts:

First, it authorizes appropriations totaling $170 million over the next five years to pay the full cost of pilot projects providing preventive, corrective, and followup care to children from low-income families and to other children who are unable for other reasons beyond their control to obtain proper dental care. Estimates made at my request by the American Dental Association show that 1.5 million children could be treated in the projects envisioned by my bill. These projects would be administered by public and nonprofit agencies. Priority would be given to projects serving preschool children and those in the first five grades so that minor defects can be remedied before they grow into more painful, serious and costly defects. Also, it should be noted that while the major purpose of these pilot projects is to provide direct care to children, the Department of Health, Education, and Welfare and the dental profession will learn much from these projects as to how care for large numbers of children can be made the most efficient and effective.

A typical project initiated in the first year of this 5-year program might serve 1,000 first graders in the first year. They

would receive comprehensive care including preventive care, restorative treatment and dental health education. These children would be carried in the program in the second and succeeding grades with another 1,000 first graders being added to the program each year. Thus, in the fifth year of its operation the pilot project would be providing care to 5,000 youngsters in the first five grades.

Second, this bill authorizes appropriations of $15 million to provide Federal funds to assist schools or entire communities—wishing to do so—to fluoridate their water supplies. This would allow about 7,000 communities with 45 million residents to fluoridate their water. The 1969 census showed that about 13,000 communities containing 57 percent of the Nation's population do not have fluoridated water despite the fact that the effectiveness of fluoridation in reducing dental problems has been dramatically demonstrated again and again.

For example, a 12-year study of fluoridation in Milwaukee, Wis., published in 1969 showed decay reductions ranging from a high of 67 percent at age 7 to 53 percent at age 14. In all age groups the rate of decay reduction exceeded 50 percent. A 1964 study made in Antigo, Wis., showed a 183-percent increase in the rate of tooth decay among second grade children in the 4 years following a 1960 decision to terminate the community's fluoridation program. Fluoridation was reinstated in October 1965 and the decay rate has been dropping steadily ever since.

Another study made between 1954 and 1964 in Philadelphia showed an average two-thirds reduction in cavities among those schoolchildren who drank fluoridated water from birth. Because of conclusive evidence like this, fluoridation has been endorsed as an effective and safe method of preventive dental care by a great number of Government, professional, and scientific organizations including the American Dental Association, the American Medical Association, the American Hospital Association, the Department of Defense and the Department of Health, Education, and Welfare. Mr. President, I submit at this time a more complete list of these organizations and ask unanimous consent that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MAGNUSON. Mr. President, in sum, then, "The Children's Dental Health Act of 1971," would strike a potent one-two punch at the immediate dental health problems of a great number of school children and communities. Although there is no requirement that fluoridation be implemented in communities having one of the pilot child care projects authorized by the bill, the matching requirement for these communities is less than for others. It is hoped that communities which have these pilot projects and do not now have fluoridated water will take advantage of this opportunity to fluoridate their water at minimal cost to themselves. In this way, the improvements made through the pilot projects in individual children's dental health would be substantially maintained in following years by way of fluoridated drinking water.

Mr. President, to this point I have focused most of my remarks on the immediate dental care requirements of our citizens, specifically the neglected needs of a sizable portion of the Nation's young children. Implementation of "The Children's Dental Health Act" would be a major step toward remedying this particular part of the total dental health care problem. But it would be a serious mistake if the Congress or the administration were to stop there. All indications are that the Nation's dental care requirements will continue to grow. Population growth, increased public recognition of the importance of dental health and expanded accessibility to dental care provided by the rising number of private insurance plans which cover dental costs all point toward rising demands for dental care. Add to these factors the very real possibility that a national health insurance system including coverage for dental care will be implemented, and predictions of future demands escalate sharply.

Just as is the case with medical care, the coming demand for dental care necessitates our placing much greater emphasis on preventive services and maximizing the productivity of our dentists. This necessity was noted by the "Carnegie Report on Higher Education and the Nation's Health" which stated:

> Despite the current progress in dental productivity, even more rapid progress could be achieved through more extensive use of dentist's assistants and dental hygenists and through greater emphasis on preventive programs. The view has been expressed that dentistry has an excellent chance of being the first health profession to become truly preventive.

Because of the need to emphasize preventive care I made youngsters, rather than adults, the primary target group for the pilot projects I have already outlined. Also, of course, the bill encourages fluoridation for the same reason.

The second major thrust of the bill I am introducing here today, then, is to begin in earnest the task of maximizing our dentists' productivity by increasing the number and utilization of dental auxiliaries. The practicality and wisdom of this approach has been widely noted. In his Health Message to the Congress this year, President Nixon said:

> One of the most promising ways to expand the supply of medical care and to reduce its costs is through a greater use of allied health personnel, especially those who work as physicians' and dentists' assistants, nurse pediatric practitioners and nurse midwives.

Dr. Roger Egeberg, Assistant Secretary of HEW, told the Senate Labor and Public Welfare Committee last May:

> There are now major unmet needs for health manpower. Indeed, the lack of allied health manpower is a most serious problem as we aspire to bring the full potential of modern medicine to all members of our society.
>
> Efforts to increase medical, dental and nursing manpower have received major attention for a number of years. Relatively little attention, however, has been given until recently to the essential contributions of allied health personnel to the personnel of modern health services.
>
> Their effectiveness is already clearly demonstrated in many settings where health care is provided. Improvement in the utilization of health manpower can be effected through greater use of capable supportive personnel in the delivery of vitally needed health services. This is now done to only a very limited extent in the American health care system. More general use of allied health manpower in this country requires effective utilization of our present training capacities and experimentation and development of new and improved ways of training and increasing the effective use of allied health personnel.

The Carnegie Commission recommended:

> Greatly increasing the number of allied health personnel and thus raising the productivity of doctors and dentists.

In testimony presented last summer before the House Subcommittee on Public Health and Welfare, the American Dental Association, the American Association of Dental Schools, the American Dental Hygienists' Association, and the American Dental Assistants Association said in a joint statement:

> As this Committee well knows, the drive to produce more dentists is complicated by the time lag, as much as 12 years in duration, between the planning stage of a new dental school and the year it graduates its first class. A time lag of such duration does not occur with supportive personnel in the dental field. In addition, there is increasing understanding within dentistry of the fact that the hygenist and the assistant can and should perform additional functions. Concentration on programs within—these areas—then, is both professionally and pragmatically desirable.

Despite the widespread approval which expanded utilization of dental auxiliaries has, our present efforts are falling far short of training adequate numbers of these paradental personnel. Currently, there is only one hygienist for every six practicing dentists while professional groups tell us that the minimum desirable ratio is one hygienist to every two dentists. If we are to provide even that minimally adequate ratio by 1980, we must graduate at least 48,000 new hygienists during this decade. At the current rate, however, we will train only 23,000 and thus face a net deficit of 25,000 in 1980. Similar deficits will also exist in dental assistants and dental laboratory technicians unless our current training efforts are substantially accelerated. This deficit is estimated to be 137,000 for dental assistants and 23,500 for laboratory technicians.

So that we can begin to narrow this gap between auxiliaries needed and auxiliaries available, the bill I am introducing authorizes appropriations of $97 million over the next 5 years to make grants to public and private nonprofit institutions to assist them in establish-

ing and carrying out programs to train dental auxiliaries. Preliminary estimates made for me by the Department of HEW indicates that this provision in the bill could by itself produce more than 27,000 new auxiliaries in 5 years. Certainly, such a sizable increase in the number of qualified auxiliaries would improve substantially our chances of successfully meeting the increased demand for dental services in the years ahead.

As any business executive or sports coach knows, success requires more than numbers and talent. It also requires management and organization. For that reason, then, this legislation also authorizes appropriation of $56 million over a 5-year period to support programs designed to develop methods for welding dentists and various types of auxiliaries into efficient, productive teams capable of providing maximum service with maximum quality and minimum expense.

In addition to institutional training for dentists and dental students in the effective utilization of auxiliaries, the bill also specifically authorizes the support of demonstration projects in areas characterized by low-family incomes or a shortage of dental services. A typical demonstration might well combine several dentists with a variety of auxiliaries providing care to youngsters in one of the pilot care projects which I described at the outset of these remarks. In this way, while children were receiving direct care, dentists or dental students would be learning how to utilize auxiliaries and the auxiliaries would be gaining valuable field experience.

In sum, then, Mr. President, "The Children's Dental Health Act of 1971" has four major components: First, a program of pilot projects to provide direct dental care to 1.5 million youngsters; second, a Federal matching program to encourage communities to fluoridate their water supplies; third, a program to produce more than 27,000 auxiliaries within 5 years; and fourth, a program to develop methods for making the dentist captain of his team rather than an entire team in and of himself. Taken together they would help to substantially reduce the incidence of dental problems and maximize the dental profession's capacity to deal with those that do occur. Passage and implementation of this bill would comprise a sound investment in the health of the Nation and could well be the first major step toward resolving the overall health care crisis.

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

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

S. 1874

A bill to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes

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 Children's Dental Health Act of 1971."

SEC. 2. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE X—DENTAL HEALTH PROJECTS

"GRANTS FOR PROJECTS FOR DENTAL CARE FOR CHILDREN

"SEC. 1001. (a) There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972; $15,000,000 for the fiscal year ending June 30, 1973; $30,000,000 for the fiscal year ending June 30, 1974; $50,000,000 for the fiscal year ending June 30, 1975; and $70,000,000 for the fiscal year ending June 30, 1976; which shall be used by the Secretary to make grants to the health agency of any State (or political subdivision thereof) or to any other public or nonprofit private agency, organization, or institution to pay for part of the cost of the carrying out (on a planned and systematic basis) by such agency, organization, or institution, of one or more comprehensive projects for dental care and services for children of pre-school and school age. Any such project shall include such comprehensive corrective, follow-up and preventive services (including dental health education), and treatment as may be required under regulations of the Secretary.

"(b) Grants under this section shall not be utilized to provide or pay for dental care and services for children unless such children are determined (in accordance with regulations of the Secretary) to be (A) from low-income families, or (B) unable, for other reasons beyond their control, to obtain such care and services.

"(c) Grants under this section may be utilized for the conduct of research, demonstrations, or experimentation carried on with a view to developing new methods for (A) the prevention, diagnosis, or treatment, of dental problems, (B) the payment of dental care and services, or (C) the utilization of dental health care personnel with various levels of training; except that not more than 10 per centum of any grant under this section shall be so utilized.

"(d) In making grants under this section, the Secretary shall accord priority to projects designed to provide dental care and preventive services for children of pre-school age and school age children who are in the first five grades of school.

"GRANTS FOR WATER TREATMENT PROGRAMS

"SEC. 1002. (a) There are hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1972; $3,000,000 for the fiscal year ending June 30, 1973; $4,000,000 for the fiscal year ending June 30, 1974; $4,000,000 for the fiscal year ending June 30, 1975; and $2,000,000 for the fiscal year ending June 30, 1976; which shall be used by the Secretary to make grants to States, political subdivisions of States, and other public or nonprofit private agencies, organizations, and institutions to assist them in initiating, in communities or in public elementary or secondary schools, water treatment programs designed to reduce the incidence of oral disease or dental defects among residents of such communities or the students in such schools (as the case may be).

"(b) Grants under this section may be utilized for (but are not limited to) the purchase and installation of water treatment equipment.

"(c). Grants under this section shall not exceed—

"(1) in the case of a grant to any person who has received a grant under section 1001, 80 per centum of the cost of the treatment program with respect to which such grant under this section is made; and

"(2) in the case of a grant to any person (other than a person referred to in paragraph (1), 66⅔ per centum of the cost of the treatment program with respect to which such grant is made.

"GRANTS TO TRAIN AUXILIARY DENTAL PERSONNEL

"SEC. 1003. There are hereby authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1972; $20,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; $20,000,000 for the fiscal year ending June 30, 1975; and $20,000,000 for the fiscal year ending June 30, 1976; which shall be used by the Secretary to make grants to public and nonprofit private institutions to assist them in establishing and carrying out programs to educate and train persons for careers as auxiliary dental personnel with special emphasis on the education and training of veterans of the Armed Forces who have received experience and training in dental auxiliary functions.

"PROJECTS TO PROMOTE EFFECTIVE USE OF AUXILIARY DENTAL PERSONNEL

"SEC. 1004. (a) There are hereby authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; $10,000,000 for the fiscal year ending June 30, 1974; $15,000,000 for the fiscal year ending June 30, 1975; and $15,000,000 for the fiscal year ending June 30, 1976 which shall be used by the Secretary to make grants and enter into contracts (without regard to section 3648 of the Revised Statutes, 31 U.S.C. 529) under subsection (c) and to make grants to dental schools, and to other public or nonprofit private agencies, organizations, and institutions, and to enter into contracts (without regard to section 3648 of the Revised Statutes, 31 U.S.C. 529) with individuals, agencies, organizations and institutions, for projects described in subsection (b).

"(b) Grants and contracts under this section may be made or entered into for projects for—

"(1) planning, establishing, demonstrating or supporting programs to teach dental students and dentists the efficient and effective utilization of dental auxiliaries and the management and supervision of total dental health teams (including, but not limited to, teams consisting of various types of auxiliary dental personnel who are trained in carrying out expanded functions or procedures which do not require the knowledge and skill of the dentist), with special emphasis on the employment and utilization of veterans of the Armed Forces who have received experience and training in dental auxiliary functions;

"(2) demonstration and experimentation of ways to organize dental health services to achieve maximum effectiveness in the use of auxiliary dental personnel, which projects take into account such factors as patient acceptance, quality of care, and cost of services; and

"(3) planning, establishing, demonstrating or supporting field training programs for dental students and auxiliary dental personnel in which dental care and preventive services are provided by such persons under professional supervision in areas characterized by low-family incomes or shortage of and need for dental services.

"(c) The Secretary is authorized to utilize sums appropriated pursuant to subsection (a) to make grants to dental schools and to other public or nonprofit private agencies, organizations, and institutions, and to enter into contracts with individuals, agencies, organizations and institutions, for special projects related to investigation and demonstra-

tion of ways of providing incentives for developing or establishing dental facilities or services in areas or communities in a State determined by the appropriate State health authority in such State to have a shortage of and need for dentists.

"DENTAL ADVISORY COMMITTEE

"SEC. 1005. (a) The President shall appoint a Dental Advisory Committee consisting of seven members, four of whom shall be selected from the dental profession and three from the general public. Members shall be appointed from among persons, who by virtue of their training, experience, and background, are exceptionally qualified to appraise the programs established by this title. The Secretary shall be an ex officio member of the Committee.

"(b)(1) Members shall be appointed for six-year terms, except that of the members first appointed three shall be appointed for two years, two shall be appointed for four years, and two shall be appointed for a term of six years as designated by the President at the time of appointment. The Members shall select their own chairman.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) The Dental Advisory Committee shall advise the Secretary in regard to the reports required under section 1006, in regard to programs established under this title, and in regard to activities carried on by the Department of Health, Education, and Welfare related to dental health, dental manpower, or dental training and services, and shall serve as a reviewing body for grants made pursuant to this title, where such review is deemed necessary by the Secretary.

"(4) Members of the Dental Advisory Committee who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including travel time, 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, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in Government service employed intermittently.

"(5) The Secretary shall make available to the Dental Advisory Committee such staff, information, and other assistance as it may require to carry out its activities.

"(6) The Secretary, after consultation with the Dental Advisory Committee, shall promulgate such rules and regulations as are necessary to carry out the purposes of this title.

"REPORT

"SEC. 1006. (a) The Secretary shall submit a report to the Congress not later than January 31 of each year on the progress of the implementation and administration of the programs established under this title.

"(b) The Secretary shall submit to the Congress a report containing his recommendations concerning the need and feasibility of a comprehensive national dental health program for children within 90 days after the end of the fiscal year ending June 30, 1976."

SEC. 3. Section 1902 (a)(10) of title XIX of the Social Security Act is amended by adding at the end thereof the following: "and except that services described in paragraph (10) of section 1905 (a) may be made available to individuals or groups of individuals under age eighteen without making available such services of the same amount, duration and scope to individuals of any other ages;".

SEC. 4. (a) Section 1 of the Public Health Service Act is amended to read as follows:

"Section 1. Titles I to X, inclusive, of this Act may be cited as the 'Public Health Service Act'."

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014, (as in effect prior to the enactment of this Act) as sections 1101 through 1114, respectively.

EXHIBIT 1

NATIONAL ORGANIZATIONS ENDORSING FLUORIDATION

American Academy of Pediatrics.
American Association for the Advancement of Science.
American Association of Dental Schools.
American Association of Industrial Dentists.
American Association of Public Health Dentists.
American College of Dentists.
American Commission on Community Health Services.
American Dental Association.
American Dental Health Society.
American Dental Hygienists' Association.
American Federation of Labor and Congress of Industrial Organizations.
American Heart Association.
American Hospital Association.
American Institute of Nutrition.
American Legion.
American Medical Association.
American Nurses Association.
American Osteopathic Association.
American Pharmaceutical Association.
American Public Health Association.
American Public Welfare Association.
American School Health Association.
American Society of Dentistry for Children.
American Veterinary Medical Association.
American Water Works Association.
Association of Public Health Veterinarians.
Association of State and Territorial Health Officers.
Canadian Dental Association.
Canadian Medical Association.
College of American Pathologists.
Federation of American Societies for Experimental Biology.
Federation Dentaire Internationale.
Great Britain Ministry of Health.
Health League of Canada.
Inter-Association Committee on Health.
National Congress of Parents and Teachers.
National Education Association.
National Institute of Municipal Law Officers.
National Research Council.
Office of Civil Defense.
Pan American Health Organization.
U.S. Department of Agriculture.
U.S. Department of Defense.
U.S. Department of Health, Education, and Welfare.
World Health Organization.

By Mr. MAGNUSON (for himself, Mr. BAYH, Mr. BENNETT, Mr. BENTSEN, Mr. BIBLE, Mr. BOGGS, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CASE, Mr. CHURCH, Mr. COOPER, Mr. COTTON, Mr. CRANSTON, Mr. CURTIS, Mr. EAGLETON, Mr. EASTLAND, Mr. GOLDWATER, Mr. GRAVEL, Mr. GURNEY, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HOLLINGS, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. ROTH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPARKMAN, Mr. SPONG, Mr. STEVENS, Mr. SYMINGTON, Mr. THURMOND, Mr. TUNNEY, Mr. WILLIAMS, Mr. YOUNG, and Mr. GRIFFIN):

S. 1875. A bill to establish the calendar year as the fiscal year of the Government and to provide for separate periods during sessions of the Congress for the consideration of appropriation bills, and for other purposes. Referred to the Committee on Government Operations.

FEDERAL APPROPRIATIONS REFORM ACT

Mr. MAGNUSON. Mr. President, I am introducing today, for appropriate reference, a bill to establish the calendar year as the fiscal year of the Government, and to provide for separate periods for each session of the Congress for the consideration of appropriation bills, and for other purposes.

Mr. President, in a recent Harris survey, by 63 to 26 percent, the American people gave the 91st Congress negative marks on the job it did in 1970—this is an all-time low. The bill I am introducing today will help to restore public confidence in our legislative machinery.

In the grand old days of the 1890's, Congress would meet for only 3 or 4 months each year. It would consider a few bills, and maybe pass legislation in order to build a few new post offices, and then adjourn for 9 months.

Today, the subject matter ranges from atomic energy and its peaceful applications to atomic energy and the potentially destructive power of nuclear weapons.

How can Congress know what it is buying when one bill, the military appropriations bill, totals over $75 billion? And with some $7 billion of this being spent for military research and development alone.

When I first introduced this measure in 1950, I thought then that the machinery of the Congress had been stretched to its limit. I had little idea that the workload, which then seemed enormous, would grow as much as it has with each passing session.

Look at the number of bills introduced in the House and Senate each session. Although this is not an exact measurement of Congress' workload, the numbers do serve as a rule-of-thumb guide to the number of issues facing the Congress and its committees.

In the first session of the 78th Congress, 6,539 bills were introduced. Ten years later, in 1953, during the first session of the 83d Congress 10,695 bills were introduced. And, in the first session of the 91st Congress, a total of 18,738 bills were introduced in both Houses.

I am not reciting these figures in an effort to enlist your sympathy. I am reciting them as proof that Congress needs to remodel its legislative machinery to do a better job analyzing the mammoth problems facing our country.

We are now handling the appropriation of over $200 billion each year in much the same manner as appropriations bills were handled 40 years ago. At that time, the annual expenditures of the Federal Government totaled about $5 billion. Congress today needs better budgetary tools to deal with a Federal budget well over $200 billion.

We must face up to the fact that the Appropriations Subcommittees and their staffs struggle with problems that are impossible to effectively deal with given our present machinery. We are attempting, literally, to run a business 10 times as large as A.T. & T. and General Motors combined, with machinery as obsolete as a quill pen and a slanting bookkeeper's desk.

Let us not forget that the prime duty of the Congress is to exercise power over the purse. The public is very much aware of the congressional duty to control the expenditures of Government. And the failure to exercise this most important function efficiently has brought heavy criticism upon the Congress.

If this power were used effectively, Congress could control the size of Government, its activities, and the number of people who find their way on and off its payroll. And the care and dispatch with which we appropriate funds could influence directly the quality of government as much as any law that Congress could pass.

More specifically, the passage of appropriations bills before the beginning of the fiscal year, July 1, is essential under existing procedures for the proper management of Government departments. Last year, six appropriation bills still had not been passed by December 1. In the last 2 fiscal years, 1970 and 1971, none of the 27 major appropriations bills was adopted by July 1. Clearly, something has to be changed if we are to have good government.

Consideration, moreover, should be given to the problems facing State and local governments under this practice. State and local units generally use the same fiscal year as the National Government. With delays in congressional action, State and local governments are kept in doubt about the actual availability of Federal funds until their own fiscal years have expired. School districts, for example, have completed their school terms before Federal money is made available. Dollars distributed in this fashion can hardly be used with optimum efficiency for the purposes intended by Congress.

My bill deals with the problem of delay. The bill, if enacted, would accomplish two things. First it would divide Congress each year into separate legislative and fiscal periods. Second, it would change the fiscal year to coincide with the calendar year.

LEGISLATIVE AND FISCAL PERIODS

The legislative period of Congress would open on January 3 for exclusive consideration of legislative matters. This period could run no later than August 15, and would set a specific date by which all authorizations bills must be enacted. Legislative action could not be postponed. Congress would focus on substantive matters.

With over 8 months to authorize all expenditures for the next fiscal year, the end result would be legislation enacted only after careful thought.

The fiscal period of Congress would convene thereafter—a date set by joint resolution upon the adjournment of the legislative period—for the exclusive consideration of appropriation bills. During the fiscal period, appropriations subcommittees could view all authorizations before passing any appropriations measure. The end result would be a more thorough consideration of funding authorizations thus making the phrase "reordering priorities" a more achievable goal.

The fiscal period, which follows the legislative period, could last no longer than December 1. Once again a realistic deadline is set. Legislative logjams would not occur, as they did last year, under this proposal. Instead, funding could be reviewed with deliberation during the fiscal period.

During both periods, all committees, legislative and appropriation, could meet to consider matters under their jurisdiction. They could hold hearings and conduct studies—but, only legislative committees could report bills or resolutions to the floor during a legislative period, while only appropriations committees could report bills or resolutions to the floor during the fiscal period.

There are exceptions:

Congress could make supplemental or deficiency appropriations during a legislative period.

The President of the United States or the President pro tempore of the Senate and the Speaker of the House, acting jointly, could notify Congress that the consideration of specific bills is necessary because of a national emergency.

During either the legislative or fiscal period, the Congress may consider overriding a veto by the President.

To my mind, the above division is a logical solution to the problem of delay. Thorough and timely action by Congress on appropriations bills is a necessity. With the division proposed in my bill, we would permit Congress, once again, to effectively review and analyze appropriations measures.

CALENDER FISCAL YEAR

A change of the fiscal year to the calendar year is also proposed in my bill. Congress would, as I have mentioned, first have a legislative period, then a fiscal period, followed on January 1 by a new fiscal year. This would cause an immediate impact of those budgetary decisions made by Congress that affect the economy.

I am pleased to report that the Office of Management and Budget, in testimony before the Senate Appropriations Committee, stated that it favored a change to the calendar year provided certain important difficulties pertaining to the transition period could be resolved. This bill deals directly with the mechanics of transition. Essentially, they are:

NATURE AND DURATION OF THE TRANSITION

The bill provides for a special 6-month continuing resolution to handle the changeover. If Congress acts immediately, the arrangement would be made operative on July 1, 1972, when the short 6-month Federal budget would begin. Since Congress is accustomed to the use of this device, I believe it would simplify the transition.

PRESIDENT'S ECONOMIC AND BUDGET MESSAGES

The law now requires the President to submit his budget message within 15 days after Congress convenes in regular session. To give sufficient time to the administration, delivery of the budget and economic message will have to be postponed. The bill sets April 15 as the date for delivery of the budget and economic messages.

CHANGEOVER FOR STATES

Only three States presently operate on a calendar year basis. The remaining 47 States have fiscal years, which like ours, begin on July 1 and end on June 30. It should be emphasized that to attain the results anticipated under this bill, two assumptions must be made:

First. That Congress will observe its own deadlines for enactment of appropriations;

Second. That the State fiscal year shall begin on July 1 following the beginning of the Federal fiscal year on each January 1. In other words, no change in the State fiscal year would be necessary or even desirable.

I am also pleased to report that the bill has received the qualified endorsement of the Nixon administration. The President, in his recent budget message, discussed the urgent need for reform of the budgetary process:

REFORMING THE BUDGET PROCESS

Reform of the budget process is long overdue. Fifty years have passed since the Federal budget system currently in use was adopted. The system was a major step forward in 1921. Because of Congressional inaction, it has become a travesty a half-century later.

Enactment of appropriations 6 months or more after the start of the fiscal year they are supposed to cover is evidence of a major weakness. I have sent two budgets to the Congress. In each, I have had to formulate budget proposals for the year ahead without knowing what the Congress would provide in its action on the prior year's budget, which was transmitted months earlier. Even now, as this message is being written, action on last year's appropriations request for one department has not been completed.

I have, therefore, had to act on parts of the budget without knowing the totals that would result. This is an intolerable situation, but one that the Congress seems to accept as the normal way of doing business. It completes action on appropriation bills over a 10 to 12 month period without any goal or de-

termination of the total expenditures that will result after the last bill is passed.

Excess in the number and detail of appropriations often diverts attention to minutia. It also impairs the ability of agency heads to manage their agencies responsibly and economically.

The budget is our principal instrument for coordinated management of Federal programs and finances. Close cooperation between the executive and legislative branches is needed now to make the budget an efficient and effective instrument for this purpose. Therefore we must seek a more rational, orderly budget process. The people deserve one, and our Government, the largest fiscal unit in the free world, requires it.

I might also add that the bill I am introducing today has the co-sponsorship of 51 other Senators. And it is similar to H.R. 1458 which was introduced in the House of Representatives by Congressman MICHEL of Illinois who was joined by 110 other House cosponsors.

So, Mr. President, 161 Members of the 92d Congress believe, as I do, as Congressman MICHEL does, and as the administration does, that budgetary reform is necessary.

Finally, may I say that this is a beginning point. Any bill carrying such a dramatic change in traditional procedures will present certain short-term hardships and dislocations including conflicts with the Legislative Reorganization Act. Congress, however, must face up to the task. When our processes fail, they must be reformed to better serve our needs.

Mr. President, I ask unanimous consent that this bill be printed at this point in the RECORD following my remarks.

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

S. 1875

A bill to establish the calendar year as the fiscal year of the Government, and to provide for separate periods during sessions of the Congress for the consideration of appropriation bills, and for other purposes

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 "Federal Appropriations Reform Act".

TITLE I—CHANGE OF FISCAL YEAR

CALENDAR YEAR AS NEW FISCAL YEAR

SEC. 101. Section 237 of the Revised Statutes (31 U.S.C. 1020) is amended to read as follows:

"SEC. 237. (a) The fiscal year of the Treasury of the United States, in all matters of amounts, receipts, expenditures, estimates, and appropriations—

"(1) shall, through June 30, 1972, commence on July 1 of each year and end on June 30 of the following year;

"(2) shall for the period commencing July 1, 1972, and ending on December 31, 1972, be for such period; and

"(3) shall, beginning on January 1, 1973, commence on January 1 of each year and end on December 31 of that same year.

"(b) All accounts of receipts and expenditures required by law to be published annually shall be prepared and published for each fiscal year as established by subsection (a)."

SPECIAL APPROPRIATION

SEC. 102. For the fiscal year commencing July 1, 1972, and ending December 31, 1972, there are appropriated, out of any money in the Treasury not otherwise appropriated, for any projects or activities conducted in the fiscal year ending June 30, 1972, for which authority to conduct such project or activity did not expire prior to June 30, 1972, an amount equal to 50 percent of the amount appropriated for that project or activity for such fiscal year ending on June 30, 1972. Appropriations made under this section shall be available to the extent and in the manner appropriations were made available for that project or activity during the fiscal year ending on June 30, 1972.

TRANSMITTAL OF BUDGET AND EXPENDITURE MESSAGES

SEC. 103. Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) by striking out of that matter of subsection (a) preceding clause (1) the phrase "during the first fifteen days of each regular session" and inserting in lieu thereof ", at the time specified in subsection (e)(1)";

(2) by striking out in subsection (a)(5) "on or before October 15 of each year," and inserting in lieu thereof ", at the time specified in subsection (e)(2),";

(3) by striking out in subsection (b) "on or before June 1 of each year, beginning with 1972," and inserting in lieu thereof "at the time specified in subsection (e)(3)";

(4) by striking out in subsection (c) "on or before June 1 of each year, beginning with 1972," and inserting in lieu thereof "at the time specified in subsection (e)(4)"; and

(5) by adding at the end thereof the following new subsections:

"(d) In addition to the information required by subsection (a), the Budget shall contain a statement in such form and detail as the President may determine, of the capital assets of the Government, and their value, as of the end of the last completed fiscal year.

"(e)(1) In accordance with subsection (a), the President shall transmit each Budget to the Congress as follows:

"(A) for the fiscal year ending on June 30, 1972, during the first fifteen days of that regular session of the Congress which assembles under section 2 of article XX of the articles of amendment to the Constitution prior to the commencement of the fiscal year; and

"(B) for each fiscal year beginning on or after January 1, 1973, on or before April 15 of the year preceding the commencement of that fiscal year.

"(2) In accordance with subsection (a)(5), estimated expenditures and proposed appropriations for such legislative branch and Supreme Court shall be transmitted to the President, for each fiscal year commencing on and after January 1, 1973, not later than January 15 of the year preceding that fiscal year.

"(3) In accordance with subsection (b), the President shall transmit each supplementary summary of the Budget to the Congress, for each fiscal year beginning on or after January 1, 1973, on or before October 1 of the year preceding that fiscal year.

"(4) In accordance with subsection (c), the President shall transmit summaries of estimated expenditures on June 1, 1972, and November 1 of each year thereafter.

"(f) No Budget supplementary summary of the Budget, or estimated expenditures and proposed appropriations for such legislative branch and Supreme Court shall be transmitted for the fiscal year commencing July 1, 1972, and ending on December 31, 1972. For purposes of subsection (a)(7), the phrase "last completed fiscal year" shall mean for the Budget to be transmitted to the Congress on or before April 15, 1973, for the fiscal year commencing on January 1, 1974, those fiscal years ending on June 30, 1972, and December 31, 1972. The fiscal year ending on December 31, 1972, shall not be considered a fiscal year for purposes of subsection (c).

"(g) If the Congress is not in session on the day on which the President submits a Budget, a supplementary summary of the Budget, or a summary of estimated expenditures, such Budget or summary shall be transmitted to the Clerk of the House of Representatives and shall be printed as a document of the House of Representatives."

ACCOUNTING PROCEDURES

SEC. 104. (a) Subsection (a)(1) of the first section of the Act entitled "An Act to simplify accounting, facilitate the payment of obligations, and for other purposes", approved July 25, 1956, as amended (31 U.S.C. 701), is amended to read as follows:

"(1) The obligated balance shall be transferred, at the time specified in subsection (b)(1) of this section, to an appropriation account of the agency or subdivision thereof responsible for the liquidation of the obligations, in which account shall be merged the amounts so transferred from all appropriation accounts for the same general purposes; and".

(b) Subsection (b) of such section is amended to read as follows:

"(b)(1) Any obligated balance referred to in subsection (a)(1) of this section shall be transferred as follows:

"(A) for any fiscal year or years ending on or before June 30, 1972, on that June 30 which falls in the first month of June which occurs twenty-four months after the end of such fiscal year or years; and

"(B) for any fiscal year commencing on or after July 1, 1972, on December 31 of the second fiscal year following the fiscal year or years for which the appropriation is available for obligation.

"(2) The withdrawals required by subsection (a)(2) of this section shall be made—

"(A) for any fiscal year ending on or before June 30, 1972, not later than September 30 of the fiscal year immediately following the fiscal year in which the period of availability for obligation expires; and

"(B) for any fiscal year commencing on or after July 1, 1972, not later than March 1 following the fiscal year in which the period of availability for obligation expires."

ECONOMIC REPORTS

SEC. 105. (a) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022), is amended by striking out "The President shall transmit to the Congress not later than January 20 of each year" and inserting in lieu thereof the following: "Not later than January 20 of each year before 1973, and not later than April 15 of each year after 1972, the President shall transmit to the Congress".

(b) Section 5(b)(3) of such Act (15 U.S.C. 1024) is amended by striking out "(beginning with the year 1947)" and inserting in lieu thereof "before 1973 and not later than June 1 of each year after 1972,".

CONVERSION OF AUTHORIZATIONS OF APPROPRIATIONS

SEC. 106. Any law providing for an authorization of appropriations commencing on July 1 of a year shall, if that year is any year after 1971, be considered as meaning January 1 of the year following that year. Any law providing for an authorization of appropriations ending on June 30 of a year shall, if that year is any year after 1972, be considered as meaning December 31 of that same year. Any law providing for an authorization of appropriations for the fiscal year 1973 or, any fiscal year thereafter shall be construed as referring to that fiscal year commencing on January 1 and ending on December 31 of the calendar year having the same calendar year number as the fiscal year number.

REPEALS

SEC. 107. The following provisions of law are repealed:

(1) the ninth paragraph under the headings "Legislative Establishment", "Senate", of the Deficiency Appropriation Act, fiscal year 1934 (48 Stat. 1022; 2 U.S.C. 66); and

(2) the proviso to the second paragraph under the headings "House of Representatives", "Salaries, Mileage, and Expenses of Members", of the Legislative-Judiciary Appropriation Act, 1955 (68 Stat. 400; 2 U.S.C. 81).

TECHNICAL AMENDMENT

SEC. 108. (a) Section 105 of title 1, United States Code, is amended by striking out "June 30" and inserting in lieu thereof "December 31".

(b) The provisions of this section shall be effective July 1, 1972.

TITLE II—SEPARATE CONSIDERATION OF APPROPRIATIONS MEASURES

DEFINITIONS

SEC. 201. For purposes of this title—

(1) "legislative period" means that period of a regular session of the Congress beginning on the third day of January of each year (or on such other day as the Congress appoints by law) and ending on August 15 of that year, or on such earlier day of that year on which a House of the Congress, with respect to that House, terminates its legislative period in order to consider appropriations for the support of the Government;

(2) "fiscal period" means, with respect to each House, that period of a regular session of the Congress beginning on the day after a legislative period of that House has ended and ending on December 1 of that year or on such earlier day of that year on which that regular session has been adjourned sine die;

(3) "appropriations" has the same meaning given that term by section 2 of the Budget and Accounting Act, 1921 (31 U.S.C. 2); and

(4) "committee" includes any joint committee of the Congress and any select committee of either House of the Congress.

LEGISLATIVE PERIODS

SEC. 202. (a) Except as otherwise provided in section 204, the Senate and House of Representatives shall not consider, and the Committees on Appropriations of the two Houses shall not report, during any legislative period any measure or matter making an appropriation for the support of the Government.

(b) The provisions of this section shall not be construed as prohibiting during any legislative period—

(1) the introduction in or submission to, either House of the Congress, of any measure or matter relating to appropriations for the support of the Government; or

(2) the consideration by the Committee on Appropriations of the Senate or the House of Representatives of any measure or matter over which such committee has jurisdiction, or the holding of hearings or the conducting of studies and investigations with respect to any such measure or matter.

FISCAL PERIODS

SEC. 203. (a) Except as otherwise provided in section 204, the Senate and House of Representatives shall not consider, and no committee of either House (other than the Committees on Appropriations of the two Houses) shall report, during any fiscal period any measure or matter other than a measure or matter making only appropriations for the support of the Government.

(b) The provisions of this section shall not be construed as prohibiting during any fiscal period—

(1) the introduction in, or submission to, either House of the Congress of any measure or matter not relating to appropriations for the support of the Government; or

(2) the consideration by any committee of either House of any measure or matter over which such committee has jurisdiction, or the holding of hearings or the conducting of studies and investigations with respect to any such measure or matter.

(c) The Senate and House of Representatives shall consider, and the Committees on Appropriations of the two Houses shall report, during a fiscal period occurring in one year only measures and matters making appropriations for the support of the Government for the fiscal year following that fiscal period and measures or matters making supplemental or deficiency appropriations for the current fiscal year.

EXCEPTIONS

SEC. 204. (a) The Committees on Appropriations of the Senate and the House of Representatives may report, and the two Houses may consider—

(1) during the legislative period occurring in 1972, any measure or matter making only supplemental or deficiency appropriations for the fiscal year ending June 30, 1972; and

(2) during each legislative period occurring in a year, beginning with the legislative period occurring in 1973, any measure or matter making only supplemental or deficiency appropriations for that year.

(b) The appropriate committee of the Senate or the House of Representatives may report to its House, and that House may consider, during any fiscal period, any measure or matter if—

(1) in the case of a treaty or nomination submitted to the Senate, the President of the United States or the President pro tempore of the Senate determines, and notifies the Senate in writing, that an emergency exists requiring that the Senate be allowed to consider immediately that treaty or nomination; and

(2) in the case of any other measure or matter the President of the United States or the President pro tempore of the Senate and the Speaker of the House of Representatives (acting jointly) determine, and notify both House in writing, that an emergency exists requiring that the two Houses be allowed to consider immediately that measure or matter.

For purposes of this subsection, "emergency" means any circumstance that affects, immediately and seriously, the national interest.

(c) Any measure or matter returned to the Senate or the House of Representatives under the second or third paragraph of section 7 of article I of the Constitution may be considered during any legislative or fiscal period.

(d) The Senate and House of Representatives may consider, and the Committees on Appropriations of the two Houses may report, during the legislative period occurring in the year 1972 any measure or matter making an appropriation for the fiscal year ending June 30, 1972, for the support of the Government.

EFFECTIVE DATE

SEC. 205. The provisions of this title shall become effective on the day on which the Congress assembles, under section 2 of article XX of the articles of amendment to the Constitution, in the year 1972.

LIMITATION

SEC. 206. No provision of this title shall be construed as giving authority to any committee of either House of the Congress to report any measure or matter if that committee is not otherwise given that authority by another provision of law, or by rule or resolution of that House of the Congress.

Mr. ROTH. Mr. President, each year brings fresh evidence of the pressing need for fiscal reform. Each year it is increasingly clear that Congress cannot enact appropriation bills by the start of the new fiscal year. In 1969, the first appropriation measure was not passed until September 29—3 months after the start of the 1970 fiscal year. A second appropriation bill was passed on October 29. Two more passed on November 26. Because of these delays, 5 months of the fiscal year had passed by, but only 4 of 13 appropriation bills had been enacted.

The record of 1970 was not much better. Two bills passed in July. Two more passed in August, but one was vetoed and not reenacted until December. Another bill passed in September. Two more in October. None in November. After 5 months of the fiscal year had elapsed, Congress had passed only 6 of 13 appropriation bills.

These delays have made it necessary for Congress to rely on the passage of numerous continuing appropriation bills, to permit executive and independent agencies to continue projects and activities. The result: instead of shifting to new programs and priorities at the start of a fiscal year, we perpetuate the old. Appropriations committees wait for legislative committees to finish their work. Whenever authorization bills are modified, so must appropriation bills, and that leads to substantial waste and inefficiency.

The ramifications of these delays reach out to affect the executive branch and State and local government. The President, responsible for formulating next year's budget, does not yet know how Congress will act on the old. Agencies are left in suspense as to their funding authority. State and local governments, trying to plan ahead for future programs, await congressional action. What moneys will be made available for grant-in-aid programs? Which program will be fully funded, partially funded, or phased out? School districts, urban renewal programs, community health services, waste treatment programs, and other vital activities wait month after month for congressional action. All sectors of government, on both a national and local level, are adversely affected by the inability of Congress to appropriate funds in time.

The consequences of such fiscal sluggishness are particularly apparent in the Nation's schools. Educators can neither plan nor implement their programs effectively when they are forced to devote much of their time and energy to outguessing the Congress. Without knowing when Federal funds will be received, without knowing how much money will be available, the school administrator is reduced to a kind of fiscal roulette—and the Nation's children are the losers.

The problems created by late funding of education programs can be summarized as follows:

Effective planning is nearly impossible without adequate advance notice of fund to be received;

The recruitment and employment of teachers is delayed and as a result the most able applicants cannot be hired by the schools which need them most;

New programs are sometimes not initiated until the middle of the school year and their effectiveness is consequently reduced;

Pressure for full utilization of Federal funds late in the school year often results in expenditures for lower priority school needs.

School districts which attempt to anticipate the amount of Federal funds to be received, sometimes find themselves overcommitted if appropriations are reduced;

Public expectations are often disappointed when programs fail to live up to their promise due to late Federal funding;

Evaluation suffers, as programs cannot be adequately assessed when they have not been adequately implemented.

These problems and many others have long been acknowledged by officials in Washington. Back in 1967, a task force on timing of DHEW appropriations for educational programs recommended an advance funding procedure which would enable Congress to notify school officials of the amounts to be made available in the coming year. The Elementary and Secondary Education Act Amendments of 1967 subsequently authorized advance funding for education programs, but with the exception of one advance appropriation for title I of ESEA, this provision has done little to improve the funding process.

It is for the purpose of correcting and alleviating this situation that I am today cosponsoring the Federal Appropriations Reform Act. This legislation proposes that there be two sessions each year: One for legislative business, followed by a second session to appropriate funds. This proposal would also require a change from a fiscal year to a calendar year.

The advantages of this legislation are many. No longer would appropriation and legislative committees be meeting at the same time to act on the same program. Instead of a delay of months in enacting appropriation bills, a deadline would be established. Moreover, a separate session for appropriating funds would permit Congress periodically to devote its entire energies to these important matters without the pressure, haste, and confusion which has become too often associated with the consideration of money measures.

By Mr. BURDICK:

S. 1876. A bill to provide for the division of jurisdiction between State and Federal courts, and for other purposes. Referred to the Committee on the Judiciary.

FEDERAL COURT JURISDICTION ACT OF 1971

Mr. BURDICK. Mr. President, I ask unanimous consent that the analysis of the bill I now send to the desk be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BURDICK. Mr. President, I am introducing today for appropriate reference a bill entitled the Federal Court Jurisdiction Act of 1971. This bill is the result of a 10-year study of the jurisdiction of the Federal courts by the American Law Institute made at the suggestion of then Chief Justice Earl Warren.

In proposing this study, Chief Justice Warren stated:

> It is essential that we achieve a proper jurisdictional balance between the federal and state court systems, assigning to each system those cases most appropriate in light of the basic principles of federalism.

The American Law Institute pursued this suggestion and has produced what is, to my knowledge, only the third comprehensive review of Federal court jurisdiction since the inception of our lower Federal courts under the Judiciary Act of 1789.

Our Federal district courts have always been courts of limited jurisdiction—they can only adjudicate controversies falling within the jurisdiction defined by statutes passed by Congress.

But if the Federal courts have limited jurisdiction and can only hear a certain number of cases, should there not be a good reason for a Federal court to hear a particular case? Are the factors which led our predecessors in Congress to include a particular type of case within Federal jurisdiction still persuasive in light of modern social and economic conditions? Are there cases which the Federal courts can handle more efficiently, merely because they are part of a national system and can consolidate suits brought in different areas of the country?

And finally, since the dockets of both our Federal and State courts are badly overcrowded, would it not be more efficient for Federal judges to adjudicate a greater proportion of the cases arising under Federal law, and fewer cases arising under State law, with which they are presumably not so familiar as State judges?

Essentially these are the questions with which the American Law Institute has been struggling for 10 years. The American Law Institute is a body of distinguished judges, members of the bar, and law professors. They are responsible for the well known Restatement of the Law. The result of their study is this bill, a substantial revision of title 28 of the United States Code, which delineates the jurisdiction of the Federal district courts, the procedures for its invocation, and the limitations on its exercise. The draft legislation and commentary explaining the reasons for the changes were published in 1969 in a book entitled "Study of the Division of Jurisdiction Between State and Federal Courts."

Because of the great care and skill which went into the draft legislation, this bill, with minor stylistic changes, is exactly as drafted by the Institute.

The Judicial Conference because of the far-reaching nature of the changes proposed by this bill recommended its early submission to Congress for appropriate legislative examination.

Mr. President, the Judiciary Act of 1789 laid out the basic framework of our judicial system. The jurisdiction presently vested in the Federal courts is the result of statutes enacted at various times in our history with various specific purposes in mind.

It was changed significantly after the Civil War. The act of July 27, 1866, broadened removal in diversity cases—about one-sixth of all diversity cases now come to the Federal bench by removal. The important act of March 3, 1875, gave the lower Federal courts for the first time jurisdiction in cases arising under the Constitution, laws, or treaties of the United States—the "Federal question" jurisdiction, which accounted for 45 percent of all civil cases filed in Federal court, last year.

These jurisdictional grants increased the workload of the Federal courts. To accommodate the increased work, the circuit courts of appeals were created in 1891, and the "judges' bill" in 1925 made most review in the Supreme Court discretionary rather than a matter of right.

In 1970 a total of 127,280 civil and criminal actions were commenced in the U.S. district courts, 13 percent more than fiscal year 1969. The 1970 increase in case filings was the steepest caseload jump for any year in the last decade. The caseload has grown immensely in the last decade. On June 30, 1970, there were 114,117 civil and criminal cases pending, 10 percent more than a year ago and 66 percent greater than the 68,942 pending on June 30, 1960. In light of these changes, it is appropriate for Congress to examine the jurisdiction of the Federal courts.

The conclusions of the ALI study now being introduced were presented in the form of a proposed revision of those sections of title 28 of the United States Code that now delineate the jurisdiction of the district courts in six major areas of Federal jurisdiction: First, diversity jurisdiction, second, Federal question jurisdiction, third, admiralty and maritime jurisdiction, fourth, United States as a party, fifth, multiparty-multistate diversity, and sixth, jurisdiction of three-judge courts.

Before attempting a more specific analysis of the provisions of the bill, let me illustrate the significance of this bill by a concise statement of the effect of the proposals to redefine the jurisdiction of the district courts. In the area of diversity jurisdiction, it is proposed to contract Federal jurisdiction by excluding certain resident plaintiffs, commuters, and foreign corporations where the litigation arises out of a transaction local to the State wherein the Federal court is located. The authors of the study estimated that 50 percent of these cases would be excluded, or a total of approximately 11,500 cases. Offsetting this contraction would be an expansion of Federal jurisdiction to include certain multiparty, multistate litigation and to include certain Federal question cases regardless of the jurisdictional amount. The number of cases affected by this expansion is not known at this time. Thus it seems clear that the proposals made by the ALI and embodied, without change, in this bill

are of great importance to the bench and bar of this country.

From my initial review of this proposal, let me make a few general observations. The proposal made for a general realinement of the jurisdiction of Federal courts is made at a time when there are a number of separate bills and proposals being made which would make changes in the jurisdiction of Federal courts in specific areas such as aircraft litigation, consumer class action, habeas corpus, and in certain cases requiring a three-judge court. Each of these separate matters should be considered in the light of the comprehensive revision embodied in the bill now introduced.

Let me briefly outline for my colleagues the effect of the bill on the six major areas of Federal jurisdiction.

I. DIVERSITY JURISDICTION

Diversity of citizenship jurisdiction remains the most controversal head of Federal jurisdiction. In recent correspondence with Federal judges a large number of them suggested diversity jurisdiction be abolished completely, that it is no longer necessary. However, the provisions of this bill reflect the judgment of the Institute that diversity jurisdiction continues to serve an important function in our Federal system, but that it presently extends to substantial classes of cases with no valid justification for being in the Federal courts and omits some that should have access to a Federal forum.

Although it is estimated that these provisions might reduce diversity jurisdiction by about 50 percent, the purpose of this bill is not to reduce the backlog of cases in Federal courts, but to provide a clear and principled division of cases between the State and Federal courts. The rationale adopted for diversity jurisdiction in this bill is that the function of this jurisdiction is to provide an even level of justice to the traveler or visitor from another State. However, when a person's involvement with a State is such as to eliminate any real risk of prejudice against him as a stranger and make it unreasonable to heed any objection he might make to the quality of its judicial system, the bill would not permit him to choose a Federal forum.

In accordance with this principle, this bill bars a plaintiff from bringing suit in Federal court in his own State simply because his opponent is a citizen of another State.

On a similar basis, a corporation or other business enterprise with a local establishment maintained for more than 2 years in a State would be prohibited from invoking, either originally or on removal, the diversity jurisdiction of a Federal court in that State in any action arising out of the activities of that establishment. Similarly, a natural person would be denied access to the Federal court in the State where he had his principle place of business or employment.

These provisions are in line with the policy of the present provision regarding removal—28 U.S.C. 1441(b)—which does not allow removal when the defendant is a citizen of the State in which such action is brought. There is not likely to be prejudice in a court in his own State and thus the law now provides no removal. What this bill does is to treat plaintiffs the same way and deny them original diversity jurisdiction in Federal court in their own State.

The policy with regard to commuters and corporations is the same as with natural persons: that is when they are strongly established in the State, their case as plaintiff or defendant can be heard in State court without fear of local bias.

Other provisions are designed to reinforce the prohibition against the artificial creation or destruction of diversity either by assignment or the appointment of a fiduciary.

An important change, in light of the number of cases involved, would allow an out-of-State defendant to remove an action to Federal court even though complete diversity is lacking because his co-defendants are ineligible or unwilling to remove.

II. GENERAL FEDERAL QUESTION JURISDICTION

This bill provides for a separate chapter to deal with original jurisdiction, removal and venue in cases arising under the Constitution, laws, or treaties of the United States, known as "Federal question" cases. It was not until 1875, as the body of Federal law grew, that Federal courts were granted jurisdiction generally over them. The provisions of this bill are based on the conclusion that Federal question cases are indeed the proper business of the Federal courts.

The Federal courts have acquired a considerable expertness in the interpretation and application of Federal law. Of course in some cases, jurisdiction is concurrent, but the proportion of Federal question cases forms a very small part of the business of the State courts, while they form a highly concentrated part of the business of Federal courts.

Thus, the bill would broaden the jurisdiction of Federal courts over cases involving federally created rights. It would also relieve State judges of the burden of deciding statutory questions with which they are unfamiliar and which may, therefore, require significantly more time for them to decide than it would take a Federal judge.

This is in line with the general philosophy of this bill which assigns a greater number of diversity cases, involving State law, to State courts more expert in these matters.

The argument in favor of vesting Federal question jurisdiction in the Federal courts does not rest alone on the expertness of those courts. Long ago Justice Story referred to "the importance, and even necessity of uniformity of decisions throughout the whole United States, upon all subjects within the purview of the Constitution," and said that truly deplorable public mischiefs would result if the laws, the treaties, and the Constitution of the United States should be different in different States, and never have precisely the same construction, obligation, or efficacy in any two States. *Martin* v. *Hunter's Lessee*, 1 Wheat. 304, 347–348 (1816). In the fiscal year 1970 there were 34,846 private Federal question cases commenced in the Federal district courts, and this number will increase with the general increase in volume of litigation and the broadening scope of Federal law. The U.S. Supreme Court could not possibly review all of those cases. To the extent that, whether tried in State or Federal court, Federal question cases are not heard by the U.S. Supreme Court, some lack of uniformity as to the meaning and application of Federal law is inevitable. There is reason, however, to believe that greater uniformity results from hearing these cases in a Federal court, and on appeal in only 11 Federal circuit courts of appeal.

The most important change required by this rationale is to permit removal on the basis of a Federal defense or counterclaim. The need for a Federal forum is as great for the defendant who relies on Federal law to defeat a State-created claim as it is for the plaintiff whose claim is derived from Federal law. The alinement of parties, as plaintiff or defendant, seems irrelevant to any functional or, even rational, explanation of Federal question jurisdiction. Similarly, under this rationale, the need for a Federal forum is no less in small cases than in large cases, and it is proposed to abolish any requirement of a particular amount in controversy where the plaintiff relies on Federal law to invoke the jurisdiction of the Federal court.

Removal generally will be allowed in a Federal question case without regard to the amount in controversy whenever there is a counterclaim that could have been brought as an original action under the proposed section 1311 of title 28. Removal also will be allowed when a Federal defense is raised provided the amount in controversy exceeds $10,000. There are, however, certain types of cases where removal is barred—the Fair Labor Standards Act, the Employers' Liability Act, the Jones Act, the Carmack Act, and workmen's compensation cases. The reason for these exceptions is that Congress has attempted to provide a convenient forum for plaintiffs in these cases involving small amounts in controversy and removal would cause delay and hardship.

III. ADMIRALTY AND MARITIME JURISDICTION

The Admiralty jurisdiction is not significantly changed. The language of 28 U.S.C. 1333 is continued to preserve the body of case law built upon it. It provides that the district courts shall have original jurisdiction without regard to the amount in controversy of all civil actions of admiralty and maritime jurisdiction. A new provision in this bill resolves a conflict in the cases by providing that jurisdiction does not include a claim merely because it arose on navigable waters. The "saving to suitors" clause is replaced by a provision declaring in terms when jurisdiction is exclusive and when it is concurrent; the line drawn reflects the existing case law. Jurisdiction is exclusive only in limitation of liability actions, actions against the United States and actions in rem.

Removal of admiralty and maritime actions is permitted, as under existing law, only if there is some basis for Federal jurisdiction other than the maritime nature of the claim. Venue for maritime actions is put in statutory form for the first time. This codification reflects the traditional liberality of venue in admiralty. Action may be brought where events giving rise to the claim occurred, or where any defendant or any vessel, cargo or other property subject to arrest or attachment may be found.

A right to a jury trial is provided by this bill if diversity or a Federal question furnishes an independent basis of Federal jurisdiction and a right to jury trial would otherwise exist. The bill also provides for a jury trial on demand in all admiralty cases, other than limitation of liability proceedings, when the relief sought is money damages for personal injury or death.

IV. UNITED STATES AS A PARTY

The treatment of cases in which the United States is a party is largely declaratory of existing law. This bill carries forward the present law, making a general grant of jurisdiction over actions brought by or on behalf of the United States. The bill resolves conflicts in the cases by defining when counterclaims may be asserted. In general a counterclaim may be asserted: first, when the district court would have jurisdiction of the counterclaim in an independent action, or second, when it arises out of the same transaction or occurrence as the plaintiff's claim, and it is within the jurisdiction of any court of the United States, or third, when it arises out of the same transaction or occurrence on which the United States could not be sued in any court but here the use of counterclaims is wholly defensive; no affirmative judgment for the defendant can be rendered.

The bill generally carries forward the jurisdiction of the district court in cases where the United States is a defendant. Jurisdiction of Tucker Act suits and tax refund cases remains concurrent with the court of claims. One change is made, however, the maximum limit in Tucker Act suits in the district courts is raised to $50,000, rather than the $10,000 presently provided. The Federal district courts will continue to have exclusive jurisdiction of cases under the Federal Tort Claims Act. There is also a new general grant of jurisdiction over all other actions in which the United States has consented to be sued in a district court. The United States is allowed to assert as a counterclaim any claim that it has against any plaintiff to the action.

The bill gives district courts original jurisdiction of any civil action commenced by a present or former officer or employee of the United States to recover damages for any injury to him on account of any act done under color of his office or in performance of his official duties. This is a broadening of 28 U.S.C. 1357, which is limited to situations where the employee is engaged in revenue collection or voting rights activities. The bill includes without change 28 U.S.C. 1361, giving jurisdiction over actions in the nature of mandamus to compel an officer of the United States to perform a duty owed to the plaintiff. Finally, 28 U.S.C. 1442, 1442a, allowing removal of civil actions or criminal prosecutions brought in a State court against Federal officers, are preserved in a somewhat more generalized form.

The bill continues jurisdiction of actions involving Federal corporations, national banks, and Interstate Commerce Commission orders without any change in substance.

V. STAYS IN CERTAIN CASES: THREE-JUDGE COURTS

The Supreme Court has adopted certain rules, known as the "abstention doctrine", that recognize various circumstances in which a Federal court, though it has jurisdiction, ought to defer to the State courts and let the State courts answer some or all of the questions the case poses. But the application of the doctrine is unclear. This bill seeks to clarify the law by providing a narrow class of cases in which the Federal courts should defer to the courts of the State. If they do so defer, ordinarily it will mean the case will proceed to judgment in the State courts.

The bill defines more clearly the occasions when injunctions from one court may issue against proceedings in the other system of courts.

Under this bill, a three-judge court is not required when an act of Congress is challenged as unconstitutional. The bill assumes that a single Federal judge is fully capable of interpreting the application of the Constitution to acts of Congress and there is no problem of infringing upon the dignity of a separate sovereign. The provision for three judges in suits to enjoin enforcement of a State statute on the ground that it is unconstitutional is continued. However, the kinds of cases in which the special court is needed are narrowed, and it will be convened only if requested by the State officer being sued. This may reduce somewhat the judicial time used in these cases.

VI. PROCEDURE FOR REMOVAL

A separate chapter on removal procedure is provided to clear up ambiguities in the present statutes, and also to limit the instances in which a case in the State court can be removed after the initial pleading stage or after trial has begun.

VII. MULTIPARTY, MULTISTATE DIVERSITY

There are certain cases, few in number, in which the parties who must be joined are scattered in different States and in which there is presently no court, State or Federal, that can obtain jurisdiction over all of them. The efficient disposition of lawsuits involving such complex transactions is provided for in this bill by creating original jurisdiction whenever necessary defendants are so dispersed as to be beyond the reach of any other single judicial forum, and there is some diversity of citizenship among adverse parties. The present law—28 U.S.C. 1407—governing multidistrict litigation is retained.

THE AMERICAN LAW INSTITUTE

Mr. President, it is appropriate to acknowledge the efforts of the American Law Institute, its president, Norris Darrell, its director, Prof. Herbert Wechler, and members of its advisory committee for the valuable service they have rendered in developing this bill. The proposed statute and the commentary were prepared by a reportorial staff of great ability under the leadership of Prof. Richard H. Field of Harvard Law School as chief reporter. Prof. Paul J. Mishkin of the University of Pennsylvania Law School assisted him in the development of the material on general diversity jurisdiction and served as reporter on multiparty, multistate diversity. Prof. Charles Alan Wright of the University of Texas Law School assumed responsibility for reporting on general Federal question jurisdiction. Prof. David L. Shapiro of Harvard served as assistant reporter on diversity jurisdiction. Prof. David F. Cavers of Harvard and Leavenworth Colby, Esq., of the U.S. Department of Justice served as consultants on choice of law problems and on admiralty and maritime problems respectively. In addition credit must be given to a distinguished advisory committee whose membership included two State court justices, seven Federal judges, two professors, and five noted lawyers.

While we may not all agree on the fine points of this bill, those who study it will share my appreciation of the scholarship, craftsmanship, and objectivity of the institute's work. As in all institute projects, their draft proposals were systematically reviewed by the advisers and by the council at annual institute meetings, a process that made an enormous contribution to the shaping of the final product.

THE ROLE OF CONGRESS

One effect of this bill may be to shift to the State courts approximately one-half of the general diversity cases now litigated in the Federal system. The extent to which this reduction would be offset by the expansion of Federal question jurisdiction, by the broadening of the right of an out-of-State defendant to remove, and by the new multiparty, multistate jurisdiction, is somewhat uncertain at this time. It seems probable, though by no means certain, that there would be a substantial lessening of civil litigation in the Federal courts. The volume of diversity litigation in the Federal courts system is small in comparison to the total volume of State litigation—an estimated 11,000 diversity cases shifted under this bill, compared to 3 million cases now heard in State courts. The exact burden upon a particular State must be determined.

However, the effect of this bill goes far beyond mere caseload problems. Prof. Charles Alan Wright has clearly stated the issue:

> Every case must be tried in some court, and if the Federal judiciary were to gird itself for the law explosion by narrowing Federal jurisdiction, it would simply mean that many more cases for which the state must make provisions . . . The goal must be not to get cases out of Federal courts, but to get out of the Federal courts the cases that do not belong there.

Mr. President, the merits of this bill must also be measured in light of this philosophy.

It is my hope the introduction of the act will bring about a spirited and rigorous dialog on every aspect of the bill. Hearings on the need for legislation of this kind, the "principles" of this bill, the soundness of its provisions, alternative solutions to the problems it recognizes, should be commenced late this summer. I encourage my fellow Senators, the judges of the United States, and our good citizens to make themselves heard on this important legislation.

EXHIBIT 1

ANALYSIS OF THE FEDERAL COURT JURISDICTION ACT OF 1971

S. 1876

(Unless otherwise noted the section numbers refer to the proposed sections of title 28 United States Code.)

Section 132. This amendment would add to sec. 132 of the Judicial Code, which is the section dealing with "creation and composition of district courts," a provision now appearing in the venue chapter as section 1405. References in the present statute to divisions are striken as obsolete.

Section 451. Sections 1404(d) and 1406(d) of the Judicial Code make the other provisions of those sections applicable to the Canal Zone. The amendment here proposed to sec. 451, which is the general definition section of the code, would bring all of the territorial courts within the provisions dealing with transfer of venue in diversity, federal question, admiralty, and United States as a party cases.

Section 1253. (Present Code) Repealed. This section deals with Indian allotments. The first paragraph gives jurisdiction to the district courts of such allotments when created by Act of Congress or Treaty. These cases are fully comprehended within the federal question jurisdiction, proposed section 1311(a). The second paragraph deals with the effect of judgment. It is proposed to transfer the second paragraph to title 25, which deals with Indians.

Section 1292:

Subsection (a) 5: This subdivision adds to the section setting forth the jurisdiction of the courts of appeals reference to appeal as of right, as provided in sec. 1384(c), from remand orders in civil rights cases removed under sec. 1312(c). It also adds reference to appeal, as provided in sec. 1376(a), from orders denying requests for three-judge courts or dissolving such courts. In both cases the time for appeal is limited to ten days.

Subsection (c). This subsection creates a procedure, similar to the procedure for interlocutory appeals under sec. 1292(b), for the review of remand orders raising substantial questions of the right to a federal forum; and also for the review of orders staying a federal court action under secs. 1305(b) or 2373(e) to permit the prosecution of proceedings in a state court, or refusing to dissolve such a stay. Permission of both the district and appellate court is required, in order to ensure that proceedings in state courts will not be held up pending the resolution of frivolous appeals.

Subsection (d). This subsection gives the court of appeals power to entertain appeals from orders remanding removed cases to the state court after disposition of the federal element on which jurisdiction depends, as provided in sec. 1313(d). That section prescribes the procedure for leave to appeal and the effect of the decision in further proceedings in the state court. This subsection differs from sec. 1292(c) in that the permission of both the district and appellate court is required in that subsection, whereas here the district judge does not participate.

CHAPTER 84—DISTRICT COURTS: GENERAL DIVERSITY OF CITIZENSHIP JURISDICTION

Section 1301:

Subsection (*a*) does not change the basic provisions for diversity for citizenship jurisdiction in the present law.

Subsection (*b*) changes the present law in subdivision (1) only to provide that for diversity purposes an alien corporation that has its principal place of business in a state is a citizen of that state and to make it clear that a corporation is a citizen of every state and foreign state by which it has been incorporated. Subdivision (2) provides that for diversity purposes a partnership or other unincorporated association capable of suing or being sued in its common name in the state in which the action is brought shall be deemed a citizen of the state of its principal place of business. Subdividsion (3) carries into the proposed diversity provisions the amendment to 28 U.S.C. § 1332(c) enacted by Congress in 1964, 78 Stat. 445, preventing reliance on state "direct action" statutes as a basis for diversity jurisdiction. Subdivision (4) provides that for diversity purposes an executor, administrator, or any person representing the estate of a decedent or appointed pursuant to statute with authority to bring an action for wrongful death shall be deemed to be a citizen only of the same state as the decedent. The representative of an infant or incompetent is given similar treatment. The purpose is to prevent either the creation or destruction of diversity jurisdiction by the appointment of a representative of different citizenship from that of the person represented.

Subsection (*c*) changes the present law only in including "Possession of the United States" in the definition of "State".

Subsection (*d*) restates the present law with a minor verbal change.

Subsection (*e*) provides, inter alia, that when a person brings an action within the diversity jurisdiction, jurisdiction in that action shall extend to any claim arising out of the same transaction or occurrence brought by any member of his family living in the same household.

Subsection (*f*) is taken unchanged from 28 U.S.C. § 1351.

Section 1302:

Subsection (*a*) prohibits invocation of federal jurisdiction on the basis of diversity of ciitzenship, either originally or on removal, by a citizen of the state in which the district court is held. This reflects existing law as to removal jurisdiction, but is new in depriving a plaintiff of the right to institute an action in a federal court in the state of which he is a citizen because the defendant is a citizen of a different state.

This and the following subsections put denial of access to a federal court in terms of jurisdiction rather than of venue so that the defect will not be waivable.

Subsection (*b*) prohibits a corporation incorporated or having its principal place of business in the United States, and a partnership, unincorporated association, or sole proprietorship having its principal place of business in the United States, from invoking diversity jurisdiction, either originally or on removal, in a district court held in a state where it has maintained a local establishment for more than two years, but this prohibition applies only to claims arising out of the activities of that establishment. A "local establishment" is a fixed place of business where or in connection with which as a regular part of such business activities of any of the types enumerated in the definition are carried on. The application of the subsection is limited to entities organized or operated primarily for the purpose of conducting a trade, investment, or other business enterprise.

Subsection (*c*) prohibits a natural person from invoking federal jurisdiction on the basis of diversity of citizenship, either originally or on removal, in any action in a district court held in a state where he has had his principal place of business or employment for more than two years. The purpose is to prevent the commuter who crosses a state line in order to get to his regular place of work from invoking diversity jurisdiction in the state to which he commutes.

Subsection (*d*) complements the two previous subsections, which measure the two-year period backward from the time of invocation of the jurisdiction. If a corporation, unincorporated association, or individual would have been denied access to a federal court at the time the claim arose, this subsection continues the bar despite the abandonment of the local establishment or place of business or employment thereafter. The subsection also provides that when an individual would have been barred at the time of the events, a representative of the individual or his estate is similarly barred.

Subsection (*e*) excludes from diversity jurisdiction any civil action arising under the workmen's compensation laws of any state.

Section 1303:

Subsection (*a*) contains the basic venue provisions for diversity of citizenship cases. Venue may be laid either in (1) a district where a substantial part of the events or omissions giving rise to the claim occurred or where a substantial part of property which is the subject of the action is situated, (2) a district where any defendant resides, if all defendants reside in the same state, or (3) a district where any defendant resides if the claim arose abroad. The subsection further provides that a defendant not resident in the United States may be sued in any district.

Subsection (*b*) provides that the residence of a corporation for venue purposes shall be the district where it has its principal place of business and also each district in any state where it has been incorporated if its principal place of business is not in that state. This restricts venue in actions against corporations, which can under the present § 1391(c) be sued in any district where they are doing or are licensed to do business. In view of the adoption of the place of the events as a proper venue, this residence limitation does not protect a corporation against suit in an appropriate district. A corporation now suable in any district where it does business will be amenable to process in any such district and the venue will be proper if the events occurred there.

The subsection further provides that the residence for venue purposes of any partnership or other unincorporated association is the district where it has its principal place of business.

Subsection (*c*) makes actions for trespass upon or harm done to land transitory, thus changing the prevailing case law that such actions can be brought only where the land lies.

Section 1304:

Subsection (*a*) is the basic provision for removal in diversity cases against a single defendant. The only departure from existing law is the prohibition against removal by those persons who are not, by reason of § 1302, permitted to invoke federal jurisdiction in the state where the action is brought. Removal by a citizen of the state is not permitted under present law. A person whose principal place of business or employment is in a state is treated like an in-state citizen and denied removal jurisdiction. Enterprises with local establishments are similarly denied removal jurisdiction in actions arising out of the activities of such establishments.

Subsection (b) gives a defendant in a multi-party action the same right to remove that he would have if sued alone by any party making claim against him; he may remove the entire action and not merely the claim against himself. Third-party defendants are in general accorded the same right, but not in specified categories of cases where the third-party defendant would be likely to be subject to the control of the original defendant.

Subsection (c) changes existing law by treating a plaintiff defending a counterclaim in a state court or a third party impleaded on such a counterclaim as a defendant for purposes of removal. When the counterclaim arises out of the same transaction or occurrence as the plaintiff's claim in the state court, the entire action is removed; otherwise the counterclaim is severed and separately removed.

Subsection (d) permits removal of an action by a defendant with a claim against the plaintiff in excess of the jurisdictional amount if it arises out of the same transaction or occurrence as the plaintiff's claim and if the sole reason why the action would not be removable is that the amount claimed by the plaintiff fails to satisfy the jurisdictional requirements. Under existing law the cases are in conflict on the right of a defendant to remove in these circumstances, with the majority holding that removal is not permitted. The right to remove under this subsection does not turn upon whether or not the counterclaim is compulsory under state law.

Section 1305:

Subsection (a) makes the transfer of a diversity action from one district to another on motion of the defendant depend solely upon whether it is for the convenience of parties and witnesses or otherwise in the interest of justice. The limitation of transfer under present law to a district where the action "might have been brought", together with the restrictive interpretation of these words by the Supreme Court, is removed in order to further the objective of enabling lawsuits to be tried at the place called for by considerations of convenience and justice. Appellate review of the trial court's exercise of discretion on such a motion is barred.

Subsection (b) limits the freedom of transfer provided in subsection (a) by prohibiting transfer to a district where both sides would be barred from invoking federal jurisdiction by reason of § 1302. In many cases all or a substantial part of the events in suit will have occurred in the state where such a district is located, and hence it is likely to be the suitable place for trial. To allow transfer to that district would, however, frustrate the policy of preventing federal litigation in a forum that neither side deserves. In this situation the court, upon a finding that there is no other place in which trial would be appropriate, shall stay the proceedings if it can do so on such terms as will assure the plaintiffs an opportunity to maintain suit upon the claim in an appropriate state court. To this end the court may condition a stay upon amenability of all defendants, by consent or otherwise, to jurisdiction over the person in the designated state, upon waiver of any applicable statute of limitations in that state, or upon such other terms as may be deemed proper. The subsection further gives the plaintiff the benefit of any attachment obtained in the stayed action.

To prevent delays, decisions staying proceedings under this section are made reviewable only under the special interlocutory appeal provisions of § 1292(c) *infra*.

Subsection (c) deals with the question of the choice-of-law rules applicable in a transferred action. It provides that the transferee court shall apply the rules which the transferor court would have been obliged to apply. This provision codifies the result reached in *Van Dusen v. Barrach*, 376 U.S. 612 (1964).

Section 1306:

Subsection (a) gives the plaintiff in a diversity action a second chance to choose a forum if he can show that a transfer is for the convenience of parties and witnesses or otherwise in the interest of justice. Transfer is limited to a district where venue would be proper and the defendant amenable to process, other than one in which the plaintiff would have been barred by reason of § 1302. Appellate review of the trial court's exercise of discretion on a motion under this or the following subsection is barred.

Subsection (b) provides for a transfer as an alternative to dismissal when venue is laid in the wrong district. This is apparently declaratory of existing law, although the phrase "where it could have been brought" is changed to spell out the requirements that the transferee district be a proper venue and the defendant be amenable to process there.

Subsection (c) resolves the choice-of-law problems by providing that the state law which the transferee court is obliged to apply shall be that of the state in which it sits. This treatment of the problem is different from that provided in the preceding section when the defendant is the moving party. There the plaintiff was allowed to preserve any choice-of-law advantage obtained by his choice of forum. Here he is not allowed to carry this advantage with him when he is seeking a more convenient forum than the initial proper venue, nor when he is seeking transfer from an improper venue to a proper one in lieu of dismissal.

Subsection (d) is designed to permit the court in an appropriate case to award to the defendant costs, including counsel fees, attributable to the plaintiff's failure to bring the action in an appropriate court in the first instance.

Section 1307:

Subsection (a) is designed to replace the present § 1359. It preserves and strengthens the basic prohibition of that section against "improper" or "collusive" making or joining of parties. The new language "pursuant to agreement or understanding between opposing parties" is included especially to deal with the possibility of collusive creation of federal jurisdiction via removal under the provisions of § 1304.

Subsection (b) has no counterpart in the provisions of existing law and is intended to foreclose the use of various devices to create or defeat federal jurisdiction. In particular, this subsection requires that in determining its jurisdiction, the district court shall disregard any sale, assignment, or other transfer of property if an object of the transfer was to enable or to prevent the invoking of federal diversity jurisdiction.

CHAPTER 85—DISTRICT COURTS; GENERAL FEDERAL QUESTION JURISDICTION

Section 1311:

Subsection (a) is declaratory of existing law, under the construction the courts have developed of 28 U.S.C. § 1331(a), except that no amount in controversy is required, and that jurisdiction is extended in terms to all declaratory judgment actions in which the complaint rests on federal law.

Subsection (b) is based on present law, except that it does not preserve the provision of the Securities Exchange Act of 1934 giving exclusive jurisdiction to the federal courts of suits under that Act, and certain other minor provisions for exclusive jurisdiction are repealed.

Section 1312:

Subsection (a) is a major change in present law. To allow removal on the basis of a federal defense or counterclaim is new.

Subsection (b) is a prohibition against removal in various kinds of cases. The bar against removal of Fair Labor Standards Act cases in (1) resolves a split in the present case law. The subsection follows present law in (2) and (3) in barring removal of cases under the Federal Employers' Liability Act and the Jones Act. The bar against removal of suits against carriers under the Carmack Amendment is made general in (4), rather than applying only to suits for less than a particular amount, as in 28 U.S.C. § 1445(b). The bar to removal of workmen's compensation cases in (5) is taken from 28 U.S.C. § 1445(c). Actions for the enforcement of state laws or for condemnation under state law are not removable, and (6) and (7) prevent them from being removed on the basis of a federal defense. Subdivision (8) bars removal based solely on the defense that the defendant could not constitutionally be subjected to process of the state court. Removal is barred by (9) if the only basis for removal is a contention that federal law requires that a judgment elsewhere be honored or that the law of a particular state be applied.

Subsection (c) is taken virtually verbatim from the present statute for removal of civil rights cases, 28 U.S.C. § 1443, but with a part of clause (2) of that section eliminated since the cases involved are now removable under 28 U.S.C. § 1442(a)(1) and would be removable also under § 1323(c) of these proposals.

Subsection (d) changes the present law requiring dismissal of actions removed to the federal court that were properly in the exclusive jurisdiction of the federal courts. As to venue in such cases, see § 1315(b) below. The subsection also permits retention of jurisdiction of an action mistakenly brought in federal court, though not properly within the original jurisdiction, where defendant asserts a federal defense or counterclaim that would make the action removable if it were dismissed and recommenced in a state court.

Section 1313:

Subsection (a) is similar to present law in permitting "pendent jurisdiction" of closely related state claims. The provision that such jurisdiction exists over the state claims even where extraterritorial service was made as authorized by federal law resolves a question on which the cases are sharply divided.

Subsection (b) requires remand to the state court of claims not sufficiently related to the federal element in the case to be within the scope of federal jurisdiction, as defined by the preceding subsection.

Subsection (c) is in accord with existing case law. It covers cases originally commenced in a federal court and recognizes that the court has discretion to refuse to determine the related state claim if the federal claim has been disposed of and the interest of justice is served thereby. If the federal court chooses in its discretion to dismiss the action, this is appealable as a final judgment.

Subsection (d) covers cases coming to federal court by removal. It recognizes a discretion similar to that provided in subsection (c) and provides for the possibility of appellate review of the disposition by the federal court of the federal element in the case. The court of appeals has discretion whether to hear an appeal. The effect of the disposition of the federal element by the federal court on subsequent proceedings in a state court is also stated.

Section 1314:

Subsection (a) contains the basic venue provisions for federal question cases. These are similar to the provisions proposed for diversity of citizenship cases in § 1303(a). Venue may be laid either where any defendant resides, if they all reside within the same state, or where the events giving rise to the claim occurred. If all defendants reside in the same state, and the events occurred elsewhere, plaintiff has a choice of venue. If defendants reside in different states, venue can be laid only in the district where the events occurred. In the rare case where the events occurred outside the United States, and there is a defendant not resident within the United States, or multiple defendants not

resident in a single state, venue may be laid where any defendant may be found, under (a)(3).

Subsection (b) is similar to the provision proposed for diversity of citizenship cases in § 1303(b). It provides that the residence of a corporation for venue purposes shall be the district where it has its principal place of business. If it is incorporated in a state or states other than that where it has its principal place of business, it is also considered to reside in each district of the state of incorporation. This restricts venue in actions against corporations, which under the present § 1391 (c) can be sued in any district where they are doing or are licensed to do business. In view of the adoption of the place of the events as a proper venue, under subsection (a)(1), this residence limitation does not protect a corporation against suit in an appropriate district. The subsection further provides that the residence for venue purposes of any partnership or other unincorporated association is the district where it has its principal place of business.

Subsection (c) makes actions for trespass upon or harm done to land transitory, thus changing the prevailing case law that such actions can be brought only where the land lies.

Subsection (d) permits service on a defendant in any district. This provision is essential if venue is laid at the place where the events occurred and some defendants are not amenable to process in that state.

Section 1315:

Subsection (a) permits transfer of an action, on motion of any party, to a more convenient forum, without regard to whether the action might have been brought there. Compare the provisions for transfer of diversity action in §§ 1305 and 1306. Appellate review of the trial courts exercise of its discretion on such a motion is barred.

Subsection (b) provides for transfer or dismissal if venue is laid in the wrong district. It is similar to existing § 1406(a), and see proposed § 1306(b). The subsection also applies to actions removed from state court that were in the exclusive jurisdiction of the federal court, so that the party who brings in the state court an action that should have been brought only in federal court does not get the benefit of a venue that would not have been proper had he commenced his action in federal court.

Subsection (c) gives the court power to assess costs, including a reasonable attorney's fee, if transfer under (a) is made on motion of plaintiff, or if an action brought in the wrong forum is transferred under (b). See the similar proposal in § 1306(d).

CHAPTER 86—DISTRICT COURTS; ADMIRALTY AND MARITIME JURISDICTION

Section 1316:

Subsection (a) is declaratory of existing law. The first sentence is taken without substantial change from 28 U.S.C. § 1333. The second sentence resolves a conflict in the cases in the direction of limiting federal jurisdiction.

Subsection (b) replaces the famous "saving to suitors" clause of § 9 of the Judiciary Act of 1789—now 28 U.S.C. § 1333—by declaring in terms when jurisdiction is exclusive and when it is concurrent. The line drawn is consistent with that developed by the courts in construing the saving clause.

Section 1317:

Subsection (a) is consistent with existing law in permitting removal if there is some other basis for federal jurisdiction but not allowing removal merely because the action is one of admiralty and maritime jurisdiction.

Subsection (b) changes the present law by permitting removal of an action within the exclusive jurisdiction of the federal courts if the action is mistakenly brought in a state court. See the similar provision in § 1312 (d).

Section 1318:

Subsection (a) puts into statutory form the liberal choice of venue that has been traditional in admiralty.

Subsection (b) authorizing service of process in personam in any district is consistent with the admiralty tradition that defendant may be sued wherever he can be found, and with the provisions of §§ 1314(c) and 1326 (h). The limitation on process in actions in rem or quasi in rem, stated in clause (2), is in accord with present law.

Subsection (c) incorporates by reference the flexible change of venue provisions of § 1315.

Section 1319:

This section substitutes for the fortuitous and irrational pattern that presently exists a straightforward declaration of when jury trial may be had in an action within the admiralty and maritime jurisdiction. The section: (1) provides for jury trial if diversity or a federal question provide an independent basis of federal jurisdiction and a right to jury trial would otherwise exist; (2) provides for jury trial on demand on all claims within the admiralty and maritime jurisdiction in a federal court—other than those heard in a limitation of liability proceeding and those against the United States—if the relief sought is in personam and is limited to money damages for personal injuries or death; and (3) provides that in all other actions within the jurisdiction no right to jury trial exists. The section simplifies and clarifies the law, without making any substantial change in the number of claims triable to a jury.

CHAPTER 87—DISTRICT COURTS: UNITED STATES AS A PARTY

Section 1321:

This section, and the six other sections in this chapter, are an attempt to restate and to clarify what is already the law. It was considered beyond the purposes of this Study to attempt an evaluation of the proper limits of sovereign immunity. By approving this chapter the Institute takes no position on whether changes should be made in the immunity still retained by the United States.

Subsection (a), making a general grant of jurisdiction over actions in which the United States is plaintiff, is derived from 28 U.S.C. § 1345.

Subsection (b) resolves conflicts in the cases on the extent to which counterclaims and recoupment may be asserted against the United States.

Section 1322:

Subsection (a) is based generally on 28 U.S.C. § 1346. Subdivisions (1) and (2) are taken without substantial change from § 1346 (a), except that the jurisdictional limit on Tucker Act cases in the district courts is raised to $50,000. Jurisdiction is made concurrent with the Court of Claims to preserve the existing construction that the district courts may not hear cases, though within the language of § 1346(a), that are not within the jurisdiction of the Court of Claims. Subdivision (3) is based on § 1346(b), but a new § 2673 is recommended below to put into the Tort Claims chapter of the Judicial Code the substantive provisions now in § 1346(b). Subdivision (4) is new. It grants jurisdiction to the district courts of all cases in which the United States has consented to be sued in a district court.

Subsection (b) authorizes removal of any case in a state court in which the United States is named as a defendant. Compare 28 U.S.C. § 1441(a).

Section 1323:

Subsection (a) is generalized from the more limited provision of 28 U.S.C. § 1357.

Subsection (b) is taken unchanged from 28 U.S.C. § 1361.

Subsection (c) is similar to the statutes that presently permit removal of actions against federal officers, 28 U.S.C. § 1442, 1442a, though somewhat generalized in form.

Section 1324:

Subsection (a) is taken without change of substance from 28 U.S.C. § 1349.

Subsection (b) is based generally on 28 U.S.C. § 1348, but the provision about actions commenced by the United States is omitted as covered by § 1321, and the provision defining the citizenship of national banking associations is omitted as covered by § 1301 (b)(1) in the diversity chapter.

Section 1325:

Subsection (a) is taken from 28 U.S.C. § 1336(a).

Subsection (b) combines subsections (b) and (c) of 28 U.S.C. § 1336.

Section 1326:

Subsection (a) is the basic provision for cases to which the United States is a party. It is generally similar to the provisions proposed for diversity cases, § 1303(a), and for federal question cases, § 1314(a), with such modification as the different nature of the cases requires. It permits suit to be brought either where the events giving rise to the claim occurred or where any defendant other than the United States resides. In addition, in cases brought by private parties, if all plaintiffs reside in the same state the district in which any plaintiff resides is a proper venue. Subdivision (a)(4) makes provision for the rare case in which the claim arose outside of the United States, there is no defendant resident in the United States, and either there is no state in which all plaintiffs reside or the plaintiff is the United States.

Subsection (b) is similar to the provisions proposed for diversity cases, § 1303(b), and federal question cases, § 1314(b). It provides that the residence of a corporation for venue purposes shall be the district where it has its principal place of business. If it is incorporated in a state or states other than that where it has its principal place of business, it is also considered to reside in each district of the state of incorporation. This restricts venue in actions against corporations, which under the present § 1391(c) can be sued in any district where they are doing business or are licensed to do business. In view of the adoption of the place of the events as a proper venue under (a)(1), this residence limitation does not protect a corporation against suit in an appropriate district. The subsection further provides that the residence for venue purposes of any partnership or other unincorporated association is the district where it has its principal place of business, and defines the residence of officers of the United States.

Subsection (c) makes actions for trespass upon or harm done to land transitory, thus changing the prevailing case law that such actions can be brought only where the land lies.

Subsection (d) requires actions in rem to be brought in a district in which all or part of the property involved is located. *Cf.* 28 U.S.C. § 1392(b). It generalizes a policy already reflected in 28 U.S.C. §§ 1395(b), 1399, 1402(c), and 1403.

Subsection (e) states a special rule of venue for tax refund cases, and such cases must be brought as here provided rather than under subsection (a). The subsection is based on 28 U.S.C. § 1402(a).

Subsection (f) states a special rule of venue for those actions involving national banking associations of which jurisdiction is given by § 1324(b). It is based on 28 U.S.C. § 1394. Since this subsection speaks in terms of where the association is located, rather than where it resides, the definition of residence in subsection (b) has no application here.

Subsection (g) states a special rule of venue for those actions involving orders of the Interstate Commerce Commission of which jurisdiction is given by § 1325(a). It is taken unchanged from 28 U.S.C. § 1398.

Subsection (h) is similar to the provision for process in federal question cases, § 1314 (d). It permits service upon any defendant in any district.

Section 1327:

Subsection (*a*) is similar to the provision for federal question actions, § 1315(a). It permits transfer of an action, on motion of any party, to a more convenient forum, without regard to whether the action might have been brought there. Appellate review of the trial court's exercise of discretion on such a motion is barred.

Subsection (*b*) provides for transfer or dismissal if venue is laid in the wrong district or if a suit within the exclusive jurisdiction of the federal courts is removed to a district in which it could not have been properly commenced. It is similar to the provision for federal question cases, § 1315(b). No provision similar to § 1315(c) is here recommended, because of the differences between private litigation and cases to which the United States is a party.

Subsection (*c*) generalizes the principle of 28 U.S.C. § 1406(c) which permits transfer to the Court of Claims of cases erroneously brought in a district court, and makes it applicable to cases within the exclusive jurisdiction of any court of the United States.

CHAPTER 88—STAYS IN CERTAIN CASES: THREE JUDGE COURTS

Section 1371:

Subsection (*a*) is based on the Tax Injunction Act, 28 U.S.C. § 1341, with provision for declaratory judgment actions is required by case law.

Subsection (*b*) is based on the Johnson Act of 1934, 28 U.S.C. § 1342. That statute, however, is limited to rate orders, while this subsection also bars injunctions against orders of state administrative agencies involving natural resources, in which there is a particularly strong local interest, provided that the conditions of the subsection are met.

Subsection (*c*) puts in statutory form so much of the "abstention doctrines" as seems justifiable. Its purpose is to define the conditions under which abstention should ordinarily be ordered, so that a state court may determine difficult questions of state law.

Subsection (*d*) is intended to ensure that where a stay is granted in deference to a state, the action will ordinarily proceed to judgment in the state courts, with review, if any, in the Supreme Court of the United States, and that the action will not return to the federal district court. The district court is authorized, however, to give interim relief where such action by it is needed to prevent irreparable harm, and to vacate its stay and proceed to decision if the state remedy proves ineffective.

Subsection (*e*) allows certification of questions of state law to state courts with an established procedure for answering such questions, and sets forth the conditions under which certification is permissible.

Subsection (*f*) bars federal courts from abstaining from decision except as provided in this section. It reaches all actions "commenced in or removed to a district court under this title" and precludes abstention in diversity or Federal question litigation unless subsections (a), (b), or (c) are applicable. It does not apply to actions in the Supreme Court of the United States on appeal or certiorari from a state court. Existing discretion as to entertaining actions for declaratory judgments and as to declining relief for want of equity is continued.

Subsection (*g*) excepts from these stay provisions actions to redress denial of the right to vote, or of equal protection of the laws, on the grounds of race, color, creed, or national origin. It also excepts from the stay provisions actions brought by or on behalf of the United States.

Section 1372:

The bulk of this section restates the existing Anti-Injunction Act, 28 U.S.C. § 2283, as it has been interpreted by the courts. It does not permit a federal injunction against enforcement of an allegedly fraudulent state judgment. Whether such injunctions are permitted under the present statute is unclear. Exception (7) goes beyond present law to permit an injunction in certain civil rights cases where the very existence of a state prosecution may have a chilling effect on others who wish to exercise rights guaranteed by the Constitution of the United States. Even if a case falls within one of the seven stated exceptions, an injunction may issue only if "otherwise warranted," and the usual equitable requirements of irreparable harm and no adequate remedy at law are thus made applicable.

Section 1373:

This section puts in statutory form a judge-made limitation on the power of state courts to enjoin federal proceedings. The first exception is presently recognized in the cases. The second exception, more narrowly drawn than the related exception to the bar on federal injunctions against state proceedings, § 1372(5), changes the present case law.

Section 1374:

Other Acts of Congress requiring a three-judge court, usually only where requested by the United States, are: 15 U.S.C. § 28, 47 U.S.C. 44, and 47 U.S.C. § 401(d) (certain antitrust cases); 42 U.S.C. § 1917(g) (voting rights); 42 U.S.C. § 2000a–5(b) (public accommodations); 42 U.S.C. § 2000e–6(b) (equal employment); and 42 U.S.C. §§ 1973b (a), 1973c, 1973h(c) (Voting Rights Act of 1965). It is proposed to repeal the provisions for a three-judge court in cases challenging the constitutionality of a federal statute, 28 U.S.C. § 2282, and in TVA condemnation cases, 16 U.S.C. § 831x. The requirement of a three-judge court in cases challenging state action is based generally on 28 U.S.C. § 2281, but its extension to declaratory judgment actions is new, as is the requirement that the defendant must request such a court.

Section 1375:

Subsection (*a*) is similar to the present statute, 28 U.S.C. § 2284(1), but expressly recognizes the power of the single judge to determine that a three-judge court is not required.

Subsection (*b*) contains so much of subsections (2) and (4) of 28 U.S.C. § 2284 as is appropriate in light of the changes made in § 1374 on when a three-judge court is required.

Subsection (*c*) combines provisions that now appear as subsections (3) and (5) of 28 U.S.C. § 2284. The single judge may stay an action which falls within the provision corresponding to the Tax Injunction Act and the Johnson Act, § 1371(a)(b), but, in accordance with existing law, he is barred from ordering abstention under § 1371(c). The second paragraph of 28 U.S.C. § 2284(5) is omitted, as adequately covered by § 1371.

Section 1376:

Subsection (*a*) provides for review in the courts of appeals of denial of a three-judge court. At present mandamus from the Supreme Court is the usual, but not the only, means of review of such a denial. The subsection also makes failure to request a three-judge court, when such a request is required by law, or failure to take a timely appeal from the denial of the request, a waiver of the requirement for such a court.

Subsection (*b*) permits direct appeal to the Supreme Court from decisions on the merits by three-judge courts, whether or not the convening of such a court was required by law. If the Supreme Court determines that a three-judge court was not required, it may transfer the case to the appropriate court of appeals but has discretion to proceed with decision of the appeal itself. The subsection also makes provision for certification to the Supreme Court of appeals erroneously taken to a court of appeals.

CHAPTER 89—PROCEDURE FOR REMOVAL OF ACTIONS TO DISTRICT COURTS

Section 1381:

Subsection (*a*) is similar to 28 U.S.C. § 1446(a), with appropriate reference to the additional matters that must be stated in the petition if removal is founded on §§ 1304 or 2373.

Subsection (*b*) continues the present requirements of notice to the adverse parties and to the state court, 28 U.S.C. § 1446(e). The time within which this must be done, and the effect of these steps on further action in the state court, are set out in §§ 1382(e) and 1383(a).

Subsection (*c*) conforms to the case law in looking ordinarily to the amount demanded in the pleading to determine the amount in controversy to be set forth in the petition for removal where the relief sought is not limited to a money judgment. Clause (2) speaks to a point on which the law is presently unclear. It permits an allegation of the amount in controversy in the petition for removal where state practice does not require a demand for a specific sum or where state practice permits damages to be obtained in excess of the amount prayed for in the pleading. In the cases covered by clause (2) defendant is permitted to petition for removal at any time he is prepared to allege that the requisite amount is in controversy, but the time provisions of § 1382(d) are such that he is not required to seek removal until it appears in the state court proceeding that plaintiff is seeking more than $10,000.

Section 1382:

Subsection (*a*) states the time for removal is based on the complaint or on a third-party complaint. It is drawn generally from 28 U.S.C. § 1446(b), with the time limit extended to thirty days as provided by the 1965 amendment of that section, and with several different points provided from which the time runs, to meet the variety of procedures used in the states for commencement of an action.

Subsection (*b*) states the time for removal where removal is based on a counterclaim, or on the answer or reply.

Subsection (*c*) permits removal on the basis of an amended pleading that first makes the case removable. The party serving the amended pleading is permitted to remove only if he petitions within thirty days of his original pleading, but the other parties are given thirty days from amendment of the pleading.

Subsection (*d*) states the time for removal in cases within § 1381(c)(2), where the state practice does not require demand for a specific sum or permits recovery of damages in excess of those demanded. The party against whom the demand is made may petition for removal whenever he can allege in good faith that more than the requisite amount is in controversy, but he is required to act not later than thirty days after it appears in the state court proceeding that damages may be awarded of more than $10,000. If this fact first appears during the trial, or within thirty days prior to trial, removal may be had only if plaintiff has deliberately failed to disclose the amount of damages in order to defeat removal.

Subsection (*e*) is taken without change from the present statute, 28 U.S.C. § 1446(c), with an added provision for the removal of actions within the exclusive jurisdiction of the courts of the United States.

Subsection (*f*) speaks to two points on which the existing law is unclear. It provides that giving notice to the other parties and filing a copy of the petition with the state court need not be done within the time limits here provided for filing the petition for removal, but that removal is not effective until those steps have been completed.

Subsection (*g*) permits a party to seek dismissal on the ground of *forum non conveniens* without incurring any risk of losing

his right to remove should his motion be denied.

Section 1383:

Subsection (*a*) continues the existing rule, 28 U.S.C. § 1446(e), that the state court shall not proceed in the matter after it has been removed, but changes the present law by providing for an exception where the trial is in progress in the state court at the time of removal.

Subsection (*b*) is taken from 28 U.S.C. § 1450.

Subsection (*c*) is taken from 28 U.S.C. § 1450.

Subsection (*d*) combines provisions that presently appear as 28 U.S.C. §§ 1447(a) and 1448.

Subsection (*e*) is based on 28 U.S.C. § 1447 (b). The present procedure for cases in which the state court fails to provide the record, 28 U.S.C. § 1449, is omitted as unnecessary in light of this subdivision.

Section 1384:

Subsection (*a*) is taken from 28 U.S.C. § 1447(c), with appropriate exception for the provisions of § 1386 that deal with foreclosure of jurisdictional issues, and with provision for an attorney's fee added.

Subsection (*b*) is based on 28 U.S.C. § 1447 (c), but with provision for a stay where the removing party plans to appeal the remand order, and such an appeal is permitted by subsection (c).

Subsection (*c*) is based on 28 U.S.C. § 1447 (d). It makes reference to the availability of permissive appeal of remand orders under § 1292(c), and of appeals of orders disposing of the federal element in a removed case, and remanding the remaining state issue to state court, as provided in § 1313(d). The subsection also carries forward with a clarifying change the provision for appeal as of right from remand orders in civil right cases removed under § 1312(c), first provided in the Civil Rights Act of 1964. The time for appeal has been limited to ten days.

CHAPTER 90—RAISING AND FORECLOSURE OF JURISDICTIONAL ISSUES

Section 1386:

Subsection (*a*), which has no counterpart in existing law, provides that if issues of subject-matter jurisdiction are not properly raised at an early stage in the proceedings, consideration of such issues by a trial or appellate court is foreclosed. The cutoff date that is adopted is the commencement of trial on the merits, or the rendering of any prior decision that is dispositive of the merits (such as dismissed for failure to state a claim). Five limited exceptions are recognized.

Subsection (*b*) provides that any governing statute of limitations is tolled by the commencement of an action in a federal court, and for at least thirty days following dismissal (if within that period the action is commenced in a proper court) in any case in which the dismissal was for lack of jurisdiction. This provision is designed to deprive defendants of one of the principal reasons for delay in the raising of jurisdictional issues.

Subsection (*c*) provides that if a party has commenced a timely action in state court, and the action is dismissed because it is within exclusive federal jurisdiction, the statute of limitations will not bar commencement of a new action on the claim in federal court within thirty days after dismissal of the state action.

STOCKHOLDERS DERIVATIVE ACTION

Section 1695:

The present special venue statutes for venue and process in derivative actions, 28 U.S.C. §§ 1401, 1695, permit suit in the district of the individual defendants' residence with extra-territorial service on the corporation. This proposal will allow extra-territorial service if suit is brought in the district in which the corporation resides. It encourages suit in what will usually be the most convenient forum, and assures the plaintiff of at least one forum in which he can always sue.

GREAT LAKES ACT

Section 1873 (Present Code). The Great Lakes Act is repealed. This act provided that, within the act, both cases in contract and tort could be tried to a jury. It is proposed to unify maritime jurisdiction and provide jury trials only in cases of personal injury or death. See the proposed Chapter 86, Sections 1316 through 1319.

CHAPTER 159—INTERPLEADER

Section 2361 is taken from 28 U.S.C. § 1335, with changes to conform the existing provisions as to interpleader actions to those proposed for the new dispersed parties jurisdiction. In addition a clause has been added at the end of § 1335(b) to assure the result, already reached by the more recent decisions, that the "independent liability" restriction on the bringing of interpleader actions no longer exists.

Section 2362 is the venue provision for statutory interpleader, formerly § 3197, now transferred to Chapter 159.

Section 2363 is the present 28 U.S.C. § 2361 with changes of substance to conform to the provisions of § 2374. These include enlargement of the reach of process, authorization of transfer, and statement of the power of the court to make its own determination of choice of law.

CHAPTER 160—NECESSARY PARTIES DISPERSED IN DIFFERENT JURISDICTIONS

Section 2371:

Subsection (*a*) provides original jurisdiction whenever necessary defendants are so dispersed as to be beyond the reach of any other single judicial forum, and there is some diversity of citizenship among parties.

Subsection (*b*) defines when defendants are thus necessary to a plaintiff's action, expressly including those without whom he could not maintain the action in another forum (so-called "indispensable" parties) and excluding joint tort-feasors or others against whom joint-and-several or alternative liability is asserted.

Subsection (*c*), to reduce threshold litigation, provides that the determination of whether necessary defendants are within the reach of process of a jurisdiction shall be made, not by a factual inquiry as to whether each might with diligence have been found there, but solely by reference to state objective factors.

Definitions of particular terms used in this section are provided in § 2375 *infra*.

Section 2372:

Commencement venue of original actions under § 2371 is limited by this section to those federal districts having substantial contacts with the subject of the action. Except where there is no such district (because all relevant events and property are outside the United States), venue is not authorized in terms of parties' residence. Since federal process can summon parties in these actions from wherever they may be (§ 2374 *infra*), general availability of residence venue is not called for. Liberal transfer of venue is authorized by § 2374(b) *infra*.

Section 2373:

Subsection (*a*) provides jurisdiction on removal whenever a defendant sued in a state court is unable to bring in additional persons whose presence is necessary to assure a just adjudication as to that defendant, provided that there is some diversity of citizenship among parties. Under the circumstances, the criterion on removal (unlike original jurisdiction) is whether those needed persons can be brought into the state court where the original action is pending.

Subsection (*b*) defines which persons are thus necessary for a just adjudication that term does not include one who is or may be liable to the defendant for all or part of the plaintiff's claim against him.

Subsection (*c*) authorizes removal when a counterclaim is asserted in a state court and additional persons necessary for a just adjudication thereof cannot be brought into that state court.

Subsection (*d*), to assure against abuse of the jurisdiction, requires one removing under this section to certify expressly that all reasonable efforts have first been made to bring the additional necessary parties into the state court proceedings.

Subsection (*e*), for similar reasons, provides that where another state court is available to entertain the full action and is the forum where it ought to be litigated, the district court may stay its proceedings in favor of an action in that state court. Such a stay order would not be reviewable except under the provisions of § 1292(c) *supra*.

Section 2374:

This section outlines the basic mode of proceeding in actions under this chapter.

Subsection (*a*) provides that in such actions the district court issue its process for all necessary parties wherever they may be, without regard to district or state lines.

Subsection (*b*) authorizes transfer of these actions to any other district, even allowing such transfer to be made on the court's own motion prior to service of process on any defendant.

Subsection (*c*) specifically provides that in selecting applicable state law, the district court need not automatically follow the choice-of-law rule of the state in which it happens to be sitting (or of any other particular state). This is necessary since the several parties may be summoned from various states.

Subsection (*d*) deals with the special circumstance where a necessary party cannot be served with process, providing that the action shall go on without that person unless the district court concludes that such continuation would work greater injustice than total failure of the action.

Subsection (*e*) provides for the cases where the smallness of the amount in controversy, compared with the distances over which parties may be compelled to respond, may result in injustice being inflicted simply by prosecution of the action; it provides for discretion in the district court to dispense with the presence of individual parties or to discontinue the action entirely on account of such factors.

Subsection (*f*) provides that such continuation of the action in the absence of parties who would otherwise be considered necessary (as authorized in the foregoing two subsections) may be conditioned upon appropriate measures to protect affected interests, but that it may in any event be maintained even though an absent party be one who would ordinarily be deemed "indispensable" to the action.

Section 2375:

This section provides definitions of certain terms that are used in this chapter and in the section establishing jurisdiction of interpleader actions. These definitions are applicable only in those places.

Section 2376:

This section provides for extending the provisions of this chapter (specifically § 2374) to actions already in federal court under other jurisdictional grants, in which necessary parties are absent beyond the reach of normal process.

Subsection (*a*) provides for joining such absent parties whose presence is necessary to assure a defendant a just adjudication in actions brought originally under general diversity of citizenship jurisdiction.

Subsection (*b*) provides for bringing in parties (who cannot otherwise be joined) whose presence is necessary for just adjudication of a counterclaim that has been as-

serted in an action in federal court under general diversity of citizenship jurisdiction.

CHAPTER 160A—MULTIDISTRICT LITIGATION

Section 2381:

This section is taken without change from 28 U.S.C. § 1407, added by Act of April 29, 1968, Pub. L. No. 90–296, § 1, 82 Stat. 109.

TORT CLAIMS PROCEDURE ACTIONS IN DISTRICT COURTS

Section 2673. This section transfers to Chapter 171 of the Judicial Code, the chapter that deals with tort claims against the United States, the substantive provisions for such claims now contained in 28 U.S.C. § 1346 (b). This section is itself a grant of jurisdiction, but reference is made to it in § 1322 (a) (3).

MISCELLANEOUS STATUTORY CHANGES

(Section refers to the section numbers of this bill.)

Section 3. The special venue statute for national banks (12 U.S.C. 94) is repealed. They will be treated for the purposes of venue, as any other corporation would be. The special rule of venue for actions to wind up the affairs of a national bank (28 U.S.C., Section 1394) is preserved by the proposed section 1326(e).

Section 4:

(a) The amendment would permit removal of actions under the Securities Act of 1933.

(b) The amendment would make federal and state court jurisdiction concurrent in actions under the Securities Exchange Act of 1934.

Section 5. This section would place in Title 25, the title of the United States Code dealing with Indian affairs, the provisions that now appear as 28 U.S.C., sec. 1360. The only change is the elimination of the reference to territories, a reference that has been obsolete since Alaska became a state.

Section 6. This section would place in Title 25, the title of the United States Code dealing with Indian affairs, the second paragraph of 28 U.S.C., sec. 1353.

Section 7. The amendments of the venue provisions of the Suits in the Admiralty Act and the Public Vessels Act make them conform better to the admiralty venue provisions set forth in proposed sec. 1318. Unlike sec 1318(a) the former, incorporated by reference in the latter, makes the residence of any plaintiff a permissible venue, as do the present statutes.

By Mr. HANSEN (for himself, Mr. MANSFIELD, Mr. METCALF, and Mr. MCGEE):

S. 1878. A bill to amend section 5 of Public Law 89–664, which established the Bighorn Canyon National Recreation Area. Referred to the Committee on Interior and Insular Affairs.

Mr. HANSEN. Mr. President, I send to the desk a bill which would increase the land acquisition ceiling for the Big Horn Canyon National Recreation Area, and ask that it be referred to the appropriate committee.

In 1966, the Congress of the United States passed legislation to establish the Big Horn Canyon Recreation Area on the Montana-Wyoming border. At that time, the act included a provision that not more than $355,000 could be appropriated from the Land and Water Conservation Fund for land acquisition and right of way. It was anticipated that the major expenditure for acquisition of land rights would be a right of way for a transpark road extending from Lovell, Wyo., to Fort Smith, Mont.

Unfortunately, this road has been delayed and set back by the National Park Service to the point where it has become necessary to increase the ceiling placed on land acquisition costs provided for in the act.

It is now anticipated that the total amount needed for right-of-way acquisition is $680,000. An additional $100,000 is needed for land acquisition costs. Hence, the legislation being introduced would amend the original act to provide a ceiling allocation under section 5 of the bill of $780,000.

Mr. President, the money for this increase is available under the Land and Water Conservation Fund, and it would be my hope that this legislation would meet hasty approval in order that we may proceed with construction of a transpark highway through the Big Horn National Recreation Area, and in this way effect a means whereby the total development and use of the national recreation area can be fulfilled.

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

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

S. 1878

A bill to amend Section 5 of Public Law 89–664 which established the Bighorn Canyon National Recreation Area

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Section 5 of Public Law 89–664 is amended to read as follows:

"There is hereby authorized to be appropriated not more than $780,000 for the acquisition of land and interests in land pursuant to this Act."

By Mr. HATFIELD:

S.J. Res. 97. A joint resolution proposing an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States. Referred to the Committee on the Judiciary.

Mr. HATFIELD. Mr. President, I am today reintroducing a joint resolution to amend the Constitution of the United States relating to the nomination of the President and Vice President. I ask that the joint resolution be received and appropriately referred.

Mr. President, there is almost universal agreement that our system for nominating and electing the President needs revision, and over the past years, a variety of proposals have been put forth to correct it. During the last session of Congress, I introduced Senate Joint Resolution 72 which not only called for the direct election of the President, but for a national primary. I ask unanimous consent that the remarks I made at that time and the text of supporting information be printed at the conclusion of these remarks.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is ordered.

(See exhibit 1.)

Mr. HATFIELD. Mr. President, today I wish to dwell briefly on the aspect of this legislation which makes it unique. There are several bills before the Senate which would establish the direct election of the President—hopefully, this concept will be dealt with by this Congress. However, we cannot fail to examine and revise the Presidential nominating process as well for the two functions are interdependent and interrelated.

It is important to remember that the vague patchwork of primaries, party conventions, and the national conventions have arisen out of tradition and popular usage—they are not sanctioned, as is the Electoral College, by the Constitution. A development which was not foreseen by the Founding Fathers led to their institution. George Washington was everyone's choice for President in the first two elections and he received all the electoral votes cast. However, by 1800, political parties had started their spontaneous growth and with them the necessity to reorient the role of the electoral college and, more importantly, to organize a completely unanticipated nominating process.

The resulting convention system has been consistently faulted for its failure to represent people as opposed to "bosses" and the "party regulars." However, when you consider that delegates to the conventions are chosen in primaries and by party convention, that they may or may not be pledged to support candidates who have won popular approval, and that they work under highly emotional circumstances, it is to the credit of the system that any acceptable candidates emerge. But, we do not have to continue to deny millions direct participation in the nominating process and to allow such confusion to continue.

The primary system is essentially sound. But in its present form it stretches from January to June—yet encompasses only 19 States. Convention delegates elected by these primaries are not necessarily bound to support the presidential candidate who won in their party's contest. This can, therefore, mean that a large amount of money and attention will be directed toward a candidate who cannot win the nomination. The balance of power still lies with the nonprimary States. An example of this occurred in my home State of Oregon during the 1964 Republican primary when at least $675,000 was spent by the candidates who sought to influence 15 votes out of the 1,308 votes at the convention—proud as I am of Oregon, the votes, in this case, were hardly crucial.

It is not difficult to recognize the "grassroots" benefits of a national primary. However, one of the most frequent criticisms of the idea has been its potential cost. It is thought that a nationwide primary would duplicate the already exorbitant cost of the general election. Although one can hardly imagine that a serious presidential candidate would have to spend more on just one primary than he presently must in order to be represented in 19 primaries, many State conventions and finally a national convention, there is simply no way to calculate the actual comparative costs. Congress, however, would have the authority to establish legislation that would place nec-

essary financial restraints on campaign costs.

It is possible and it is preferable to establish one national primary held uniformly across the United States. This is exactly what I propose. Parties would be bound to accept the popular choice of their membership. Party authority would be retained since a national convention would still be held to establish the party platform and nominate the vice presidential candidate.

Mr. President, 1972 is not so far in the future that we can ignore these measures. And 1968 is not so far past that we can fail to realize what the consequences of inaction might be.

EXHIBIT 1

Mr. HATFIELD. Mr. President, when one candidly and courageously analyzes our present electoral system, he discovers that it is an intolerable imperfection of democracy. Our country was founded on the revolutionary principle that all the people of the land were to be given the power and control over their political system. Thomas Jefferson eloquently expressed this ideal when he stated:

"I know of no safe depository of the ultimate powers of society but the people themselves."

Yet, today, it is clear that the people are still denied the fundamental power of directly choosing their national leader.

Witness a national political convention. I do not mean to emphasize any partisan viewpoint in these comments; yet, I must point out that in the judgment of the American people, the party convention in Chicago in 1968 displayed a calculated attempt to suppress popular feeling by some of those who held power in that political party. The manipulative tactics employed by party bosses to achieve their goals in that convention were supplemented by the intolerant repression of dissent that took place on the streets of Chicago. During that disillusioning week in August it became evident to millions of voters that the political conventions regularly practice infidelity to the democratic trust they promise the people.

Perhaps the most revealing of all the public opinion polls during that election year was the Harris survey in September which indicated that a majority of the American people felt that both political parties had not nominated their best candidate. According to that survey, 57 percent of the American voters felt the convention system denied them the opportunity to choose the desirable candidate. That such a frustration of popular will should occur in the oldest and most advanced democracy of the modern world is a travesty of man's belief in his right and ability to rule himself.

Let us be clear about the situation. It is no exaggeration to say that the current method of nominating and electing our President amounts to nothing less than a betrayal of our Nation's democratic yearnings. I grant that in the past our democratic commitment may best have been expressed through these procedures. When communication was more difficult and information was not easily disseminated. But technological changes and the increased political sensitivity and participation of our citizenry have now made our present system the chief obstacle to the fulfillment of our Nation's democratic ideals. Let us never forget that our primary commitment must always be to the service of democracy—and never to the preservation of methods and institutions which, regardless of their previous value, have become the foes of the very cause they were designed to serve.

It is most regrettable that we, the political leaders, have been the last to acknowledge this drastic situation. The majority of the American people are resoundingly united in their opposition to our manipulative political conventions and archaic electoral college. In this day of divisiveness, it would be difficult to discover an issue which elicits more widespread popular agreement. Yet, the political process—and we who are its trusted guardians—remains impervious to the dominant demand for decisive change. We, the Members of Congress, who have been elected to our positions for our capacity to make careful judgments and to respond to the popular will, have, as a whole, neglected to do either with regard to this crucial issue.

It is alarmingly evident that growing numbers of people from all strata of society are losing their fundamental faith in our political process. Why do so many of our land, including most of our students, feel alienated from our political institutions? It is not because they fail to believe in democracy, but precisely because they do, and see it fail to function.

History counsels us that when evolution becomes impossible revolution becomes inevitable. Our country today is in the midst of a revolutionary upsurge that can never be suppressed by billyclubs, bayonets, and admonishments to work within the system as long as that system remains hopelessly unresponsive to essential change. The loyal, active participation of all segments of society in our political life will come only when that process truly grants its power and control to the people it is pledged to serve. Is that too much to ask of our democracy?

The resolution I submit makes this fundamental proposal: Let the American people truly decide what candidates are nominated for President and who is elected to that office. Must we hesitate translating our political ideals into reality?

In considering changes in the methods of nominating and electing the President and Vice President of the United States, urgently request that we first look to the Constitution and to the environment and atmosphere out of which the Constitution evolved. More specifically, our attention should be directed to the creation of the electoral college as a means by which our Presidents are elected. Just as we are divided and perplexed as to the proper method for reforming our presidential election system, the members of the Constitutional Convention of 1787 were also sundered and confused, as they undertook the task of determining the procedure by which the leader of the new republic would be selected. As stated by James Wilson of Pennsylvania:

"This subject (method of presidential selection) has greatly divided the House, and will also divide people out of doors. It is in truth the most difficult of all on which we have had to decide."

This predicament resulted in the introduction of numerous proposals for electing the President. Greatest attention was given to the election by Congress, by the people, and by presidential electors.

Since my resolution provides for the election of the President by "direct popular vote," let us concern ourselves with the Constitutional Convention's approach to that proposition. Almost instantly, opposition arose to this proposal centered around the notion that the people were incapable of determining the character, integrity, and other necessary qualifications of presidential candidates. George Mason of Virginia stated:

"It would be as unnatural to refer the choice of a proper character for Chief Magistrate to the people, as it would, to refer a trial of colours to a blind man. The extent of the country renders it impossible that the people can have the requisite capacity to judge of the respective pretensions of the candidates."

Mr. Mason's argument was apparently well taken in 1787. Nevertheless our technological progress now enables the instant communication of information and has created an environment radically different from the late 18th century. However, even among those great leaders who labored to construct the stately Nation that we have come to be, there was vigorous support for the election of the President by popular vote. Governor Morris, of Pennsylvania, declared:

"If the President is to be the Guardian of the people, then let him be appointed by the people."

Mr. Morris' remarks seem to have been buried in history; notwithstanding I come to you with hope that we can revitalize that proposition.

Since the rejection of the idea that Presidents be elected by popular vote and the inception of the electoral college, we have been fortunate in the caliber of our Presidents, though not as fortunate in the actual operation of the electoral college. Time and experience have clearly indicated that the electoral college has substantial defects which pose a serious threat to the stability of our presidential system. The nature of these deficiencies have been presented and debated before you on numerous occasions; nevertheless, I submit that this issue is no longer a mere topic of discussion on Capitol Hill, but rather the subject of ventilation among Americans regardless of their status. Therefore, I solicit your sincere objectivity as the inadequacies of the present system are enumerated.

It has been demonstrated at least three times that a candidate can win the popular vote and lose the election. In other words, a candidate can win a plurality of the popular vote cast, but if the popular vote does not give him a majority of the electoral votes, then he may lose the election. Such a result is attributed to the disproportions between the electoral and popular vote.

Each State, regardless of its population, is entitled to a minimum of three electoral votes. This and other circumstances cause the number of persons per electoral vote to vary from State to State; for example, it is one to 75,389 in Alaska; one to 260,452 in Arizona; one to 330,599 in Virginia; and one to 392,930 in California. However, this defect produces a predicament contrary to what would appear to logically follow; that is, a voter in a small State, such as Alaska, Nevada, or Vermont, can influence only three electoral votes as opposed to a voter in New York, where his vote can influence 43 electoral votes. Hence, the combined votes of New York and California equal the combined votes of 20 other States.

If a candidate can carry a plurality of each of the 11 largest States plus any other State, he wins the election. Those who believe that the electoral college somehow protects the interests of the smaller States seem, therefore, to be gravely mistaken. Careful analysts of this issue have concluded that neither the interests of the small States nor the large States would be unfairly affected by direct voting. This point is made for instance, by Mr. Tom Wicker of the New York Times and a recent Washington Post editorial. I ask unanimous consent that these articles be inserted in the RECORD at the end of my remarks.

Another disadvantage is derived from the manner in which the electoral votes are assigned where such is necessary to reflect changes in the population of the various States. The allocation of the electoral votes is determined by the census. Censuses are taken every 10 years and become effective 2 years later. Therefore, the system operates to the disadvantage of voters in rapidly growing States.

A further reason for this disproportion was noted in a recent law review article:

"A state's electoral votes remain fixed regardless of whether one person or one million persons vote in the state. For example,

in the 1964 election three times as many people voted in Delaware as in Alaska; yet each state cast three electoral votes. More people voted in New Jersey than in Texas; yet Texas had 25 electoral votes while New Jersey had only seventeen. In Alaska, 67,259 voters influenced the assignment of three electoral votes, at a ratio of one electoral vote for every 22,419 voters. In New York the ratio was one electoral vote for every 166,657 voters. In the 1960 election twice as many people voted in South Dakota as in Mississippi; yet Mississippi cast twice as many electoral votes as South Dakota."

I need only to mention the built-in inefficiency of the system permitting the "winner" of a State to "take all" and the "loser takes nothing," even though he may have 49 percent of the votes of the State cast in his favor. Why should a candidate receive 136 electoral votes in the States where he obtained only 2 million popular votes and no electoral votes for approximately another 6 million popular votes? Without resorting to extremes, one might easily view this process as an indirect means by which a candidate's votes are simply taken away and combined with those of his opponent. As stated by a former Senator of Missouri, Thomas Hart Benton, a leading advocate of electoral reform in the early 19th century:

"To lose their votes, is the fate of all minorities and it is their duty to submit; but this is not a case of votes lost, but of votes taken away, added to those of the majority, and given to a person to whom the minority is opposed."

I submit that the American people should not be compelled to continue tolerating such a disproportionate and inequitable arrangement.

The possibility that a candidate can receive less than a plurality of the popular vote and yet be elected President was alluded to earlier. This is a very real problem which has been demonstrated in the past and quite probably will occur again, unless our present system is reformed.

In 1824, although Andrew Jackson received more electoral and popular votes than did John Quincy Adams, but not the required majority of electoral votes, the election fell into the House of Representatives where Mr. Adams was elected President. Mr. Adams received a mere 31.9 percent of the popular vote while the loser, Mr. Jackson, carried 42.2 percent of the popular. Incidently, six States did not choose their electors by popular vote that year.

The election of 1876 made history when Samuel J. Tilden received a majority of more than 250,000 popular votes over Rutherford B. Hayes, but the returns of four States were contested. In order to resolve the dispute, a 15-man electoral commission was created. By a party vote of 8 to 7 the Commission ruled that Hayes had won the Presidency.

The electoral system disclosed to the American people another variation in 1888 when Grover Cleveland received a popular plurality of about 100,000 votes over Benjamin Harrison, but Cleveland's margin gave him only 168 electoral votes as opposed to Harrison's 233 electoral votes.

Neal R. Peirce states, in his treatise on the electoral college system that—

"Careful analysis shows that the danger of an electoral college misfire (of the popular-vote winner losing) is not just historical but immediate in any close contest."

Can we honestly ask the people to revive the fears of the system of chance and incertitude every 4 years? Elections are likely to continue to be close. Both parties spending much, both with mass TV saturation, both with professional advertising advice. It is the opinion of many that the disproportion between the popular and electoral votes demands the abolition of our present system.

If the electoral college does not function as our forefathers had intended, the House elects the President and the Senate the Vice President. However, there are inequities in this alternative also. When the election comes to the House, each State, regardless of population, has one vote and the votes of a majority of all the States is necessary to win the election.

In an election by the House, the five smallest States, with one Representative each and a combined population of less than 2 million, would have the same voting power as the five largest States, with a total of 154 Representatives and a combined population of 64 million. Alaska, with one Representative and a population of 226,167 would have the same influence as New York, with 41 Representatives and a population of 16,782,304. The 26 smallest States, with 76 Representatives—out of a national total of about 200 million—would be able to elect the President. Fifty-nine of the 76 Representatives would have it within their power to cast the votes of these States. The realities of the system, when disclosed through simple facts, must stimulate your sense of justice and fairness. Furthermore, the House alternative in no way compels the Members to cast their votes for the candidate who carried their district or State. This creates an opportunity for the Representatives to freely wheel and deal and the uncertainty as to who will be elected President continues indefinitely.

I would not like to be accused of using extremes to vindicate my arguments. Nevertheless the uniqueness of the 1876 election, to which I alluded before, is indicative of the deeply inherent defects which would result in another disaster during an era of great crises, both at home and abroad.

In the 1876 election, a controversy arose over the awarding of the electoral votes of Florida, Louisiana, South Carolina, and Oregon because each has sent double sets of elector returns to the President of the Senate. Party politics entered the picture when the Republican-controlled Senate and the Democratic-controlled House could not agree on which returns to accept. A constitutional issue was raised at the outset of the dispute, since the Constitution does not provide for such a predicament. Notwithstanding, in order to evade a confrontation of the issue, a joint committee was established to propose a possible means by which the question might be resolved.

The committee evolved a plan for an electoral commission consisting of seven Republicans, seven Democrats, and one independent, to decide the issue. Ten of the appointees were to be Members of Congress—five affiliated with each party—and five Supreme Court Justices with two from each party and the independent. Political maneuvers independent of those transpiring in Washington resulted in the disqualification of the alleged independent, David Davis, and left only two justices to choose from, both of whom were Republicans. Hayes forces began to lay the ground work for his acceptance in the South by compromise and promises to the Democrats and eminent businessmen. Acknowledgement by the House Democrats of this Hayes' stratagem fizzled a House attempt to reject the Commission's resolution. We must note that the Commission served a dual purpose in that it resolved the dispute and prevented the Supreme Court from adjudicating on any litigation questioning the constitutionality of the Commission's creation or decision. This brief case-study of the Hayes-Tilden controversy clearly demonstrates the chance and uncertainties of the electoral college. The uncertainty lies in the numerous possible predicaments which would evolve from the present system. I ask whether, if a few votes, in such key States as Illinois and Missouri, had been recorded in the Democratic column rather than in the Republican in our 1968 presidential election, would we have had an encore of the 1876 anomaly? We can reasonably conclude that in such a case the minority party candidate would have been in a position to decide the election, in the electoral college itself, by instructing his electors to vote for one of the major candidates, or in Congress, if he had the support of several State delegations.

As quoted earlier, "the office of President was too precious, too elevated, to be left to the whim of the common man, though he could express his preferences." Therefore, the Constitution provides no specific requirement binding electors to vote for the candidates of their parties and there is no legal means by which they could be forced to vote for their respective party candidates. In short, the electors could and have frustrated the will of the people.

A recent Fordham Law Review article suggests that:

"In 1960, Henry D. Irwin of Oklahoma was chosen as one of eleven Republican electors in his state. When Oklahoma's electoral college delegation met on December 19, 1960, Irwin voted for Senator Harry F. Byrd, who was not even a candidate for President. Four years earlier, in the election of 1956, the Democratic Party was the victim of the defection of another elector, W. F. Turner was selected as a Democratic elector in Alabama when Stevenson and Kefauver obtained 56.5 percent of the popular vote in that state. At the meeting of the Alabama electoral college. Turner broke his party oath and voted for one Walter B. Jones, stating: 'I have fulfilled my obligations to the people of Alabama, I am talking about the white people.' "

These isolated situations might seem somewhat remote; nevertheless, this is a very current problem, in view of Dr. Lloyd Bailey's defection to Governor Wallace in the 1968 election.

Since the Constitution empowers the State legislatures to determine the manner by which the electors are to be selected, they could also frustrate the will of the people. The classic example of the abuse of this power was a move by the Michigan Legislature in 1892. Assuming that the Republican ticket would carry the state and its electoral votes, the Democratic-controlled legislature changed the state's method of awarding electoral votes. A distinct system was formed so that each of the State's 12 congressional districts became a separate electoral district, with two districts at large. The enactment allowed the winner of the most popular votes in each district to receive one electoral vote. The Supreme Court sustained the legislature's exercise of power in McPherson against Blocker, where the court held:

"The appointment and mode of appointment of electors belong exclusively to the states under the Constitution of the United States."

This is one example of how a State's electoral votes may be manipulated.

The voters of Alabama were not granted the opportunity to vote for the electors for Truman and Barkley in 1948 because the Democratic Party therein supported electors for another presidential candidate. Again in 1960, the will of the people was frustrated when the voters of Alabama could not cast a vote for single slate of electors pledged to the Democratic candidate; and in 1964 there was a repeat of the 1948 performance for the voters could not vote for any electors pledged to Mr. Johnson.

As we have seen, the list of defects of the electoral system is long. However, it has not been exhausted. Our Founding Fathers, to my knowledge, did not consider nor provide for the apparent uncertainty that would be created by the death of a candidate. In other words, if a candidate were to die—or withdraw—after the November voting and before the electors met in December, there would be uncertainty as to his successor. This eventuality would raise several questions: Would

there be another national election? Would the parties nominate other candidates? Would the people accept the new candidates? Would the electors accept the new candidates? Would the new candidate approve of the vice-presidential candidate or would another have to be selected? How long would it take for Congress to decide how the issue might be resolved? Should the States ratify any decision made by Congress? These are but a few of the questions that could conceivably be raised, but the prime question is whether we should allow such uncertitude to harass us. The Congress and the various States adopted the 20th and 25th amendments to resolve the problem of succession, and now I submit that we can and should adopt this resolution to resolve the multiplicity of defects inherent in the electoral college system.

Without doubt, the abolition of the electoral college would be a monumental change in our presidential election process. Nevertheless the arguments that I have advanced, and alluded to by others many times in the past, thoroughly justify this most needed reform. It has been advocated by such eminent bodies as the New York Times, the St. Louis Post-Dispatch, the Washington Post, Saturday Review, and a Commission of the American Bar Association on Electoral Reform. The resolution which I am introducing is consistent with the recommendation of the ABA's commission. The commission suggested a constitutional amendment requiring a popular plurality of at least 40 percent to be elected President and Vice President, and in the event no candidate received such a number, a runoff between the top two candidates.

The desire for reform of the system is held by the vast majority of Americans. A Gallup poll indicates that 81 percent of those interviewed are in favor of basing the election of the President on the popular vote throughout the Nation. Saturday Review contends that we should not have to depend upon tricky and antiquated procedures in electing a man to the most powerful office in the world. Their very valid argument might be buttressed by the Supreme Court's recognition, in Gray against Sanders, a 1962 decision, that the philosophy behind the electoral college belongs to a bygone age. A Fordham Law Review article very succinctly expressed the sound reasons why the college must be reformed with all deliberate speed. It stated:

"The workings of the electoral college over a period of almost two centuries have demonstrated the compelling need for substantial reform . . . The reason which motivated the Framers to create the electoral college (system) no longer exist . . . The America of today is a highly industrialized and sophisticated society and the world's leader in free enterprise . . . And, most important, the principle of popular election has met the test of time so that today, in the United States, it is a cherished and firmly established principle of representative government . . . Not only have the reasons for the electoral college (system) long since vanished, but the institution has not fulfilled the design of the Framers . . . As it exists today, the nature of the Presidency demands that there be no election barrier between the President and the people . . . Because the President plays so large a role in the affairs of our nation, it is all the more essential that he be elected by a method which assures fair and equal votes for all and not by a method which could operate to frustrate the workings of democracy, undermine the office of President, and render suspect from the outset of his administration . . . (The ground work has been laid throughout our Republic's history for)—one man one vote. . . . Surely, the time has arrived when we should recognize this principle in the election of our nation's two highest officials."

The direct election of the President, if adopted, will not alone do the job that is needed. Mr. Chalmers M. Roberts of the Washington Post has said:

"It seems likely that the hearings (on the electoral college) will have to consider the entire presidential election process, not just the relatively simple idea of a constitutional amendment to provide for a direct popular vote."

In other words, we must consider presidential nomination reform along with presidential election reform.

The convention system came into being in the early 1800's: "When it began to supersede the more or less haphazard methods of self-nomination common in South, and the mass meeting or nomination by the candidate's friends used in the North."

The national convention, similar to what we have today, appeared in the 1830's and as stated by one historian, Eugene H. Roseboom:

"Despite its defects, less evident then than later, it has remained fundamentally unchanged in general structure through over a century of usage."

Former President Dwight D. Eisenhower could hardly have been more graphic when he described the national party convention as: "Unmannerly, undignified, and ridiculous."

And concluded that:

"In my opinion—and I think most Americans will agree—our Presidential nominating conventions have become a thoroughly disgraceful spectacle which can scarcely fail to appall our own voters and create a shockingly bad image of our country."

I believe that it is most unfortunate for all Americans that we are compelled to struggle with a system for nominating presidential candidates, that contained noted defects at its inception, and still plague us today. A recent Baltimore Sun article clearly pinpointed the problem. It stated that:

"At the end of the confusing collection of presidential primaries now wrapped up for another 4 years, the prevailing and probably universal appraisal is that there must be a better way.

"The sense of mummery becomes complete when, as now, the indication is strong that a nonbelligerent will step in at the nominating convention and sweep all the marbles from those who endured the travail of the primary election route . . . The disappointment of the primaries is that they so often fail to do what a half century ago it was confidently expected they would do, take presidential nominations away from the backroom boys and give them to the voters . . . Suggestions for a "better way" are always abundant, but collide with practical obstacles and ethical objections which so far have stopped them short."

While the better way has often been suggested in the past, the mood and tune of the country seems seasonable for whatever changes are deemed necessary. This attitude is accentuated by the strife created over the Vietnam war, racial extremism, crime in our streets, rioting on the college campuses, and the unwillingness of some delegates to both conventions and the American public to accept a "take it or leave it" choice. No patriotic American is happy about our fragmented image both at home and abroad.

However, in a democratic society, the consensus of the people must be channeled through their leaders. Can the attitudes of the people be truly realized when they have little or no say as to who will be nominated for the "highest office in the land?" Such a question is being raised not only among the elite, the affluent, the intellectual, and the politician, but also among the middle class and the poor, the blacks and whites, and the young and old as well. Those groups together embrace the majority of Americans. Therefore, it is imperative that we find a better system than one which permits a few loyal delegates or a boss-ridden convention to decide, by naming its party's presidential nominee, perhaps the fate of the world. Senator Estes Kefauver, one who fought vehemently for the adoption of the national direct primary once stated:

"The era of boss rule in American politics is fading. Every time the issue of bossism versus the American people is tested at the polls now, the bosses take another licking. Let's hand them a death blow by taking the Presidential elections out of the smoke-filled rooms and the rigged convention halls, and placing them, via the national primary method, firmly in the hands of the people."

Therefore, I submit that the hour has come when we must not only abolish the electoral college in the interest and discernment of the American people, but we must also place the presidential nominations "firmly in the hands of the people."

If we can stretch our imagination to envisage this very basic proposition, an issue may be raised as to the objectives of the nominating process other than the selection of the party's standard-bearer. Any method for nominating Presidents, as enumerated by "Palsky and Wildavsky on Presidential Elections," should first, aid in preserving the two-party system; second, help secure vigorous competition between the parties; third, maintain some degree of cohesion and agreement within the parties; fourth, produce candidates who have a likelihood of winning voter support; fifth, lead to the choice of good men; and sixth, result in the acceptance of candidates as legitimate. Could these objectives be met if we were to have a direct national presidential primary? I am confident that they can be realized for the following reasons.

The primary election has become an established institution in the United States that works well in practice, and should be extended to the most important problem of presidential nominations. Candidates would be compelled to direct their appeal to the party electorate, and not merely the party hierarchy, throughout the country. Competitive two-party politics will assure the interest on the part of the voters necessary to the success of the direct national primary.

The direct national primary would nominate better qualified candidates. The field would be open to candidates without many years of experience in party organization and party activities. The voters would have a wider choice of candidates, including men of national stature in fields of activity not directly related to politics.

As ardent advocates of democracy, it is our task to seek better ways by which all Americans can play a role of significant importance in the democratic process. David, Moss & Goldman expressed in "The National Story" that "the nominating process should be democratized by letting the people participate directly in the choice of nominees." I concur wholeheartedly with their notion. As an informal procedure, the convention looks to certain areas and/or States of the country for its ideal nominee, to the exclusion of other areas. This is certainly an unfair approach. The characteristic of the national primary would be to give every State and its citizens an effective chance for the nomination by either party.

Advocates of the convention system have criticized the national direct primary by alleging that the prenominating campaigns might be exhausting for the candidates and expensive for their backers. I think that ways and means can be found to at least prevent these problems from exceeding their present scope. Most nominees of the convention system have had, in recent years, to begin working almost 4 years in advance of the convention by which they were nominated, which required great durability and heavy expenditures.

The elimination of the present nominating procedures and of the electoral college system will effect some savings which would offset some of the costs. In short, I believe that in the long run, the elimination of the electoral college and the adoption of the direct national primary could be made more economical than our present system of nomination and election of the President. But it is of first importance to adopt the system that is the most democratic. We certainly have the ingenuity and resources to then insure that no candidate faces inequities or unjust hindrances due to economic factors.

Probably the most repeated argument against the present nominating system is that the political convention is inevitably a boss-ridden travesty on popular institutions, intolerable and incurable. On the other hand, it is argued that a direct national primary would weaken the forces of cohesion that make a political party capable of assuming the responsibility for the conduct of the government. The proposal which I am making would eliminate presidential nomination from the convention procedures, but not the nomination of the Vice President or the articulation of the party platforms. Thus, the present convention system would be considerably reduced in scope but would retain sufficient functions important to a party's survival.

In our past political history many distinguished leaders of our Nation have advocated a direct national primary. Theodore Roosevelt for instance, suggested that candidates be nominated by means of a national presidential primary during his campaign of 1912. A year later President Woodrow Wilson realized the necessity for this reform in his message to Congress, when he stated:

I turn now to a subject which I hope can be handled promptly and without serious controversy of any kind. I mean the method of selecting nominees for the Presidency of the United States. I feel confident that I do not misinterpret the wishes on the expectations of the country when I urge prompt enactment of legislation which will provide for primary elections throughout the country at which the voters of the several parties may choose the nominees for the Presidency without the intervention of nominating conventions.

In this contemporary day of dissent and upheaval, we do not hesitate to recite our democratic ideals and defend our political institutions. But I suggest that our Nation is better advised to implement those ideals and restructure our institutions. A new history is being written in our Nation today. Americans are realizing as never before that our country's priorities, direction, and destiny must be fundamentally responsive to all the people. There is an irreversible ambition for the realization of this Nation's best democratic visions. Let us grant the people the rightful responsibility they desire. Let us begin by allowing the people to truly select their own President.

Mr. President, I ask unanimous consent that an analysis of the resolution, the resolution itself, the Washington Post editorial, and the earlier-mentioned article by Mr. Tom Wicker, be printed at this point in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and material will be printed in the RECORD, as requested by the Senator from Oregon.

The joint resolution (S.J. Res. 72) proposing an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 72

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years and, together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

"SEC. 2. The official candidates of political parties for President shall be nominated at a primary election by direct popular vote. Voters in each State shall have the qualifications hereafter in this article provided, but, in the primary election each voter shall be eligible to vote only in the primary of the party of his registered affiliation.

"SEC. 3. No person shall be a candidate for nomination as a candidate for President except in the primary of the party of his registered affiliation, and his name shall be on that party's ballot in all the States if he shall have filed at the seat of the Government of the United States with the President of the Senate one or more petitions in support of his candidacy and the President of the Senate shall have determined that he is qualified under this article as a candidate for such nomination. A person shall be qualified as a candidate for such nomination only if (1) petitions so filed in support of his candidacy have been signed, on or after the first day in January of the year in which the next primary election for President is to be held, by a number of qualified voters, in any or all of the several States and the District of Columbia, equal in number to at least 1 per centum of the total number of votes cast throughout the United States for all candidates for President (or, in the case of the primary election first held after the ratification of this article, for electors of President and Vice President) in the most recent previous presidential election, and (2) such petitions are filed with the President of the Senate not later than the first day of March of the year in which the next primary election for President is to be held, unless the Congress shall by law appoint a different day.

"Upon request made to the chief executive of any State or the District of Columbia by any person on whose behalf any such petition bearing signatures of residents of that State or District has been prepared in any year, the chief executive shall determine, and certify to the President of the Senate, the number of signatures appearing on such petition which are valid signatures of qualified voters of that State or District which have been placed upon that petition on or after the first day of January of that year.

"On or before the fifteenth day of March of each year in which a primary election is to be conducted for the nomination of candidates for President, unless the Congress shall by law appoint a different day, the President of the Senate shall certify to the chief executive of each State and the District of Columbia the name of each person who has qualified under this article as a candidate for such nomination and the name of the political party of such person.

"SEC. 4. The time of the primary election for the nomination of candidates for President shall be the same throughout the United States, and, unless the Congress shall by law appoint a different day, such primary election shall be held on the third Tuesday after the third Monday in May in the year preceding the expiration of the regular term of President and Vice President.

"SEC. 5. Within twenty days after the primary election, or at such time as the Congress may prescribe by law, the chief executive of each State and the District of Columbia shall make distinct lists of all persons of each political party for whom votes were cast, and the number of votes for each such person, which lists shall be signed, certified, and transmitted under the seal of such State or District to the Government of the United States directed to the President of the Senate, who, in the presence of the Speaker of the House of Representatives and the majority and minority leaders of both Houses of the Congress, shall forthwith open all certificates, count the votes, and cause to be published in an appropriate publication the aggregate number of votes cast for each person by the voters of the party of his registered affiliation. The person who shall have received the greatest number of votes cast by the voters of the party of his registered affiliation in all States and the District of Columbia shall be the official candidate of such party for President throughout the United States, if such number be a plurality amounting to at least 40 per centum of the total number of such votes cast.

"If no person receives at least 40 per centum of the total number of votes cast for candidates for nomination for President by the voters of a political party, the Congress shall provide by law, uniform throughout the United States, for a runoff election which shall be held, unless the Congress shall by law appoint a different day, on the third Tuesday after the third Monday in July next following the primary election, between the two persons who received the greatest number of votes cast for candidates for the presidential nomination by voters of such political party in the primary election. No person ineligible to vote in the primary election of any political party shall be eligible to vote in a runoff election of such political party.

"The result of any such runoff election shall be ascertained and declared in the manner provided by this section with respect to the primary election the result of which provided the occasion for such runoff election.

"Immediately upon the ascertainment of the name of the candidate of each political party for President, the President of the Senate shall certify the name of such candidate and party to the chief executive of each State and the District of Columbia.

"SEC. 6. Each political party for which the name of a presidential candidate shall have been determined pursuant to this article shall nominate a candidate for Vice President, who, when chosen, shall be the official candidate of such party for Vice President throughout the United States. No person constitutionally ineligible for the office of President shall be eligible for nomination as a candidate for the office of Vice President of the United States.

"The candidate of each political party for President shall certify forthwith to the chief executive of each State and the District of Columbia the name of the person chosen by that party as its official candidate for Vice President.

"SEC. 7. In the event of the death or resignation or disqualification of the official candidate of any political party for President, the person nominated by such political party for Vice President shall resign the vice-presidential nomination and shall be the official candidate of such party for President. In the event of the deaths or resignations or disqualifications of the official candidate of any political party for President and Vice President, or in the event of the death or resignation of the official candidate of any political party for Vice President, a national committee of such party shall designate such candidate or candidates, who shall then be deemed the official candidate or candidates of such party, but in choosing such candi-

date or candidates the vote shall be taken by States, the delegation from each State having one vote. A quorum for such purposes shall consist of a delegate or delegates from two-thirds of the several States, and a majority of all States shall be necessary to a choice.

"Whenever a substitute candidate of a political party for President or Vice President is designated by or chosen under this section, the chairman of the national committee of that party shall certify forthwith to the chief executive of each State and the District of Columbia the name of such candidate and the office for which he is the candidate of that party.

"SEC. 8. The places and manner of holding any primary election or runoff primary election under this article shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. For purposes of this article the District of Columbia shall be considered as a State, and elections under this article shall be held in the District of Columbia in such manner as the Congress shall by law prescribe.

"SEC. 9. The electoral college system of electing the President and Vice President of the United States is hereby abolished. Unless the Congress shall by law appoint a different day, there shall be held in each State and in the District of Columbia on the first Tuesday after the first Monday in October in the year preceding the expiration of the term of President and Vice President an election in which the people thereof shall vote for President and for Vice President. In such election, each voter shall cast a single ballot for two persons who shall have been nominated, designated, or chosen as official candidates for said offices as provided by this article.

"The legislature of each State shall prescribe the places and manner of holding such election, but the Congress may at any time by law make or alter such regulations. The Congress shall prescribe the places and manner of holding such elections in the District of Columbia. There shall be included on the ballot in such election in each State and the District of Columbia the names of each pair of persons who shall have been nominated, designated, or chosen pursuant to this article as official candidates for the offices of President and Vice President.

"Within twenty days after the general election, or at such time as the Congress may prescribe by law, the chief executive of each State and the District of Columbia shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all persons for whom votes were cast for President and Vice President, together with the number of votes cast for each.

"SEC. 10. On or before the tenth day of November following the general election, unless the Congress shall by law appoint a different day, the President of the Senate, in the presence of the Speaker of the House of Representatives and the majority and minority leaders of both Houses of the Congress, shall forthwith open all the certificates count the votes, and cause to be published in an appropriate publication the aggregate number of votes cast for each pair of persons joined as candidates for President and Vice President. The persons joined as candidates for President and Vice President having the greatest number of votes in all States and the District of Columbia shall be declared elected President and Vice President, respectively. If such number be a plurality amounting to at least 40 per centum of the total number of votes certified. If none of the pairs of persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, a runoff election shall be held between the two pairs of persons joined as candidates for President and Vice President, respectively, who received the highest number of votes certified.

"The Congress shall provide by law, uniform throughout the United States, for the conduct of any such runoff election, and, unless the Congress shall by law appoint a different day, it shall be held on the first Tuesday after the first Monday in December next following the general election. The result of any such runoff election shall be ascertained and declared in the manner provided by this article with respect to the election the result of which provided the occasion for the runoff election.

"SEC. 11. If, at the time fixed for the counting of the certified vote totals from the respective States the presidental candidate who would have been entitled to election as President shall have died, the vice-presidential candidate entitled to election as Vice President shall be declared elected President.

"The Congress shall provide by law, uniform throughout the United States, for new elections in the case of the death of both the persons who, except for their death, would have been entitled to become President and Vice President.

"SEC. 12. The Congress may provide by appropriate legislation for cases in which two or more candidates receive an equal number of votes and for methods of determining any dispute or controversy that may arise in the counting and canvassing of the votes cast in elections held in accordance with this article.

"SEC. 13. For the purposes of this article, the voters in each State shall have the qualifications requisite for electors of Members of the Congress from that State, but nothing in this article shall prohibit a State from adopting a less restrictive residence requirement for voting for President and Vice President than for such Members of the Congress, or prohibit the Congress from adopting uniform residence and age requirements for voting in such election. The Congress shall prescribe by law the qualifications of voters in the District of Columbia for the purposes of this article.

"SEC. 14. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 15. This article shall take effect on the twenty-first day of January following its ratification, but shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

The analysis presented by Mr. HATFIELD is as follows:

ANALYSIS OF THE RESOLUTION

The resolution proposes an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice-President of the United States.

On or after January 1, of the year of the next Presidential election, following adoption of the amendment, persons seeking to be placed on the ballot of their affiliated parties for the nomination of President of the United States shall submit a petition to the President of the Senate listing signatures of qualified voters of one (1) per centum of the total number of votes cast throughout the United States for all candidates for President in the most recent previous presidential election.

All certified candidates will be entered on the ballots of their respective parties for the primary election which is to be conducted on the third Tuesday after the third Monday in May. That candidate of each party who received a plurality of at least 40 per centum of the votes cast by the registered voters of the party will be the party's nominee for President. Any party having no candidate who received the requisite plurality will be required to submit the two candidates who received the greatest number of votes cast to a run-off election between them, and the winner of such will be the party's nominee for President. The nominees for Vice-President may be selected by a national convention of the respective parties.

The electoral college system of electing the President and Vice President of the United States is abolished. The President and Vice President, comprising a single ticket, will be elected by direct popular vote of the people on the first Tuesday after the first Monday in October. In order to be elected, a presidential nominee must receive at least a plurality of 40 per centum of the vote cast and if no candidate received such requisite number, then a run-off will be held between the two presidential candidates receiving the highest number of votes cast and the winner of such run-off election will be President elect of the United States."

The editorial presented by Mr. HATFIELD is as follows:

[From the Washington (D.C.) Post, Mar. 3, 1969]

CASE FOR THE DIRECT-ELECTION AMENDMENT

A strong case for electoral college reform is being built up in the hearings before the House Judiciary Committee and the Senate Subcommittee on Constitutional Amendments. The testimony taken thus far seems to constitute a mandate for change. While there is still much controversy over the nature of the constitutional amendment to be submitted to the states, the rising popularity of direct, popular election of the President and Vice President is impressive.

In a recent session before the House Judiciary Committee, William T. Gossett, president of the American Bar Association, seemed to us to demolish the chief arguments that have been made against a direct, popular election. The first of these arguments is that the smaller states, having an advantage in the present distribution of electoral votes (one for every Senator and Representative) will never give it up. Alaska for example, has one presidential elector for each 75,389 persons; California, only one elector for each 392,930 inhabitants. Despite the unfairness of this favoritism for small states, it is said, those states will insist on clinging to their advantage.

But this, as Mr. Gossett has shown, is only one side of the coin. The general ticket system, which throws all the electoral votes of a state to the candidate who wins the popular vote in that state, greatly increases the power of the big states to determine the outcome. Some authorities insist that the individual citizen's chance to vote for 40 electors in California and only three in Alaska gives the big-state voter a greater impact on the outcome, John Banzhaf's analysis of voter power, with the aid of computers, indicates that a voter in the largest states has more than two and a half times as much chance to affect the outcome of a presidential election as a voter in one of the smaller states under the present system.

Beyond this is the fact that most of the presidential candidates come from the big states because of the importance of carrying those states in the electoral count. Under a direct-election system, these unnatural influences would be largely eliminated, and one man's vote would count for as much as any others. No doubt this is why the polls show that a direct-election amendment is popular in the small states as well as in the large ones and that it has the support of many small-state Senators and Representatives.

Mr. Gossett was equally forthright in his contention that direct election of the President would have no unfortunate repercus-

sions on the two-party system. Indeed, he insisted that the electoral college, as it now operates, gives a great incentive to third parties. That was very pointedly demonstrated last fall when George Wallace made a strong appeal for votes on the ground that he and his supporters could assume a king-making role by the manipulation of electoral votes if neither of the major parties received an electoral majority.

In a direct election of the President, of course, there would be no electoral votes and therefore nothing to give a third-party candidate influence or standing beyond the actual votes cast for him at the polls. The president of the Bar Association concluded: "Close analysis proves that direct election will actually *strengthen* the two-party system—not weaken it—by removing special incentives to third parties and equalizing all voters throughout the Nation."

One strengthening factor would be the spread of the two-party system to the entire country. "Safe" Democratic or Republican states could no longer be taken for granted because whole states would no longer swing into one column or the other, but the presidential candidate of each would have only the actual votes directly cast for him by the people.

It is well to remember that the proposed amendment sponsored by the Bar Association and many others provides for a run-off election if no presidential candidate should obtain 40 per cent of the popular vote. This would eliminate the necessity for an election ever to be thrown into the House of Representatives. It would also have the effect of eliminating any third party in the run-off, if such a party should gain sufficient strength to deny the leading candidate 40 per cent of the vote, which is highly unlikely.

Mr. Gossett was a member of the Bar Association's committee which made an exhaustive study of the country's electoral problem. His comments should help to lay to rest many of the loose arguments that are being made against a system that would really let the people elect their own President.

[From the New York Times, Jan. 30, 1969]

IN THE NATION: SOME ARE MORE EQUAL, ET CETERA

(By Tom Wicker)

WASHINGTON, January 29.—After the fears aroused by the 1968 election, the time seemed as ripe as it would ever be for fundamental reform of the way in which we elect Presidents. But the time is never really ripe for fundamental reform, and the election effort is in danger of bogging down, for two predictable reasons.

One is that while most members of Congress and officials are for doing something, not enough are agreed on what it ought to be. The Senate subcommittee on constitutional amendments, for example, now lines up about as follows:

Senators Bayh of Indiana and Tydings of Maryland for direct popular election; Senators Ervin of North Carolina and Dodd of Connecticut for proportional division of a state's electoral votes according to its popular votes; Senator Hruska of Nebraska for assigning an electoral vote to each Congressional district; Senator Fong of Hawaii and Thurmond of South Carolina for either the proportional or the district plan; Senators Eastland of Mississippi and Dirksen of Illinois, fluid.

The other major problem is the ironic misconceptions many politicians hold, almost as articles of faith, about direct popular election—which happens to be the only reform plan that has great public support (79 percent in the latest Harris poll on the subject) and that would eliminate all, not just some, of the dangers of the Electoral College system.

These misconceptions, nevertheless, have produced an opposition to the direct voting plan that rests largely on two directly contradictory propositions, neither of which is true—that direct popular voting would damage the interests of the small states, or else that it would damage the interest of the large states. (Neither small nor large states, of course, have any necessary similarity of interests, not even rural or urban; Texas and Michigan are large states with substantial rural interests; Rhode Island and Connecticut are small but urban states.)

NO SMALL-STATE ADVANTAGE

The small-state argument holds no water at all. It is based on the fact that the automatic assignment of at least two electoral votes to every state gives greater proportional representation in the Electoral College to the voters of sparsely populated states. Alaska, for instance, gets one electoral vote for only 75,389 persons, while California gets one for 392,930 persons. This looks good on paper; but in politics Alaska's "advantage" is worth less than Wally Hickel's standing with the Sierra Club. California still casts forty electoral votes to Alaska's three. And anyone who doesn't understand what that means need only count how many Presidential candidates visited Nome or Fairbanks last year.

POPULAR VOTE BENEFIT

In fact, the twelve largest states in the Electoral College could choose a President with 281 votes, no matter what the other 38 states did. And the power of Alaskans and other small-state residents in a Presidential election would be substantially enhanced, not reduced, by direct popular voting. That is because, under the system in which a state popular-vote winner takes all of that state's electoral votes, the ballots of those who supported the loser are completely negated; in popular voting, they would be counted equally with the votes of every other voter in every other state.

This does not mean, however, that the people of the big states would be damaged by popular voting—although it is true that the ability of those states to dominate the Electoral College (which they have in fact seldom done; witness 1968) would be reduced. These states would remain the major population centers, and Presidential candidates would continue, in Barry Goldwater's phrase, to "hunt ducks where the ducks are." Does anyone imagine that New York and California would not remain the prime hunting grounds of Presidential candidates? Or that candidates and Presidents would not conduct themselves generally in such a manner as to appeal to urban voters?

While urban-based minority groups might lose some of their power over big blocks of electoral votes, is there any longer a justification for that advantage now that the one-man, one-vote rulings are putting an end to rural-dominated state legislatures? *All* minority-group votes would be counted, moreover, under the direct election plan; those of blacks who voted for Hubert Humphrey in Illinois, for example, were negated when Richard Nixon took all that state's electoral votes in 1968.

Neither the small states nor the large states, in short, would suffer from direct voting. The people of one would only become as important as the people of the other—no more and no less.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 77

At the request of Mr. NELSON, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 77, the Mined Lands Restoration and Protection Act.

S. 907

At the request of Mr. MCCLELLAN, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 907, a bill to consent to the Interstate Environment Compact.

S. 1087

At the request of Mr. HRUSKA, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1087, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 regarding the revenue-sharing proposal of the administration concerning law enforcement assistance administration.

S. 1615

At the request of Mr. BIBLE, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 1615, to provide income tax simplification, reform, and relief for small business.

S. 1741

At the request of Mr. EAGLETON, the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Kansas (Mr. PEARSON), the Senator from Rhode Island (Mr. PELL), the Senator from Vermont (Mr. PROUTY), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1741, to provide increased unemployment benefits compensatiton to Vietnam-era veterans.

S. 1824

At the request of Mr. NELSON, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 1824, a bill to amend the Food, Drug, and Cosmetics Act to require premarket clearance of medical devices.

SENATE JOINT RESOLUTION 29

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Idaho (Mr. CHURCH) be added as a cosponsor of Senate Joint Resolution 29, authorizing the proclamation of National Peace Corps Week.

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

SENATE CONCURRENT RESOLUTION 26—SUBMISSION OF A CONCURRENT RESOLUTION ON NATIONAL AMERICAN INDIAN AND ALASKA NATIVES POLICY

Mr. JACKSON. Mr. President, I am submitting today a Senate concurrent resolution on national American Indian and Alaska Native policy that will restate and reaffirm the unique and long-standing relationship between these citizens and the Federal Government. The resolution proposes a bold new constructive course of action designed to enable both parties—the Federal Government and the American Indian people—to

work in mutual trust toward achieving agreed upon national goals and objectives.

Throughout the history of our Nation, Mr. President, the basic posture of our Government toward American Indians has assumed a variety of forms. In the most sweeping terms, these have ranged from according tribes the full dignity and respect as separate and sovereign nations to treating the Indians in a demeaning and paternalistic guardian-ward relationship.

Underlying these various relationships is a large and still-growing body of treaties, court decisions, and laws. They provide the juridical basis and the historical background which supports the longstanding and unique relationship between Indians and the Federal Government.

Although this relationship has sometimes been criticized by the Indian community and others, it, nevertheless, carries with it certain benefits which Indians value, and even consider critical to the continued survival of their culture and their identity as a people. These benefits are, first, the Federal Government's special responsibility for the protection of Indian lands, resources, and rights; and second, the provision of basic community services to Indians under specified conditions.

American Indian people have the distinction of having maintained unique and close official ties with our Government for an extended period of our Nation's history. Yet, when we examine selected living conditions of Indian people as contrasted to the general population, we must look upon the gross disparities as "monuments of failure" to our past Indian policies. These conditions are illustrated by the following:

The infant mortality rate for Indians is 30.8 deaths per 1,000 live births compared to 20.7 for all races;

The average age at death for Indians is 46.1 years compared to 65 years for all races in the Nation;

The average Indian family of five or six lives in a one- or two-room house, 24 percent of which lack running water and adequate sanitation facilities;

Fifty percent of Indian students drop out of school before graduation, and the average number of years of schooling completed by Indians is 8.4 compared to the national average of 10.6;

Unemployment among Indian people is many times the national average, and runs as high as 60 percent on some reservations during the winter months; and

In 50 percent of the Indian households, the annual income is under $2,000, well below the poverty level established by the Federal Government.

While these statistics are only illustrative of the total social circumstances of Indian people, they represent the kind of problems which must be overcome through a new positive and dynamic national Indian policy if Indians are to share in the American dream of self-sufficiency and a quality life for all.

Before outlining the provisions of my proposed concurrent resolution on national Indian policy for Members of the Senate, it is worthwhile to review the last statement of national Indian policy and some of the unfortunate consequences it has had on the relationship of Indian people to the Federal Government.

House Concurrent Resolution 108, 83d Congress, first session, was adopted by the Congress in 1953. This resolution was cast in terms of granting Indians their rights and prerogatives as American citizens. Its stated purpose was to free them from Federal control and supervision and make them subject to the same laws and entitled to the same privileges as other citizens. What this meant, however, to many in the Indian community was an end to their unique relationship with the Federal Government along with its attendant benefits, protections and services. It was from this policy era that the word "termination" was added to the Indians' vocabulary. As a consequence, this policy statement has become a symbol and has been resented and resisted by the Indian community.

Since its approval by Congress in 1953, the Indian community has devoted a significant share of its thinking and energies toward having House Concurrent Resolution 108 replaced by an Indian policy more compatible and favorable to their interests. Many Indians have assumed the position, and I believe rightfully so, that their substandard social and economic conditions justify a national policy and national programs that would permit them to become participating and contributing members of American society, and until such time as this goal is attained, the Government must honor its legal and moral commitments.

House Concurrent Resolution 108 since its inception has cast a shadow on practically all of the Federal Government's efforts to work out constructive approaches and solutions to the problems faced by the Indian community. Indian people look upon any proposed change in policy or program, no matter how well-conceived, with suspicion and as a covert move to terminate their unique relationship with the Federal Government.

A national awakening and concern to the needs of the disadvantaged, beginning in the early 1960's, resulted in a "subtle" abandonment by our Government of the termination policy contained in House Concurrent Resolution 108. As this broader movement in behalf of the disadvantaged gained momentum, it became more and more apparent that Indians ranked among the most disadvantaged of the country's disadvantaged people.

During this period, Congress approved legislation authorizing the establishment of new social and economic programs within the executive branch of Government. Indians generally were considered to be eligible for these new programs, not so much on the basis of their being Indians, but more on the basis of their being disadvantaged citizens who met program criteria and standards. The Government began to enjoy a degree of success during this period in working with Indian people toward the resolution of some of their real problems. A broad array of Federal agencies became involved, directly and indirectly, and provided substantial financial and other forms of support in this combined effort.

These developments have given new hope and encouragement to Indian people and have motivated many communities to seek innovative approaches to the solution of long standing problems. This decade of interaction between Indians and a broad array of Federal, State, and local units of governments has created a positive atmosphere for change in the Indian field. If properly nurtured and refined, it offers hope and assurance that many of the obstacles which prevent Indians from achieving social and economic equity can at long last be overcome. An important first step is a reexamination of our Government's posture toward its American Indian and Alaska Native citizens.

At the time Congress approved House Concurrent Resolution 108 in 1953 as our Government's national Indian policy, we believed it to be in the best interests of the Indian people, but time and experience have demonstrated otherwise.

Mr. President, I propose to replace this policy, which has proven to be totally and absolutely unacceptable to the majority of the Indian people, with a resolution that is compatible with their unique relationship with the Federal Government and is within the framework of the democratic principles upon which our Nation was founded. The major features of the resolution are:

First. A reaffirmation of the unique relationship that exists between Indian people and the Federal Government;

Second. A repudiation of termination as a national policy, together with express recognition of the right of tribal groups to exercise greater opportunities for Indian control and the full range of self-determination and all that it implies;

Third. A reinforcement of the citizenship rights of all Indians;

Fourth. A recognition of Federal responsibility to see that those Indians residing beyond the areas served by special Indian programs and services are treated equally with other citizens in consideration for services through other Federal, State, and local resources;

Fifth. A Government-wide commitment to give Indians and Alaska Natives the freedom to develop their individual, family, and community potentials to the maximum;

Sixth. A commitment for Government protection of Indian lands, natural resources, and rights; and

Seventh. A recognition of American Indians and Alaska Native cultures as a basis upon which progress can be predicted.

The proposed resolution sets the stage for American Indians and Alaska Natives to join with the Federal Government in an atmosphere of mutual trust to launch a concerted effort to overcome the adverse economic education, health, and social conditions which beset their reservations and communities.

This undertaking can, in my view, be achieved within the framework of maximum Indian control and opportunity for

self-determination to accommodate the widest possible range of wishes and desires of Indian people. The resolution would not restrict the existing right of Indian tribes and communities to request appropriate changes—to assume greater responsibilities and increased self-determination—in their relationship with the Federal Government. The resolution and the policy it states would, however, require that the process of change be democratic, that all viewpoints be heard and that the Indian interest and the national interest in maintaining an Indian community's unique heritage and culture be appropriately observed. The policy set forth in the resolution would also require that all of the rights of the minority or any individual who does not desire to see the relationship changed are fully protected.

The resolution further recognizes that American Indians and Alaska Natives are no longer confined exclusively to reservations and Indian communities, but now reside in areas beyond the scope of special Federal Indian service programs, including many urban settings. This places an obligation on the executive branch of Government to devise the kind of programmatic approaches to make certain that these peoples are served through other Federal, State, and local resources.

The resolution is responsive to the kind of policy expression that American Indians and Alaska Natives have repeatedly asked our Government to adopt in their behalf. I am hopeful that other Members of the Senate from both sides of the aisle will join with me as cosponsors of this Senate concurrent resolution. Through its provisions a new era can be opened for American Indians and Alaska Natives to fulfill their hopes and aspirations for a better way of life.

Mr. President, I ask unanimous consent that the text of the concurrent resolution be printed at this point in the RECORD.

The concurrent resolution (S. Con. Res. 26), which was referred to the Committee on Interior and Insular Affairs, reads as follows:

S. CON. RES. 26

A concurrent resolution on national American Indian and Alaska Native policy

Whereas it is recognized by the Congress that the American Indian stands in a unique legal, social, and economic relationship to the Federal Government which is based upon treaties, statutes, and Executives orders; and

Whereas it is further recognized that this unique relationship is the basis for the Federal responsibility to protect Indian lands, resources, and rights as well as to provide basic community services to Indian and Alaska Native peoples residing on reservations and in other traditional trust areas; and

Whereas it is understood that as citizens of the United States and the communities in which they reside, Indians and Alaska Natives are entitled to share and participate on the same basis as all other citizens in the full range of social and economic development programs authorized by Federal, State, and local units of government; and

Whereas the Federal Government is responsible for assuring that the aforementioned rights of Indians and Alaska Natives are fulfilled and that the eradication of adverse economic, education, health, and social conditions which prevent any American from achieving a life of decency and self-sufficiency is a priority national goal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) our national Indian policy shall give full recognition to and be predicated upon the unique relationship that exists between this group of citizens and the Federal Government and that a Government-wide commitment shall derive from this relationship that will be designed to give Indians and Alaska Natives the freedom and encouragement to develop their individual, family, and community potential and to determine their own future to the maximum extent possible;

(2) this statement of national Indian policy replaces the policy set forth in House Concurrent Resolution 108, 83d Congress (August 1, 1953), which is hereby expressly repealed;

(3) improving the quality and quantity of social and economic development efforts for Indian people and maximizing opportunities for Indian control and self-determination shall be a major goal of our national Indian policy;

(4) the executive branch of Government shall be charged with the responsibility of developing program efforts and procedures to assure that Indian and Alaska Native peoples, residing in areas considered to be beyond the scope of the direct Federal Indian service programs of the Bureau of Indian Affairs and the Indian Health Service, receive services and attention that are commensurate with their diverse social and economic needs;

(5) American Indian property will be protected; Indian culture and identity will be respected; and Congress will commit and dedicate itself to support a policy of developing the necessary programs and services to bring Indians and Alaska Natives to a social and economic level of full participating citizens; and

(6) the Office of Management and Budget shall submit an annual report to the Congress showing combined expenditures made by all departments and agencies of Government for the betterment of Indians and Alaska Natives.

THE MILITARY SELECTIVE SERVICE ACT

AMENDMENT NO. 92

Mr. HART submitted an amendment (No. 92) intended to be proposed by him to the bill (H.R. 6531) an act 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.

SUPPLEMENTAL APPROPRIATIONS, 1971

AMENDMENT NO. 93

Mr. JAVITS. Mr. President, I submit an amendment to H.R. 8190, the second supplemental appropriations bill to increase to $157,428,359 the supplemental appropriation to be made available for the Neighborhood Youth Corps programs for this summer.

The program includes the summer job program, providing work experience for disadvantaged 14- to 21-year-olds with nonprofit and public sponsors and the recreational support program, providing assistance for programs benefiting children 8 to 13 years of age.

In this effort I am joined by the following cosponsors: Mr. WILLIAMS, the chairman of the Committee on Labor and Public Welfare, Mr. NELSON, the chairman of the Subcommittee on Employment, Manpower and Poverty of that committee, Senators CRANSTON, EAGLETON, and MONDALE, of that committee and Senators BAYH, BROOKE, CASE, HART, HUMPHREY, MCGOVERN, and RIBICOFF.

The Appropriations Committee bill accepts the House allowance of $100 million for these efforts, of which $87.2 million would be made available for the summer job program, and $12.8 for the recreational support program. The report of the committee indicates that the portion for summer jobs would add 187,200 new summer jobs, each consisting of 9 weeks; this would bring the total number of opportunities to 601,400.

We seek a supplemental appropriation of $157,428,359—an increase of $57.4 million above the committee's recommendation—in order to provide, in addition to the amount designated for recreational support programs, a total of $144,628,359 for summer jobs.

We base our request of $144.6 million on the amounts which the League of Cities—U.S. Conference of Mayors has certified as the minimal amount necessary to meet the needs of individuals in our cities and other areas this coming summer.

The need was documented with great specificity on a city-by-city basis by the League of Cities in a letter to me dated December 4, 1970.

The letter indicated that a total of 641,639 10-week opportunities would be needed in the Nation, consisting of 330,973 in the 50 largest cities, and 310,666 in rural and other areas.

At a cost of $481 for each 10-week opportunity, a total of $308,628,359 is necessary to reach that amount, and accordingly an additional $144,628,359 is needed to supplement the $164 million currently available for programs in the field.

Mr. President, these are not "wild" estimates of need; these are needs documented on a city-by-city basis by the League of Cities based upon an extensive survey.

These statistics indicate, for example, that unless the amount we seek is appropriated, Boston will be 1,344 slots short of its needs, Los Angeles will be 7,541 slots short, New York City will be 46,138 short; and Washington, D.C., will be 25,225 slots short of its needs.

I ask unanimous consent that there be inserted at this point in the RECORD a table showing in respect to each of the 50 major cities, the number of opportunities needed, the number currently allocated, and the additional number which could be provided if our amendment for a $144 million supplemental is adopted.

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

NEEDS FOR ADDITIONAL NEIGHBORHOOD YOUTH CORPS SUMMER OPPORTUNITIES IN THE NATION'S 50 LARGEST CITIES

	Opportunities as documented by League of Cities—U.S. Conference of Mayors [1]	Opportunities allocated by the DOL with funds now appropriated [2]	Additional opportunities needed
City:			
Akron	1,200	477	723
Atlanta	3,408	1,795	1,613
Baltimore	8,000	5,068	2,932
Birmingham	2,086	1,186	900
Boston	3,500	2,156	1,344
Buffalo	4,268	2,159	2,109
Chicago	40,000	23,434	16,566
Cincinnati	3,000	1,512	1,488
Cleveland	10,000	5,315	4,685
Columbia	2,000	852	1,148
Dade County (Miami)	8,226	2,492	5,734
Dallas	2,280	1,194	1,086
Dayton	930	572	358
Denver	2,100	739	1,361
Detroit	11,670	8,270	3,400
El Paso	1,125	571	608
Fort Worth	1,178	604	574
Gary	4,300	1,584	2,716
Honolulu	2,191	405	1,786
Houston	3,000	2,106	894
Indianapolis	2,500	710	1,790
Jersey City	1,993	1,076	917
Kansas City, Mo	4,000	1,300	2,700
Los Angeles (including Long Beach)	20,000	12,459	7,541
Louisville	3,500	1,874	1,626
Memphis	2,394	1,214	1,180
Milwaukee	3,000	1,656	1,079
Minneapolis	2,735	1,286	1,449
Newark	14,563	3,415	11,148
New Orleans	5,000	1,412	3,588
New York	77,500	31,362	46,138
Norfolk	2,625	1,386	1,239
Oakland	5,785	3,114	2,671
Oklahoma City	1,000	931	69
Omaha	700	1,056	−356
Philadelphia	12,500	4,339	8,161
Phoenix	17,000	2,388	14,612
Pittsburgh	2,500	4,321	−1,821
Portland, Oreg	5,000	1,075	3,925
Rochester	1,000	918	82
St. Louis	1,500	1,755	−255
St. Paul	1,025	386	639
San Antonio	5,514	2,782	2,732
San Diego	2,500	2,172	328
San Francisco	5,000	2,152	2,848
Seattle	5,000	1,558	3,442
Tampa	2,887	2,384	503
Toledo	990	545	445
Tulsa	850	311	539
Washington, D.C.	36,000	10,775	25,225
Total	330,973	141,064	189,909

[1] Letter dated Dec. 4, 1970, from League of Cities—U.S. Conference of Mayors, and accompanying chart.
[2] Table III provided by U.S. Department of Labor, Mar. 4, 1971.

Mr. JAVITS. But, Mr. President, I hasten to add that this is not solely a matter of the big cities. For example, Huntsville, Ala., is 600 slots short of need, Little Rock, Ark., 450 short, Pueblo, Colo., 100 short, Jackson, Miss., 125 below needs and Norfolk, Va., has a shortfall of 500 slots.

Mr. President, joined by most of the Senators who have cosponsored this amendment, I wrote Vice President AGNEW as Chairman of the President's Council on Youth Opportunity on February 13, 1971, citing these job needs and requesting that the administration submit a supplemental revised budget request to meet them, as well as the need for recreational programs.

The administration responded on April 9, 1971, with a request of $64.3 million, of which $51.5 million would be for summer jobs, and $12.8 for summer recreational programs.

The administration plans, if its request only is granted to provide a total of 514,200 9-week opportunities, each consisting of 26 hours of paid work experience per week at a minimum wage of $1.60 per hour.

This would be a departure from all past years under the program when programs have run for 10 weeks.

The cost per opportunity which we have used in computing the total supplemental—$481 per job—is based upon the usual 10-week program, which we feel essential.

The objectives of these programs are to keep youths occupied in meaningful activities during summer months, and to provide them with wages which will assist them in contributing to the costs of their education and in helping to support their families during the year.

A cut from 10 to 9 weeks will reduce even further the coverage of the program in terms of the normal out-of-school period, and it will reduce the amount earned by approximately $40, a significant amount to those who struggle below the poverty line.

To cut the length of the program is also to diminish the opportunity which those conducting the program have to provide youth with the related educational and other supportive services, and to encourage the kind of enterprise that may set patterns for a life of work rather than of idleness and welfare dependency.

Mr. President, I think that we should hold fast on the quality of an opportunity in terms of past years, and not set a precedent for hiding the inadequacy of funds by diluting the meaning of an opportunity. If the total supplemental requested by the administration and that already available were applied to fund 10 week opportunities, then an aggregate of 474,636 slots would be provided. This is only slightly above the 414,000 provided last year, when the situation was markedly different.

Mr. President, we have three factors operative in the coming summer which make it incumbent upon us to provide as a minimum the number of 10 week opportunities that the League of Cities has documented:

First, we have at this time a national unemployment rate of 6.1 percent—which is serious enough, but which translates into double to four times that rate among various segments of the teenage population. Teenage unemployment in April was at an average rate of 17.2 percent—the highest overall rate in 7 years. Unemployment for black teenagers in the first quarters of this year was at 31.8 percent—approaching twice the overall rate. Except for the 32.8 percent rate for the last quarter of 1970, it was the highest rate since 1954.

The unemployment rate for black teenagers in poverty neighborhoods in the first quarter of this year was 44.9 percent—compared with 42.8 percent in the last quarter of last year. This is the highest rate since 1967—when the Bureau of Labor Statistics of the Department of Labor began compiling data on unemployment in poverty areas and although, of course, the second quarter statistics have not been issued, we can assume that these and probably higher levels pertain at this time.

The Kerner Commission—the National Advisory Commission on Civil Disorders first urged this Nation, in its March 1968 report on the riots in Newark and Detroit and other cities—to make larger fiscal commitments to programs such as the Neighborhood Youth Corps and related programs to meet employment needs in poverty areas and among the poor generally—thereby to diminish the possibility of the desperation of disorder.

We must soberly recognize that the current situation is very incendiary—with not far from half of some groups being unemployed.

Second, Mr. President, experience has shown that as unemployment levels rise, the capability of the private sector to provide jobs on a voluntary basis for the disadvantaged declines, for when regular employees are being laid off, it is more difficult to hire the disadvantaged.

The National Alliance of Businessmen—which spearheads the private programs—had a goal last year of 180,000 opportunities, but because of unemployment levels—then at 4.7 percent, fell 37,000 short, providing only 143,000 jobs.

Its goal for this summer is 150,000 jobs and—while I hope the private sector will respond and I am sure that the National Alliance will make every effort—it is unlikely that the goal—which is above the number actually provided last year—will be met with national unemployment at 6.1 percent—a full 1.4 percentage points above the level a year ago.

Third, Mr. President, even the amounts that we seek will just scratch the surface of need and constitute a bare minimum of what should be provided. The 641,639 opportunities will take care of only about one-third of the 1.8 million youths in the so-called target group even in times of "acceptable" unemployment, no doubt swelled to close to 2 million in these especially difficult times.

Mr. President, we are fortunate in one very important respect. The administration's supplemental was not requested last year until the first week in June—actually a week before the program was to begin in most of the Nation's cities, and the supplemental appropriation was not finally approved until the middle of July—midway through the program.

The administration's request quite commendably came on April 9 this year—and I think that it is reasonable to expect that both Houses may act finally on this matter by the end of this month.

This means simply that there is time to provide the additional amount which we have requested, and time to allow the cities to program it in a meaningful way, putting it to effective use.

Mr. President, the Committee on Appropriations deserves the greatest credit for recognizing to a significant extent the needs for this summer—providing as they have an amount in excess of that requested by the administration. But in light of the factors that I have mentioned—the unemployment level within the group that the program can benefit, the difficulties that the private sector will face in providing jobs, and the total universe of need—I submit that the situa-

tion calls upon us to provide the full amount documented by those closest to the affected individuals.

Mr. President, in this connection, I might add that even the amount requested by the administration for recreational support programs may not be adequate—since the program will reach only 1,900 children or less than 1 percent of the 4,000,000 children ages 8 to 13 in families below the poverty line. I submit, therefore, that as this matter is considered by the Senate, we may wish to consider whether a further portion of the aggregate amount which we seek might be earmarked or designated for the recreational support program.

I ask that there be printed in the RECORD the following: A letter dated April 16, 1971, from the League of Cities—U.S. Conference of Mayors confirming the need for these amounts; the letter dated December 4, 1970, from the League of Cities—U.S. Conference of Mayors documenting the need on a city-by-city basis; a letter date April 14, 1971, from the National Alliance of Businessmen; a letter dated April 15, 1971, from the Office of Economic Opportunity; a letter dated February 17, 1971, from the Secretary of Labor, Mr. Hodgson, and a Department of Labor release dated April 9, 1971, describing the administration's requests and its effect in the various regions of the country.

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

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
Washington, D.C., April 16, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: On behalf of the nation's mayors, we appreciate the leadership you have again taken this year in securing needed funds for summer youth programs throughout the nation.

We are pleased, as you no doubt are, that the President has announced Administration support for a $64.3 million supplemental appropriation for these vital programs. This amount, however, falls short by $93.1 million of the total funds needed for the summer job opportunities. According to the Office of Management and Budget, only $51.5 million of the total to be requested by the Administration represents funds for job opportunities. The balance of $12.8 million will be requested for recreation support.

In view of the unemployment crisis now facing the cities, we must have the full amount of $308.6 million, indicated in our survey to you last December, to effectively cope with the severe youth unemployment problem this summer. The original budget request of $164 million plus the latest announcement of a proposed $51.5 million for summer jobs represents $215.5 million or 514,000 nine-week jobs. As you will recall, our survey, conducted last December, reflects the number of jobs needed for cities, both large and small, to total 641,639. For the fifty largest cities, the total need is 330,973 and for the medium size and small cities, the total need is 310,666.

Our position is that these slots should be full opportunity summer jobs, a ten week period at $1.60 an hour, and the amount of Federal funds under a full opportunity program would total $481 per youngster.

Therefore, we have a pressing need for summer jobs alone of approximately $308.6 million and the total $215.5 million requested by the Administration represents a deficient amount of $93.1 million in funds and approximately 127,600 summer job opportunities.

The $12.8 million in recreation support is, in our opinion, not sufficient either. As you know, in past years, up to $30 million has been provided in recreation support funds.

Another problem that we have encountered by the Admiinstration in recent years is their limitation on the transportation funds to "employment related" activities. This rigidity causes hardship on cities at a time when employment opportunities across the board are scarce. The $1.5 million is not sufficient if the limitation mentioned above is removed.

We urge you to use your efforts to secure $93.1 million above and beyond Administration requests to provide the total need for summer jobs for the youth in our cities this summer. The 514,000 nine-week slots are not adequate. We must have approximately 641,000 ten-week summer youth jobs to cope with the unemployment crisis in the cities this summer.

I am sure you are aware of the scarcity of of jobs throughout the nation. The present high rate of unemployment representing 5.5 million Americans indeed presents a bleak picture. With Vietnam veterans returning and older persons seeking employment, coupled with the scarcity of jobs available in the private sector, we cannot underestimate competition for the jobs and the grave problem the lack of job opportunities for the youth will present to cities for the summer.

Again, we appreciate your efforts and please let us know if we can be of further assistance in providing viable summer youth employment programs for the nation's cities.

Sincerely,

PATRICK HEALY,
Executive Vice President,
National League of Cities.
JOHN GUNTHER,
Executive Director,
U.S. Conference of Mayors.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
Washington, D.C., December 4, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate, Old Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1971 needs for the summer Neighborhood Youth Corps slots. The information we have received from the fifty largest cities shows that the total number of slots these cities could effectively use this summer is 330,973.

On the basis of our contracts with a sample of smaller cities, we estimate their needs and the number of slots these cities could effectively utilize to total 310,666.

Combining these figures—the total for the fifty largest cities with estimated needs for the balance of the nation, the present real need for 1971 is 641,639 slots nationwide.

We trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps.

Sincerely,

PATRICK HEALY,
Executive Vice President,
National League of Cities.
JOHN J. GUNTHER,
Executive Director,
U.S. Conference of Mayors.

THE NEEDS OF THE 50 LARGEST CITIES

City	1969 total need	1970 total need	1971 total need
Akron	612	765	1,200
Atlanta	2,267	1,460	3,408
Baltimore	7,000	8,000	8,000
Birmingham	1,390	1,738	2,086
Boston	2,200	2,750	3,500
Buffalo	2,845	3,557	4,268
Chicago	31,000	38,750	40,000
Cincinnati	1,935	2,419	3,000
Cleveland	6,900	8,000	10,000
Columbus	1,100	1,378	2,000
Dade County (Miami)	2,150	2,668	8,226
Dallas	1,520	1,900	2,280
Dayton	620	775	930
Denver	800	1,000	2,100
Detroit	7,780	9,725	11,670
El Paso	719	900	1,125
Fort Worth	785	981	1,178
Gary	1,380	1,725	4,300
Honolulu	1,461	1,826	2,191
Houston	2,844	3,555	3,000
Indianapolis	650	812	2,500
Jersey City	1,275	1,584	1,993
Kansas City, Mo	1,400	2,225	4,000
Los Angeles (including Long Beach)	12,828	16,000	20,000
Louisville	2,605	3,256	3,500
Memphis	1,500	1,875	2,394
Milwaukee	1,925	2,406	3,000
Minneapolis	1,750	2,188	2,735
Newark	1,480	12,000	14,563
New Orleans	8,490	10,615	5,000
New York	50,000	62,500	77,000
Norfolk	1,750	2,188	2,675
Oakland	3,857	4,821	5,785
Oklahoma City	1,270	1,588	1,000
Omaha	1,455	1,819	700
Philadelphia	4,105	12,500	12,500
Phoenix	3,285	4,106	17,000
Pittsburgh	3,915	4,894	2,500
Portland, Oreg	1,066	1,328	5,000
Rochester	1,225	1,531	1,000
St. Louis	1,834	4,000	1,500
St. Paul	683	854	1,025
San Antonio	3,742	4,678	5,514
San Diego	2,689	2,616	2,500
San Francisco	2,625	3,291	5,000
Seattle	1,496	1,500	5,000
Tampa	1,925	2,405	2,837
Toledo	700	825	990
Tulsa	420	525	850
Washington, D.C	12,805	30,000	36,000
Total need: For the 50 largest cities	214,758	296,201	333,973

NATIONAL ALLIANCE OF BUSINESSMEN,
Washington, D.C., April 14, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information regarding the NAB Summer '71 Youth/JOBS Program, we hope to develop 150,000 private sector jobs for economically disadvantaged youth.

Last summer, NAB developed 143,000 private sector jobs for needy youth against a goal of 180,000.

In view of the wide acceptance of the program, it is anticipated that the 1971 summer objective will be met.

Sincerely,

RICHARD E. HAAS,
Executive Vice President,
Operations.

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., April 15, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your inquiry concerning OEO's plans for summer recreation in 1971, we continue to be committed to year-round innovative youth development activities in such areas as education, employment, job training, and community and health services. The attached letter of April 20, 1970 discussed with you this policy and explains our rationale for taking this approach.

While OEO recognizes the need for summer recreation programs for younger children we have concluded from our own monitoring efforts and several independent evaluations that short-term recreational programs do not meet the long-term needs of poor youth with the kind of experiences in which they can acquire and enlarge educational and vocational skills in order to increase career choices and occupational mobility.

Consistent with these findings, OEO implemented a policy which prohibits the funding of programs devoted *exclusively* to recreation, camping, and cultural enrichment; however, leisure time activities are permitted as integral parts of the more comprehensive youth development program. Of the $32 million obligated in Fiscal 1971 for YDPs, approximately $3.3 million will be devoted to recreation and over 200,000 youth will participate in these activities.

OEO is also involved in other programs which provide and coordinate recreational services for disadvantaged youth.

OEO is in the process of transferring $3 million to HEW for the National Summer Youth Sports Program. The NCAA, which administers the program, through its member colleges, will provide organized sports and other related activities to 50,000 inner-city youth aged 10–18.

As part of the OEO's Neighborhood Service Center program, recreational activities are provided in many locals on a year-round basis. These centers are funded nationally for approximately $64.4 million.

The State and Mayor Youth Coordinator Program, funded by OEO in FY 1970 and recently transferred to the DOL, includes among its efforts the development and coordination of local resources. In many states and cities this involves the coordination of summer recreation programs as well as other programmatic areas.

In the summers of 1965 through 1967, OEO allocated $35 million for summer youth programs, almost all of it spent on high visibility recreation programs. In 1968 OEO commenced to deemphasize summer recreation in favor of economic opportunity programs.

OEO youth development funds expended on recreation

[In millions]

1968	$28
1969	20
1970	3.5
1971	3.3

Sincerely,

MARGARET GAYNOR,
Acting Association Director for Congressional Relations.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., February 17, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in response to your letter of January 28, 1971, concerning the funding and enrollment opportunity levels for the 1971 Neighborhood Youth Corps (NYC) summer program.

A total of 414 thousand enrollment opportunities is planned for summer 1971. This is the same as the full-term equivalent opportunity level of the summer 1970 program, which included a number of short-term opportunities which raised the contracted level above 414 thousand.

In 1970, obligations for the regular NYC summer program were $182.6 million, including obligations against the supplemental appropriation. The average cost per full-term equivalent enrollment was $442.

The funding level for 1971 is $165.7 million. Subtracting National Office costs for audit, $164.0 million are available for allocation to project sponsors. The minimum wage will be $1.60 per hour compared to $1.45 per hour last year. The unit per enrollment at the higher wage is estimated at $481 if the same 260 hours allowed each enrollee last summer is repeated.

With fewer total dollars and higher wage costs it is evident that either the number enrolled, or the hours of participation and the earnings of enrollees would have to be adjusted.

We plan to continue to finance the program with 90 percent of Federal money and 10 percent cash or in-kind contributions from local sponsors. Therefore, it is our judgment that it is best to maintain enrollment at 414 thousand but reduce each enrollee's maximum participation from 260 to 212 hours for the summer.

I appreciate your continued interest in the Neighborhood Youth Corps.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

500,000 SUMMER JOBS SLATED IN $64.3 MILLION ADDED REQUEST FOR FUNDS

The Administration has recommended a supplemental appropriation of $64.3 million to provide 100,000 additional summer job opportunities in the Neighborhood Youth Corps program.

Secretary of Labor J. D. Hodgson said the increase would raise the nationwide opportunities available to disadvantaged boys and girls to 514,000, a record number for any year since NYC began in 1964.

The new budget for the NYC summer jobs program would total $217.2 million, an increase of $51.5 million over the original budget of $165.7 million.

One of the major innovations in the program calls for participation of about 90,000 youths in more than 100 cities to participate in an environmental improvement program called SPARE involving the Environmental and Protection Agency.

The Secretary said that the balance of the $64.3 million supplemental—$12.8 million—would be for support of summer recreation programs for boys and girls 8 to 13 years of age. NYC summer jobs will be used to assist in many of the recreation activities.

The summer jobs program will start soon after school terms end in various locales and will run for nine weeks at 26 hours a week for each youth.

Secretary Hodgson said the summer jobs in community service activities will pay $1.60 an hour for a total of 234 hours.

The Labor Department's 10 regional offices will contract with local sponsors as soon as the funds are available.

The success of the pilot projects conducted last summer in conjunction with the Interior Department in the Operation Clean Waters program in 15 locations prompted the broader emphasis this year on water, air pollution, solid waste and pesticide control, the Secretary said.

The SPARE (for Summer Program Action to Renew Environment) program will be coordinated at the local level through the mayors' offices.

Neighborhood Youth Corps sponsors will provide enrollee wages and supportive services and the local use agency will provide the supervision.

Paralleling the Federal government effort to provide as many jobs as possible in the summer to low income youth are several other efforts:

The National Alliance of Businessmen has set itself a goal of placing 150,000 disadvantaged youth in summer jobs without Federal assistance.

The Employment Services of the various State Employment Security agencies have set a goal of 250,000 for placement of youths in summer jobs in the private and public sector.

50,000 Federal and perhaps 25,000 in State and local governments set by the Civil Service Commission and various State and city agencies.

In many communities, the mayor's office will play a greater role than in past years in coordinating summer activities for youth.

NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM INITIAL AND REVISED ENROLLMENT OPPORTUNITIES BY STATE, 1971

Region and State	Number of enrollment opportunities: Initial	Revised
Region I	16,631	22,494
Connecticut	3,765	5,401
Maine	1,813	2,444
Massachusetts	7,588	10,367
New Hampshire	894	1,177
Rhode Island	1,727	2,089
Vermont	844	1,016
Region II	64,545	77,501
New Jersey	10,891	13,836
New York	45,561	50,807
Puerto Rico	7,937	12,544
Virgin Islands	156	314
Region III	40,270	49,030
Delaware	818	1,240
Maryland	7,285	8,171
Pennsylvania	17,339	22,379
Virginia	7,351	8,855
West Virginia	7,477	8,385
Region IV	75,772	94,511
Alabama	8,204	10,280
Florida	9,760	15,082
Georgia	10,298	12,675
Kentucky	11,010	12,326
Mississippi	7,500	9,642
North Carolina	13,401	14,985
South Carolina	6,523	7,720
Tennessee	9,076	11,101
Region V	77,644	97,104
Illinois	28,715	32,045
Indiana	6,808	10,076
Michigan	14,258	20,192
Minnesota	6,179	7,291
Ohio	15,692	19,902
Wisconsin	5,992	7,598
Region VI	45,874	54,909
Arkansas	6,212	6,988
Louisiana	9,399	11,714
New Mexico	3,041	3,462
Oklahoma	5,303	6,294
Texas	21,919	26,451
Region VII	17,381	22,139
Iowa	3,894	4,742
Kansas	2,929	3,905
Missouri	8,050	10,664
Nebraska	2,508	2,828
Region VIII	10,104	12,560
Colorado	3,134	4,457
Montana	1,879	2,104
North Dakota	1,283	1,470
South Dakota	1,583	1,775
Utah	1,684	2,030
Wyoming	541	724
Region IX	43,788	55,968
Arizona	6,712	7,529
California	34,977	45,492
Hawaii	1,061	1,280
Nevada	788	1,083
Guam	205	431
American Samoa and trust territory	45	153
Region X	11,216	15,707
Alaska	1,561	1,760
Idaho	930	1,306
Oregon	3,273	4,557
Washington	5,452	8,084
District of Columbia	10,775	12,077
Total	414,000	514,000

Note: The percentage increase in enrollment opportunities is greater in some States than in others to bring the number allowed closer to a distribution based on unemployment and poverty population.

NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM INITIAL AND REVISED ENROLLMENT OPPORTUNITIES—50 LARGE CITIES, 1971

	Number of enrollment opportunities	
	Initial	Revised
Region I: Boston	2,156	2,945
Region II:		
Jersey City	1,076	1,367
Newark	3,415	4,337
Buffalo	2,159	2,407
New York	31,362	34,969
Rochester	918	1,024
Region III:		
Baltimore	5,068	5,676
Philadelphia	4,339	5,597
Pittsburgh	4,321	5,574
Norfolk	1,386	1,663
Region IV:		
Birmingham	1,186	1,587
Dade County (Miami)	2,492	3,850
Tampa	2,384	3,683
Atlanta	1,795	2,208
Louisville	1,874	2,097
Memphis	1,214	1,481
Region V:		
Chicago	23,434	26,129
Gary	1,584	2,344
Indianapolis	710	1,051
Detroit	8,270	11,710
Minneapolis	1,286	1,516
St. Paul	386	455
Akron	477	605
Cincinnati	1,512	1,917
Cleveland	5,315	6,739
Columbus	852	1,080
Dayton	572	725
Toledo	545	691
Milwaukee	1,656	2,100
Region VI:		
New Orleans	1,412	1,759
Oklahoma City	931	1,104
Tulsa	311	369
Dallas	1,194	1,440
El Paso	517	624
Fort Worth	604	728
Houston	2,106	2,540
San Antonio	2,782	3,355
Region VII:		
Kansas City	1,300	1,716
St. Louis	1,755	2,317
Omaha	1,056	1,190
Region VIII: Denver	739	1,049
Region IX:		
Phoenix	2,388	2,674
Los Angeles (includes Long Beach)	12,459	16,197
Oakland	3,114	4,047
San Diego	2,172	2,824
San Francisco	2,152	2,798
Honolulu	405	488
Region X:		
Portland	1,075	1,494
Seattle	1,558	2,306
Washington, D.C.	10,775	12,077

Note: The percentage increase in enrollment opportunities is greater in some States than in others to bring the number allowed closer to a distribution based on unemployment and poverty population.

NOTICE OF HEARINGS BY THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES CONCERNING REFORM OF FEDERAL CRIMINAL LAWS

Mr. McCLELLAN. Mr. President, I should like to announce that the Special Subcommittee on Criminal Laws and Procedures will continue its series of hearings on the recommendations of the National Commission on Reform of the Federal Criminal Laws on May 24 and 25, 1971. The hearings will begin each day at 10 a.m. in room 2228, New Senate Office Building. Information on the hearings can be obtained from the subcommittee staff in room 2204, extension 53281.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I ask to have printed in the RECORD a statement announcing opening hearings by the Subcommittee on Parks and Recreation on May 20 and 21.

Mr. President, open hearings have been scheduled by the Subcommittee on Parks and Recreation on the following:

S. 1474, to amend the Land and Water Conservation Fund Act as it pertains to recreation fees and the continuance of the Golden Eagle program—administration proposal.

S. 1228, ALLOTT et al.

S. 1172, CANNON et al—separate bill.

On May 21 the subcommittee will consider the following:

INFORMATIONAL HEARING

Providing for a full discussion by interested parties on the use and control of snowmobiles and other off-road vehicles on public lands.

NOTICE OF HEARINGS CONCERNING EFFECTS OF ADVERTISING ON SMALL BUSINESS IN CERTAIN INDUSTRIES

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Select Committee on Small Business will initiate hearings into the effects of advertising on the viability and opportunities for small business in the patent medicine and cosmetic industries. Hearings will be held on May 25, 26, and June 15, 16, and 17 in room 318—caucus room—of the Old Senate Office Building starting at 10 a.m. each day.

ADDITIONAL STATEMENTS

PATIENT CENSUS LEVEL AT VETERANS' ADMINISTRATION HOSPITALS

Mrs. SMITH. Mr. President, recently I received a complaint by long-distance telephone from a constituent in Maine reporting that there had been a cutback of 50 beds and a 10-percent cut in personnel at the veterans center at Togus, Maine, and reporting that the medical director there was resigning in protest. The complainant constituent also stated that some 10,000 patients nationally were being discharged this year.

I then asked the Administrator of the Veterans' Administration for a report on these allegations. His report to me is quite encouraging and reassuring, and I am pleased to disclose the highlights of that report.

First, on a nationwide basis the Veterans' Administration has been able to treat increasing numbers of veterans despite a progressive decline in the inpatient census which has been observed over the past decade. This increase in patients treated has been accomplished by improved hospital staffing, expanding use of specialized medical services, doubling outpatient treatments, and exploiting fully alternatives to hospitalization such as nursing home care.

In planning for operations in fiscal year 1972, the Veterans' Administration projects a continuation of this dramatic trend relating to a lower patient census level. Giving careful consideration to such factors as prospective demand, patient turnover, and staffing potentials, the Veterans' Administration projected a lower patient census for the Togus VA center. The reduction in census has been projected on the basis of the same criteria that were applied systemwide in planning requirements for the coming fiscal year.

The Veterans' Administration plans to allot the Togus Center $11,710,819 for the medical care program next year. This exceeds the allotment for this purpose in the current fiscal year by $878,643. The Veterans' Administration is confident that the proposed financial base will permit the center to meet demand and provide high levels of care to the young veterans returning from Vietnam as well as veterans in the older age groups in need of health services provided in extended care facilities.

The Veterans' Administration projects increases at Togus in the number of patients treated and full support for the nursing care unit. There are no plans to reduce the personnel at the center. In fact, in the new fiscal year the Veterans' Administration plans to activate and staff an intensive coronary care unit at the center. This with other specialized medical services will contribute substantially to upgrading the Togus patient care capabilities.

The Veterans' Administration informs me that my constituent's concern that the medical director at Togus was resigning may have been prompted by the scheduled departure of the chief of staff at the center. He is retiring after a long and distinguished career, and the Veterans' Administration assures me his retirement is in no way associated with its medical care program at the center.

The President's budget for fiscal year 1972 for VA medical care includes an increase of $125 million over the current fiscal year. It will provide:

An increase in average employment of 3,823.

An increase in the hospital staffing ratio.

Inpatient treatment for 905,00 veterans.

An increase in outpatient medical visits to a new high of 8,094,000.

Activation of 167 special units such as hemodialysis, intensive care, drug abuse, and pulmonary emphysema.

Training for 53,000 resident physicians and other health service personnel.

Initial activiation of three new hospitals.

With these resources, the Veterans' Administration looks forward to furnishing veterans a broad spectrum of medical and hospital services including the most modern diagnostic and treatment techniques available to American medicine. Concurrently, it will contribute to the national health effort by extending VA medical research and education.

THE WAR IN VIETNAM—RESOLUTION OF GEORGIA SENATE

Mr. TALMADGE. Mr. President, I bring to the attention of the Senate a resolution adopted by the Georgia State Senate with reference to the continuing war in Vietnam. The principal author of the resolution was Senator Max Cleland,

a former Army captain and veteran of Vietnam himself, who sustained severe battlefield injuries that resulted in triple amputation.

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:

RESOLUTION

A resolution supporting negotiations to obtain a further withdrawal of American land forces from Vietnam in exchange for a battlefield cease-fire and return of our prisoners of war; and for other purposes

Whereas, the war in Vietnam has affected every county, city and community in Georgia; and

Whereas, almost 1,500 Georgians have lost their lives in the war; and

Whereas, thousands of Georgians have been wounded, and at least 67 Georgia families have fathers or sons listed as prisoners of war or missing in action; and

Whereas, the United States is beginning its second decade of involvement in the longest war in our history; and

Whereas, the Vietnam war is exceeded only by the two world wars and the Civil War in casualties; and

Whereas, the President of the United States has stated that we do not seek a military victory in this war and has committed us to a policy of military withdrawal; and

Whereas, American men are still being killed and maimed, and Americans are still being held as prsioners of war.

Now, therefore, be it resolved by the Senate that this body hereby supports negotiations to obtain a further withdrawal of American land forces from Vietnam and, if necessary, to set a date certain for such withdrawal, in exchange for a battlefield cease-fire and return of our prisoners of war.

Be it further resolved that the Secretary of the Senate is hereby authorized and directed to transmit appropriate copies of this Resolution to the President of the United States, Senate and House of Representatives from the State of Georgia.

THE DEMONSTRATIONS IN WASHINGTON—COMMENT BY JOSEPH McCAFFREY

Mr. HRUSKA. Mr. President, within the past 10 days the very noted news analyst Joseph McCaffrey has broadcast a series of commentaries concerning the demonstrations in Washington last week. As usual these commentaries are gems of lucid thought on subjects of particular interest. For example, in discussing the tactic of blocking traffic to halt the operations of Government, Mr. McCaffrey had this to say:

Is this damn foolishness we have witnessed in this city today to become the way of life in America? Unfortunately, it may already have become a way of life. What we saw today, and will get another taste of tomorrow, probably does more to bring support to President Nixon than anything that has happened during his more than two years in office.

In commenting on the type of young people who are drawn to this sort of activity, Mr. McCaffrey articulated some of the questions which are much on the minds of the great majority of citizens of this Nation these days:

Has the American system of education failed?

Certainly the dictionary has been abandoned, and words no longer mean what they used to mean.

What kind of peace is it that has those who claim to speak for it going about this city annoying, harassing and terrifying citizens?

These are citizens whose crime is that they want to go to work. Going to work to earn one's daily bread is something these insurgents know little about.

After all those who have flowed into Washington during the past few days do not work. They may be big on four letter words, but they make an exception to W-O-R-K.

"Work" is a word which never gets into their vocabulary.

It is good to hear viewpoints such as these aired by the Nation's media and I believe that it would be useful to have them printed in the CONGRESSIONAL RECORD. I therefore ask unanimous consent to have the full text of four of these commentaries printed in the RECORD. They are self-explanatory and do not need amplification by me.

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

COMMENTARY OF JOSEPH McCAFFREY, APRIL 30, 1971

If my being kept from work Monday, Tuesday or Wednesday would end this ridiculous war, I'd be willing to stay home. Unfortunately, it isn't that easy, as President Nixon proved again last night. He is dedicated to his no-policy approach to the war, and he will stay with it even if every office in this town is closed down. So what good does this harrassing of Americans do? What has annoying and inciting one's fellow man got to do with ending the war? Nothing!

Rather it may be a larger scheme to try to destroy the United States. One doesn't have to be a fan of the House Internal Security Committee to believe that the wild eyes running around this town at this very moment are dedicated to the destruction of the American way of life.

Given the chance, they'd probably opt to destroy any way of life. Caught up in all of this are the police: metropolitan, capitol, park police and the security men at various office buildings.

These men didn't start the war. In fact, most of them probably wish the war was over.

But they are being made to pay for the decisions of John Kennedy, Lyndon Johnson and Richard Nixon: they are the ones who have to take it in the neck. Many of them are working long hours of overtime, most of those working overtime receive no added compensation.

But these people who claim to bleed for their fellow men couldn't care less. They make a great pretense of being for their brothers, but they are willing to abuse, even club a man because he is a policeman, charged with trying to maintain some semblance of order.

The "Army of Peace," strangely enough, has within it elements of hate and destruction.

This is the kind of consideration for one's fellow man we are seeing in this city today . . . and will see for many days to come.

We are being invaded by fakers . . . and that is what they are . . .

COMMENTARY OF JOSEPH McCAFFREY, MAY 3, 1971

Has the American system of education failed?

Certainly the dictionary has been abandoned, and words no longer mean what they used to mean.

What kind of peace is it that has those who claim to speak for it going about this city annoying, harrassing and terrifying citizens?

These are citizens whose crime is that they want to go to work.

Going to work to earn one's daily bread is something these insurgents know little about.

After all those who have flowed into Washington during the last few days do not work.

They may be big on four letter words, but they make an exception to W-O-R-K.

"Work" is a word which never gets into their vocabulary.

And the word peace doesn't mean in this age what it used to mean. Peace now means slashing tires of motorists caught in traffic jams which have been caused in the name of peace.

Violence in the name of peace is a new approach.

But don't blame the education system.

Air pollution may be to blame.

Certainly how else can one explain the angry comment of one of the characters as he was pushed into a paddy wagon today? He shouted, "This is my government, I have a right to shut it down if I want to."

It must be the air pollution that is deadening the brain.

Whatever it is these people will never win the St. Francis Assissi Award as lover of their fellow man.

COMMENTARY OF JOSEPH McCAFFREY, MAY 3, 1971

Is this damn foolishness we have witnessed in this city today to become the way of life in America?

Unfortunately, it may already have become a way of life.

What we saw today, and will get another taste of tomorrow, probably does more to bring support to President Nixon than anything that has happened during his more than two years in office.

And if it hasn't he will see that it does, because he can easily link together all who oppose America's involvement in Southeast Asia with those who today tried to close down the city.

Thus, today's wildman's bluff doesn't get us any closer to ending the war but rather helps bolster the position of the Administration which will continue to go its own way.

The immediate danger is that what is going on here will take someone's life, perhaps more than one, perhaps the lives of many, and chances are very good the victims will probably be innocent bystanders.

This kind of confrontation cannot continue without the peaking of violence and when that happens there are going to be deaths.

This may be what the insurgents are seeking. According to their strange reasoning this would help their cause.

God help us all.

COMMENTARY OF JOSEPH McCAFFREY, MAY 5, 1971

The most important thing for a newspaper editor to remember in times like these is to be sure to have a few reporters arrested when the police sweep the demonstrators, then make sure he (the reporter) writes a good, "gee it happened to me, Mom and I was just looking at what was going on" story which will be played big.

This is a must.

It sure keeps editors happy, and reporters on the pay roll.

Ben Hecht lives on, and on.

But newspapers and radio and television are getting much journalistic advice on how to report, or not report demonstrations.

Senator Robert Dole says press and broadcasting made a big production out of the demonstrations, giving the world a false picture of America.

In 1872 the Dole principle of journalism would have ignored the great Chicago Fire. Bob Dole is a fine man, dearly loved in Kansas, and apparently by the Republican Party which named him its leader, but he'll never be signed to a long term contract as

instructor at the William Allen White School of Journalism.

Meanwhile an elected state official harrangued a protest meeting today saying what he has seen of the demonstrations shows a police state in operation.

He claimed he saw mass brutality, perhaps when cars were over turned by demonstrators as people tried to climb out of them, and he said he saw concentration camps, and a total disregard for the rights of American citizens.

That, unfortunately, is what caused all this trouble.

The total disregard, beginning early Monday morning, for the rights of American citizens.

This elected official is from New York City, a member of the State Assembly.

If he were back in his city today instead of being here he could have witnessed the rampaging through a part of Brooklyn, the setting fire to houses, breaking store windows and looting.

This would appear to be a total disregard for the rights of American citizens. Probably he'll vigorously protest that, when he finally returns to fun city.

MUSKIE ON THE ISSUES

Mr. HART. Mr. President, on April 16, 1971, Congressional Quarterly published an article about the distinguished Senator from Maine (Mr. MUSKIE) which I commend to the attention of the Senate. I would particularly point out the section of the article in which Senator MUSKIE outlined his views on some of the fundamental issues facing our country today, including the need to end the Vietnam war now. He also discussed with the Congressional Quarterly interviewers his stands on questions about the environment, civil rights, and other issues.

I ask unanimous consent that this material be printed in the RECORD.

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

MUSKIE CAMPAIGN: CAUTIOUS PACE BY THE MAN IN FRONT

For Sen. Edmund S. Muskie (D Maine), 1971 is a year of political groundwork, legislative chores and a sharply reduced profile.

This middle phase in the campaign of the Democrats' acknowledged front-runner for the presidential nomination follows a year in which frequent travel and speeches on national topics brought him heavy television and newspaper coverage throughout the country. And it precedes the final phase, a formal bid for the nomination in 1972. The decision to shift into the middle phase came after Muskie's well-received election-eve television broadcast to the nation Nov. 2, 1970.

"In 1969," said staff director Berl Bernhard, "it was a matter of getting the country to see who Ed Muskie was." He said the need for this kind of exposure declined in 1970 and ended after the election-eve broadcast. "We were flooded with requests for things after that," said Bernhard.

ORGANIZATION

The first major step in the new phase of operations was the arrival of Bernhard in February as director of the campaign, replacing longtime Muskie aide Donald Nicoll, who became the Senator's director of policy development and research. (*Box p. 857*)

Bernhard, 41, is a Washington attorney who served as staff director of the U.S. Civil Rights Commission in the Kennedy Administration. He was counsel to the Democratic Senatorial Campaign Committee in 1967 and 1968, when Muskie was the committee's chairman. During Muskie's campaign for the Vice Presidency in 1968, Bernhard served as an adviser and speechwriter. And when the Muskie Elections Committee opened an office in downtown Washington early in 1970, the space was convenient to Bernhard's law firm, one floor above.

Six full-time staffers manned the office when it opened, under the direction of Nicoll and Robert Nelson, a lawyer who worked under Bernhard at the Civil Rights Commission and later was executive director of the Lawyers' Committee for Civil Rights Under Law.

By late August, the downtown staff had grown to 12 full-time employees and 10 summer interns. And by late March 1971, there were 40 full-time staffers and about 50 volunteers. The committee had expanded to suites on three floors, including rooms in the law office from which Bernhard is on leave. Next door to one of the suites is the private office of the Communications Company, headed by Robert Squier, Muskie's media consultant.

Published reports at the time Bernhard became staff director indicated that Muskie was seeking to tighten up scheduling and political and press operations. Muskie said the appointment would "assure effective coordination of the activities of the men and women who work for me."

FINANCES

In 1970, the Muskie Elections Committee filed financial reports with the Clerk of the House of Representatives, even though this was not legally required. On Oct. 30, 1970, the committee reported receiving $182,893.14 and spending $205,870.63.

Expenses for 1970 activities have been estimated at $1-million to $1.5-million, and Bernhard said as much as $8-million may be required for the primaries and other efforts leading up to the national convention in the summer of 1972.

Of the money received by the committee in its first six months of operation, a large proportion was contributed by executives in the motion picture and entertainment industries. The largest single contributors, Mr. and Mrs. Arnold Picker of New York City, gave $10,000. Picker is chairman of the executive committee of United Artists Corporation. Several relatives of Picker, officials of United Artists and executives of other entertainment firms also gave contributions of $500 or more. In early April 1971, Muskie named Edward L. Schuman, 54, of Detroit, a vice president of Walter Reade Theaters Inc., as national coordinator of fund-raising. Some sources indicated that Picker suggested Schuman for the job and that Schuman would serve as Picker's representative in the campaign.

Schuman said there had been no coordinated effort in the motion picture industry to underwrite the Muskie campaign. "I know Picker," he said, "but we're not close friends." Schuman said Muskie "has really no great business support in the country." Schuman supported Sen. Eugene J. McCarthy (D Minn. 1959–71) for President in 1968 and New York Mayor John V. Lindsay, a Republican, for re-election in 1969.

Bernhard said much of the Muskie fundraising in 1971 would center on banquets, direct mail appeals and the setting of financial quotas for groups that have offered to assist the Muskie campaign in key states.

Muskie staffers expect organized labor to be a major financial and organizational element of the campaign even though Muskie, as a Senator from a largely rural state, is not as closely associated with labor interests as are several other potential Democratic candidates. Bernhard said of the unions, "They've made it clear that Muskie is totally acceptable." But he listed no specific unions or labor leaders as Muskie backers. Of the early contributions to the Muskie Elections Committee, a $2,000 donation was made by the International Ladies' Garment Workers Union.

YOUTH SUPPORT

Another factor in the Muskie drive will be students, although Muskie youth organizer Lannie Davis conceded in March that Sen. George McGovern (D S.D.) "has picked up many of the best people." Davis, 26, is a Yale Law School graduate who worked in the 1968 McCarthy campaign and in Emilio Q. Daddario's unsuccessful race for Governor of Connecticut in 1970. (*McGovern campaign story, Weekly Report p. 759*).

Bernhard promised that "we're really going to work on the younger people," adding that students would be used as an important source of new ideas and policies, not just as volunteer campaigners.

POLICY EXPERTS

Muskie drew national attention in August 1969, when he announced that he was assembling a "brain trust" of policy experts to brief him on national issues. According to policy chief Nicoll, the size of this informal group has grown to more than 100, about 60 percent from academic ranks and 40 percent from law, business and public service. Nicoll said their advice comes in the form of private conversations, lengthy memos and drafts of speeches for Muskie.

Nicoll did not discuss individuals in the brain trust, but those linked with it have included former Defense Secretary Clark Clifford, former Assitant Defense Secretary Paul Warnke, former presidential economic advisers Arthur Okun and Walter Heller and Harry McPherson, Bernhard's law partner and a former speech-writer for President Johnson.

ISSUES

Even though his is the largest staff any contender has assembled more than a year before the 1972 presidential election, Muskie in April 1971 was many months away from becoming an announced candidate. "There's no real necessity to do it," said Bernhard. "When you do it, you should be ready to do a bit more than just announce. You do it to maximize your position; you don't do it just for the ritual. The announcement is the clarion call to people who want to work for you to get ready. The most important thing Ed Muskie can do right now, rather than announce, is talk about the substantive issues."

The forum for Muskie's discussion of the issues in 1971 is the Senate. Legislative initiative is the second major feature of the middle phase of the campaign.

"You're going to see him back here in Washington, because he's facing an awful lot of legislation," said media consultant Robert Squier. "And because most of the contenders come from the Senate, that's an appropriate stage for the thing to be played out on."

This attention to chores would mean fewer trips of the type Muskie made in 1970, when public exposure was still a key element of strategy. Deputy staff director Robert Nelson explained that Muskie would continue to make public appearances in 1971, but that scheduling would be aggressive rather than reactive—the Senator would choose the appearances he wanted to make instead of depending on offers from outsiders. Nelson said this was one of the advantages of the front-runner.

One area of speculation concerned the ways Muskie's Vietnam policy differed from that of McGovern, the only announced candidate for the Democratic presidential nomination and a long-standing Senate opponent of U.S. war policies. Muskie did not support expansion of the war in its early years, and in 1971 he said he had private doubts about it as early as 1965. But he backed Johnson Administration policy into 1968.

RATINGS IN CONGRESSIONAL QUARTERLY VOTE STUDIES[1]

	1970	1969	1968	1967	1966	1965	1964	1963	1962	1961	1960	1959
Presidential:												
Support	40	51	60	76	68	71	78	88	83	75	44	41
Opposition	44	42	12	9	13	7	6	6	9	15	35	44
Voting participation	74	89	65	82	76	77	90	88	88	90	87	87
Party:												
Unity	71	79	52	81	71	77	86	75	90	85	62	71
Opposition	5	11	11	4	3	5	4	5	1	6	20	15
Conservative coalition:												
Support	4	9	16	9	1	15	2	16	18	8	15	10
Opposition	78	81	49	75	74	72	90	74	68	80	61	75
Bipartisan:												
Support	61	69	54	72	62	69	72	88	71	84	79	80
Opposition	13	20	12	9	15	5	9	5	14	5	11	9

[1] Explanation of studies, 1969 Almanac, p. 1034.

"We believe that freedom is at stake," he said in March 1966. "We believe that the right of small nations to work out their own destiny in their own way is at stake. We believe that containment of expansionist Communism regrettably involves direct confrontation from time to time and that to retreat from it is to undermine the prospects for stability and peace."

Muskie expressed reservations to President Johnson about the bombing of North Vietnam in January 1968, but he did not make his views public at that time. At the 1968 Democratic national convention, he spoke against an unconditional halt to the bombing but phrased his opposition in a moderate, relatively conciliatory tone. He said he would be prepared to accept a bombing halt if the President "has reason to believe—and I think he ought to be prepared to take some risks—that this could advance us one step further toward the negotiating table on substantive issues." (*Muskie vice presidential nomination, 1968 Almanac p. 1016*)

Early in 1969, Muskie called for a standstill ceasefire by both sides in Vietnam, breaking with Nixon Administration policy. And he called the moratorium demonstration Oct. 15, 1969, "just what the country needs." He expressed doubts, however, about the plan offered by Sen. Charles E. Goodell (R N.Y. 1968–71) to set a date for U.S. withdrawal.

Muskie's estrangement from the war deepened in 1970, as he sharply criticized the allied incursion into Cambodia and backed the unsuccessful Hatfield-McGovern resolution authorizing withdrawal of all U.S. troops from Vietnam by Dec. 31, 1971. (*1970 Weekly Report p. 2173*)

"It should be clear to all of us by now," he said in February 1971, "that this war is essentially a war fought among the Vietnamese people for political ends. And therein lies a lesson of this tragedy. We cannot substitute our will and our political system for theirs. We cannot write the social contract for another people."

In domestic legislation, Muskie's chief interests have flowed from the committee assignments he has held since he entered the Senate in January 1959. Muskie has dealt with environmental problems as chairman of the Air and Water Pollution Subcommittee of the Public Works Committee. And his chairmanship of the Government Operations Committee's Intergovernmental Relations Subcommittee has led to a concern with improving communications between the states and the federal government.

Muskie is the author of the Clean Air Act of 1963 and the Water Quality Act of 1965, both of which expanded federal standards and participation in pollution control. Muskie's Clean Air Act amendments of 1970, passed over the strenuous opposition of the auto industry, set a 1975 deadline for the production of a virtually pollution-free car.

Another domestic quarrel likely to be played out in the Senate in 1971 involves revenue sharing and President Nixon's attempt to relieve the states' financial burdens with grants to be used for virtually any purposes the states choose. (*Weekly Report p. 213*)

Muskie strongly opposes this plan. He provoked an angry reaction from several big-city mayors when he said so in an address to the National League of Cities March 22. Muskie said the President's plan would destroy effective specific aid programs that already exist, give too much money to localities that do not need it and fail to provide adequate safeguards against discriminatory allocation of money. "Under the Administration's general revenue-sharing bill," argued Muskie, "Beverly Hills would be entitled to twice as much per capita as New York and four times as much as Cleveland."

This position has deep roots in Muskie's Senate career. He has consistently opposed federal legislation that does not take into account the differing needs of each state or that fails to impose responsibilities on states that wish to qualify for federal aid.

Muskie's 1967 Clean Air Act, for example, established air quality control regions to set standards for pollution levels in different areas of the country. The Johnson Administration preferred national standards for major polluters. (*1967 Almanac p. 875*)

In 1970, Muskie's approach drew an angry reaction from a task force sponsored by consumer crusader Ralph Nader. According to the task force, "Senator Muskie has never seemed inclined toward making a tough stand toward private industry." But Muskie backers claimed national standards would amount to dangerous oversimplification.

As early as 1966, in criticizing tax inequities in a majority of American states, Muskie said, "Until these imbalances are corrected, it is meaningless to talk about federal revenue sharing—or other unrestricted block grant schemes which could provide windfalls to some states and inequities to others."

Instead of general revenue sharing, Muskie supports federalization of the welfare system, which he has called "another form of revenue sharing, and a good one." He planned to introduce his own revenue-sharing bill, which he said would be similar to one he introduced in the 91st Congress. He said it would allocate money to states and cities on the basis of relative need.

PERSONALITY

Muskie's personality and style will be the subject of increasingly frequent assessments as he heads into the 1972 primary season as the front-runner. Some evaluations have dealt with Muskie's deliberate, cautious approach to making judgments about national problems.

Media consultant Squier sees Muskie's New England roots as an outstanding asset. "The sense of place doesn't have to be spoken," said Squier, "because it's there, it's already inferred. It's look and accent and style and the way he is."

Squier helped to produce the election-eve broadcast, in which Muskie's deliberate tone and affection for his home state were major themes. Muskie accused the Nixon Administration of lying to the American people. Squier argued that only a politician such as Muskie, with his reputation for caution and fairness, could have used those words without seeming to make a personal attack.

But others have pointed to these same qualities as weak spots. One 1970 article quoted a leader in the peace movement as saying of Muskie, "I just don't know where he's really at. He doesn't move me. He doesn't give me any feeling of hope." And a fellow Senator was quoted as complaining that Muskie "never gets into the thick of things, always seems to pull his punches."

"It's interesting to watch the press painting this portrait of me," Muskie said on television March 31. "You never really know how it's going to come out. Some of them say I'm a volcano; others say I'm an iceberg. And the truth probably is that I'm a human being, with quite a range of emotions."

MUSKIE ON THE ISSUES: RESPONSES TO CQ QUESTIONS

Muskie was interviewed March 31 by two members of the Congressional Quarterly editorial staff. Verbatim excerpts of his comments on a number of major issues follow.

Foreign policy

If the United States pulled out of Vietnam this year, do you think the (American) people would be prepared to see the Viet Cong take over South Vietnam?

I don't know of any way that the American intervention in Southeast Asia can guarantee a pre-ordained and blueprinted result for any government in South Vietnam, and I take it that this was not our objective from the beginning. As I understand our objective . . . it was to buy the South Vietnamese time to shape their own future in accordance with their own wishes. I suppose at the outset we had no clear concept as to how much of an effort on our part this would involve or what it would cost us. But in any case, it's cost us a great deal by any standard of measurement that one wants to use, and I think it's cost us all we can afford to pay by any standard—moral, material—that one might wish to use. So my view is that we have bought and paid for as much time as we can for the South Vietnamese. They have had the opportunity to build what I gather, outside of our forces, is the largest army in Southeast Asia, equipped by us and trained by us. And they will have had, with the elections next fall, the opportunity to hold two successive elections. We have bought for them all we can afford to pay. That the election results will be guaranteed, no. . . .

What sort of policy would you like to see this country adopt, based on the lessons we have learned in Indochina, toward future commitments overseas?

I suspect that a lot of the lessons we have learned may not need conscious implementation. I'm sure we've learned that Communism is no longer an international monolith and that's, I hope, a useful lesson to learn. Secondly, I hope we've learned that the policy of confrontation with Communism in any of its forms isn't the best way necessarily to deal with it. I hope we've learned that allowing ourselves to get involved in a guerrilla war with a small country on the other side of the world is a misuse of our military power—if it is not any moral failure on our part. Inescapably, it involves the killing of a lot of innocent people and civilians, women, children, whether it's down on the ground or from the air, and I hope we've learned that.

If we've learned that much, it still is going to take some time and rather painful . . . reappraisal of our national interests to define with precision what our role should be in the world. I don't think the majority of Americans want an isolationist America or would consider that an isolationist America would be serving our best interests. We can't escape having an influence in the world. The question is, "What kind?" It's still a hostile world in many senses.

I think that our responsibility for trying to make it into a rational world is very heavy, and I think we'll sense that increasingly as we react to our experience in Indochina. I think we ought to see more clearly the need to communicate with the Soviet Union and with Red China, with hostile countries as well as friendly countries and neutral countries, in order to create a climate in the world which will make it possible for us to serve the needs of the deprived and backward peoples of the world and at the same time recognize the legitimate aspirations of other developed and industrialized nations which will differ from our own—recognize that people are going to choose different forms of government and different kinds of societies—and the fact that they are different than our own should not precipitate alarm on our part or a disposition to try to get involved and intervene. . . .

The environment

As the cost of cleaning up the environment becomes more clear, is it possible that this will become less of a motherhood issue and that there might be a backlash? What can we do to clean up the environment and yet prevent a decline in the economy?

The problem of dealing with the environment is clearly something more than a motherhood issue, because it involves tough decisions that have economic consequences as well as environmental consequences. For the last year or so, we have concentrated so upon the desirability of a clean environment that I suspect many people haven't taken into their calculation the economic costs. . . . What we are talking about is regulating economic activities, and that regulation involves technology. It involves effort, and this involves money, and so it involves the economic viability of the polluters involved. It involves the economic health of communities and regions, and it involves the problem of utilization of resources.

And it is out of these tough kinds of decisions which will necessitate a balance of environmental values against other costs, economic costs to the community, that political issues will arise—locally, in many, many instances, because most of these decisions are local decisions; but nationally, occasionally, as in the case of the SST, because a national decision is involved. Nationally also with respect to such things as the automobile, because only national policy can deal with it. So, yes, it's going to be a painful process, it's going to be a costly one and it's going to develop a lot of political issues and backlashes.

Civil rights

Do you see any need at this time for additional legislation on civil rights, or do you think the problem could be handled in the executive branch?

Well, if one thinks of civil rights in the narrow sense of legislation mandating an end to discrimination or a denial of civil liberties or citizens' prerogatives or freedom of choice or so on, I suppose that we have done a great deal here, much of which isn't being effectively implemented or enforced; and one thinks, of course, of the problem of school integration and of voting rights and so on, where a great deal of work still needs to be done. But if one thinks of civil rights in the sense that there are other forces which limit the opportunities and the mobility of blacks and other minorities—economic forces housing patterns, residential patterns, community development patterns—then a great deal needs to be done.

The school integration problem, for example, with respect to large metropolitan areas, north and south, has not been effectively dealt with; and I don't know that it can be effectively dealt with, with any of the tools that are represented by court decisions up to this point. We don't have adequate guidelines or instruments for implementing them. The Mondale Committee (the Senate Select Committee on Equal Educational Opportunity) has been studying this area, and again we are dealing with housing patterns, residential patterns, transportation patterns, local and political jurisdictional lines. These are frustrating, not only with respect to racial questions but a lot of others. And so this is the toughest part of it, because, in effect, in order to bring . . . real freedom of choice within the reach of all Americans, including blacks and other deprived minorities, there's going to have to be a restructuring of the country and the cities in these terms, and that is major surgery. And it is going to involve legislation. It will require changes in attitudes. It will require effective action on all three levels of government.

The economy

If wage and price controls seemed to work as means of temporarily controlling inflation, would you have some fears or reluctance to see a long-term period of controls? Would these interfere with a free economy to the extent that they would be something you wouldn't want to get into?

There are those, Professor Galbraith notably, who think that we must have these kinds of controls permanently. I must say I don't accept that—not at this point at least. But I think we may need wage-price controls for their psychological value in order to end this game of catch-up, which is really what the principal inflationary force is at the present time—the game of catch-up which just stimulates this spiraling price and wage increase. I would like to see an incomes policy in the sense of a wage and price advisory board, which I have been advocating for a long time. The idea did not originate with me, obviously. But it increasingly has been recommended and urged by people on both sides of the political aisle and by the chairman of the Federal Reserve Board, the present and past (chairman), and I think that this could be structured in a way that's worth trying as an alternative to wage-price controls. . . .

Welfare

How far do you think federal control should extend in social programs such as minimum income, federalized welfare and health insurance, and how much responsibility should be at the state and local levels?

I think all three of these areas are areas in which the federal involvement must be greater, because they deal with problems that aren't going to be dealt with effectively unless the federal resources are applied to them. The problem of health insurance and health delivery systems (and) facilities are two escalating problems that affect the ability of almost all Americans—poor, lower middle income, middle income—to meet the costs of serious illness. And the costs are escalating. . . . In part this is traceable to the fact that when we enacted Medicare, increasing the demand for health facilities, we didn't do anything about increasing the facilities. And so the pressure upon existing doctors, nurses, hospitals, nursing homes, increased to the point where costs escalated, wiping out some of the benefits of the Medicare program and also putting the cost of adequate care beyond the reach of more and more Americans who weren't quite the beneficiaries of Medicare. This time, . . . as we deal with the problem, for which health insurance proposals have been advanced (and I cosponsored those), I hope we focus on the need for meaningful programs. And these will not be created without the federal government's presence to deal with the hospital shortage, the medical school shortage, the nursing shortage.

Welfare reform, of course, is a question that I think is answered by people all across the ideological spectrum in about the same way. Whether we talk of beneficiaries or of administrators or the taxpayer, everyone is agreed that this system doesn't work, and what we are talking about in part, at least, is not new governmental costs, but a more equitable carrying of present costs that are paid for by government at one or another level. In addition to that, of course, we must provide decent income levels for those who are on welfare. . . .

Crime and justice

Do you think the crisis in crime in this country has reached the point where it might be necessary to accept some kind of restriction on civil liberties in order to reduce the crime rate?

No. Preventive detention and the so-called no-knock provision are the two . . . most visible evidences of this approach to dealing with the crime problem. They do not get at the cause, and so we're paying too high a price, and we shouldn't pay any in terms of civil liberty for a solution that isn't a solution. There are a number of points at which we have failed to act adequately—the drug problem, for example, which pervades not only the question of crime, but almost every other social problem that afflicts our cities—housing, schools, race relations. You go through the whole catalog of social ills and crimes and problems which afflict America today, and they cannot be dealt with effectively unless we deal effectively with the drug problem. And we haven't done that. We've done less than we should have to deal with the international traffic in drugs, which is a real point of control. . . . And then, of course, we have to deal here at home with the addict and with the pusher of drugs—and we haven't done that effectively—as well as education of the young and eliminating some of the frustrations of life which prompt people to turn to drugs. I speak not only of the young, but also the deprived, the poor and the blacks.

If we turn our attention to the question of law enforcement itself, and what you do with the violator, first, you have to apprehend him and punish him; but even more importantly, to free the innocent and to rehabilitate those who are found guilty. We've done almost nothing nationally to deal with these problems: the problems of the courts; the problems of the penal institutions—for example, probation and parole systems, social services of all kinds; the court problem alone, the overcrowding of the courts, the overcrowding of calendars, the inadequacy of the probation and parole services available to judges; the speedy administration of justice. If we could deal with this alone, we'd go a long way to dealing certainly with the habitual offender and dealing with first offenders as well. . . .

MUSKIE'S BACKGROUND

Profession: Attorney.

Born: March 28, 1914, Rumford, Maine.

Home: Waterville, Maine.

Religion: Roman Catholic.

Education: Bates College, A.B., 1936; Cornell University, LL.B., 1939.

Offices: Maine House of Representatives, 1947–53; Governor, 1955–59; Senate since 1959.

Military: Navy, 1942–45; discharged as lieutenant.

Memberships: Waterville Club, Lions, AMVETS, American Legion, VFW, Grange, Kennebec County and Maine Bar Associations.

Family: Wife, Jane; five children.

Committees: Public Works; chairman, Subcommittee on Air and Water Pollution; Government Operations; chairman, Subcommittee on Intergovernmental Relations; Foreign Relations.

Career Highlights. Throughout his political career in Maine, Muskie has been a Democrat among Republicans, a Catholic among Protestant and a Polish-American among Yankees.

After winning election to the state house of representatives in 1946, he ran for mayor of Waterville the next year and lost—his only defeat until he ran for the Vice Presi-

dency in 1968. He remained in the legislature and was house minority leader in 1949 and 1950.

In 1951, he resigned from the legislature to become Maine director of the Office of Price Stabilization. He declined an invitation to be the Democratic gubernatorial candidate in 1952, but accepted in 1954 and defeated incumbent Republican Burton M. Cross (1952–55) to become the state's first Democratic Governor in 20 years and its first Catholic Governor ever.

After serving two two-year terms, Muskie became Maine's first popularly elected Democratic Senator, unseating incumbent Frederick G. Payne (R 1953–59) with 60.8 percent of the vote. He was reelected in 1964, defeating Rep. Clifford McIntyre (R 1952–65) with 66.6 percent of the vote, and in 1970, defeating Republican Neil S. Bishop with 61.7 percent.

MUSKIE STAFF, ADVISERS

These are some of the chief members of the Muskie campaign organization:

Staff director: Berl L. Bernhard, 41, a Washington attorney and former staff director of the U.S. Civil Rights Commission.

Deputy staff director: Robert L. Nelson, 39, an attorney who was Bernhard's deputy at the Civil Rights Commission and later was executive director of the Lawyers' Committee for Civil Rights under Law.

Director of Policy Development: Donald E. Nicoll, 43, administrative assistant to Sen. Muskie from 1962 to 1970 and manager of Muskie's vice presidential campaign in 1968.

Press secretary: Richard H. Stewart, 39, former congressional correspondent for the *Boston Globe*.

Media consultant: Robert Squier, 36, president of the Communications Company, Washington, D.C., and an adviser to Hubert H. Humphrey's presidential campaign in 1968.

Speechwriter: Jack S. Sando, 30, a Washington attorney.

Domestic policy adviser: James Campbell, 32, Washington attorney and former consultant to the Commission on the Causes and Prevention of Violence.

Foreign policy adviser: Tony Lake, 32, a former assistant to Nixon adviser, Henry Kissinger.

KEY LEGISLATION SPONSORED

Sen. Muskie's staff included the following bills in a list of major legislation sponsored by Muskie during his 12 years in the Senate:

Environment

1963: Clean Air Act, authorizing federal research and technical aid to states to create or improve regulatory programs for curbing air pollution. Passed (PL 88–206). (1963 Almanac p. 236)

1965: Water Quality Act, establishing the Federal Water Pollution Control Administration and a water quality standards program and reorganizing the federal water pollution control program. Passed (PL 89–234). (1969 Almanac p. 743)

1970: Clean Air Act amendments, establishing national air quality standards and setting a 1975 deadline for production of virtually emission-free automobiles. Passed (PL 91–604). (Weekly Report p. 42)

1970: Water Quality Improvement Act, strengthening the federal government's authority to clean up oil spills and to recover the cost of cleanup from polluters, as well as to control sewage discharge from vessels and water pollution from federal activities. Passed (PL 91–224). (Weekly Report p. 42)

1971: National Water Quality Standards Act (S. 523) to revise the water pollution control program, extend the water quality standards program to all navigable U.S. waters, authorize $12.5-billion in federal construction grants for waste treatment facilities over the next five years and require all new plants discharging wastes into navigable waters to use the best available pollution control technology. Pending. (Weekly Report p. 749)

Economy

1969: Export Administration Act, expanding opportunities for American business to engage in East-West trade. Passed (PL 91–184). (1969 Almanac p. 499)

1970: Securities Investor Protection Corporation Act, establishing a private corporation to administer an insurance fund to protect investors from broker-dealer failures. Passed (PL 91–598). (Weekly Report p. 48)

1971: Transportation Research and Development Act (S. 1382) to channel federal money proposed for the supersonic transport plane into research and development in aviation safety, into aviation systems serving areas of concentrated population and into urban mass transit systems. Pending. (Weekly Report p. 794)

Federal-State relations

1969: Intergovernmental Revenue Act (S. 2483) to provide a federal revenue-sharing plan for states and localities based on need and tax effort and to establish federal tax credits for state and local income and estate taxes. Did not pass. (1969 Almanac p. 961)

Urban problems

1966: Demonstration Cities and Metropolitan Development Act, establishing the Model Cities program to renew urban neighborhoods through a broad range of programs, including new housing, experimental schools, health care centers and recreational facilities. Passed (PL 89–754). (1966 Almanac p. 210)

BREZHNEV ASKS MILITARY DISENGAGEMENT IN CENTRAL EUROPE

Mr. ALLOTT. Mr. President, Soviet Party Boss Leonid Brezhnev, in a significant speech, asked the North Atlantic Treaty Organization to open negotiations on the subject of military disengagement in Central Europe.

It is not at all clear at this point exactly what Mr. Brezhnev has in mind as the real subject of negotiation. It is far from clear what ground rules or ultimate objectives he has in mind.

But, Mr. President, one thing is clear. With Mr. Brezhnev showing interest in at least principle of mutuality in European troop reductions, it would be drastically wrong for the United States to make unilateral reductions at this time.

This is a grave matter with many possible long-term consequences. We should do nothing precipitately or unilaterally.

This is especially apparent when we recall something we too often forget. NATO troops in Western Europe have a different status. NATO troops are invited guests of democratic governments. The Soviet troops are uninvited occupants.

It would be dreadfully wrong to miss an opportunity to ease the burden of tyranny in Eastern Europe by making any U.S. troop reduction contingent upon a comparable Soviet reduction of the forces it imposes upon its unhappy satellites.

REDUCTION OF U.S. TROOPS IN WESTERN EUROPE

Mr. TALMADGE. Mr. President, the Atlanta Constitution of Tuesday, May 11, contains an excellent editorial regarding the substantial numbers of troops the United States maintains in Western Europe 25 years after the conclusion of World War II.

I am very much pleased to see that the Constitution supports a position that many of us in the Senate, myself included, have held for a long time; that is, that the now-prospering Western European nations, with more manpower and more military reserves than the United States, ought to start doing more to look after their own defense.

I ask unanimous consent that the editorial be printed in the RECORD.

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

DOLLARS AND SENSE

There are some tremendous ironies in the current weakness of the American dollar in relation to European currencies.

The dollar is the standard by which other currencies are measured in the international monetary system. Yet in the last several years we have, in one fashion or another, paid out in other countries more dollars than could easily be absorbed in those countries. In theory, we back those dollars with sufficient gold to redeem them all. In practice, the billions of dollars held by other countries now far exceeds the amount of gold available to back them up.

That, essentially, is what the economists mean when they talk about a "weak" dollar.

Yet one of the great ironies is that it was American dollars and backing which rebuilt the nations of Western Europe after World War Two. Never in the history of warfare has a nation which won a war then spent energy and treasure and manpower to rebuild a defeated nation, as did the United States and West Germany.

The Vietnam war, among other unhappy causes, is one reason our balance of payments in the international realm has been less than favorable.

But another major reason is that we continue to maintain substantial numbers of American troops in West Germany. Those troops cost dollars. They are there as part of the North Atlantic Treaty Organization. West Germany and other NATO countries have urged the United States to keep those troops there.

Well, we've done that and shouldered much of the defense burden for those NATO nations. That's been a major reason for the "weak" dollar and the currency speculation in Europe in recent days. Maybe it's a good reason at present to begin planning to withdraw those same American troops and permit those NATO nations with stronger currency to undertake a bigger share of the financial burden of their own defense.

KIWANIS CLUB OF WESTSHORE SUPPORTS GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, despite the large amount of misinformation that has been spread about the Genocide Convention by alarmists who have not fully considered the provisions of the treaty, there are many people in this Nation who believe, as I do, that it would definitely be in the national interest for the United States to ratify this Convention. Some of them have worked very hard to bring this about. I was much pleased to learn of the resolution adopted on May 5 by the Kiwanis Club of Westshore, in Lakewood, Ohio, calling for the ratification of this vital treaty.

Mr. President, I ask unanimous consent that the resolution and a letter I received from club president Stanley D. Cook be printed in the RECORD.

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

KIWANIS CLUB OF WESTSHORE,
Lakewood, Ohio, May 10, 1971.

Senator WILLIAM PROXMIRE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: Personally and on behalf of the members of Kiwanis Club of Westshore I wish to express our appreciation of, and civic support for, the recommendation of the U.S. Senate Committee on Foreign Relations in its Report of December 8, 1970 (91st Congress 2d Session: Senate: Executive Rept. No. 91–25) and the action of that Committee on March 30, 1971, wherein by a vote of 10 to 4 the Committee on Foreign Relations reports favorably and recommends that the Senate advise and consent to ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide (Ex. 0, 81st Cong., first sess.). We believe the three understandings and declaration in connection therewith reported December 8, 1970, by the Senate Committee on Foreign Relations are consistent with the interests of the United States and the high purposes of the Convention. We trust that the implementing legislation may be promptly enacted.

The United States has entered into treaties, and enacted implementing legislation, to protect the lives of migratory birds, fish in the Atlantic and Pacific Oceans, seals, whales etc.—all important and commendable.

It is even more important now for the United States to recognize in effective international law the right of persons to life.—In our view U.S. Ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide (referred to in the enclosed Resolution as the "Convention Banning Genocide") is an important step to be taken in this direction.

We respectfully submit for your consideration the enclosed official copy of Resolution Supporting U.S. Ratification of Convention Banning Genocide, adopted the 5th day of May, 1971, by Kiwanis Club of Westshore in 14th Division, Ohio District, Kiwanis International. All of our members are residents of Ohio and citizens of the United States of America.

Will you kindly let us know when this Convention will be reported out of the Committee on Foreign Relations for consideration and action by the Senate.

Sincerely,

STANLEY D. COOK,
President, Kiwanis Club of Westshore.

RESOLUTION SUPPORTING U.S. RATIFICATION OF CONVENTION BANNING GENOCIDE

Be it resolved, That it is the sense of Kiwanis Club of Westshore, Lakewood, Ohio, that acts of genocide are contrary to the moral law and are abhorrent to all who have a proper and decent regard for the dignity of human beings. Such arbitrary violation of human rights to life, liberty and property anywhere in the world ultimately menaces the personal rights of all people including the rights of United States citizens.

It is in the interest of the United States to participate on the international, national and local levels in the repression of genocide:

1. To protect the interests of United States citizens at home and abroad;

2. To maintain a just world order;

3. To decrease the possibility of access to power through genocidal acts of tyrants likely to wage aggressive war.

It is equally in the interest of all other constitutional governments and their citizens everywhere to join in this international effort to prevent genocide.

Therefore, Be It Resolved, That the Kiwanis Club of Westshore, consisting of 39 members, recommends that the Senate of The United States of America advise, and consent to, the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

Adopted by the Kiwanis Club of Westshore this 5th day of May, A.D. 1971, at Lakewood, Ohio.

JUDICIARY COMMITTEE REFERRAL OF HUGHES DRUG BILL

Mr. HRUSKA. Mr. President, on May 12 the Senator from Iowa (Mr. HUGHES) introduced S. 1836, a bill to provide a comprehensive Federal program for the treatment and rehabilitation of drug dependent Federal offenders.

The bill was ordered "referred to the Committee on Labor and Public Welfare; and when reported, to be referred to the Committee on the Judiciary, if so desired by that committee."

On behalf of the distinguished Senator from Mississippi (Mr. EASTLAND), chairman of the Judiciary Committee, I wish to express the committee's appreciation to the Senator from Iowa for arranging in advance for a future referral to the Judiciary Committee. S. 1836 is an important proposal, and I commend the Senator from Iowa for introducing it. His persistence and dedication in the area of drug abuse are well known.

Mr. President, the bill is of considerable interest to the Judiciary Committee. It involves both the Federal corrections and judicial systems. It is hoped that S. 1836 will receive early consideration by the Committee on Labor and Public Welfare. If the version reported by that committee is similar to the bill as presently drafted, there will most certainly be a request for a referral to the Committee on the Judiciary pursuant to the opportunity which the Senator from Iowa has graciously provided.

SUBURBS AND THE CENTRAL CITIES

Mr. RIBICOFF. Mr. President, apartheid and its consequences still remain a basic threat to our country's future. The suburbs will not remain immune from the consequences of our racial divisions.

Stewart Alsop is a most perceptive man. His chilling description of where this trend is taking us can be found in his Newsweek column of May 17, entitled "It Would Not Be Fun."

The column deserves our reading and attention. I ask unanimous consent that it be printed in the RECORD.

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

IT WOULD NOT BE FUN

(By Stewart Alsop)

NEWARK, N.J.—Sheik Kamiel Wadud is a very tall black man with a long, carefully tended beard, and liquid brown eyes which can be full of laughter at one moment, and grimly hard the next. In his costume as a Moslem leader—knitted cap and ankle-length embroidered gown—Kamiel is an impressive figure.

Tony Imperiale, head of the North Ward Citizens' Committee, is even bigger than Kamiel—he is built on the lines of a block of cement, and his arms are as thick as a big man's thighs. He too wears a costume—a spotless white uniform, open at the neck, with the American flag artfully embroidered on one shoulder.

Kenneth Gibson, black mayor of Newark, says that "wherever the cities are going, Newark is going to get there first." The mayor talks articulately about his city's horrible problems—the erosion of the tax base, the decay of the schools, the heroin epidemic, the flight of the middle class, black as well as white, to the suburbs. But Tony and Kamiel together provide a more revealing glimpse of where the cities may really be going.

AMBULANCE PATROL

One recent evening, I arrived at Tony Imperiale's cinder-block headquarters for an interview, just in time to meet Tony and a band of muscular men in white uniforms rushing out the front door. They piled into a big white ambulance, and I was bundled into a black limousine behind it, and off we roared, sirens shrieking, lights blinking, careening around corners and through red lights. The ambulance drew up before a tenement house, where Tony "straightened out" a couple who had been fighting. Then we were off again, this time to get a heart-attack victim to the nearest hospital.

Toward midnight, back at headquarters ("Imperiale Country," says a sign outside), Tony explained that his ambulance service was just one of the services his organization supplies, free, to the citizens of the North Ward. A more important service is his "security patrol"—Imperiale followers, organized in paramilitary fashion, have been patrolling the North Ward for several years now. Their mission is to protect the Italian-Americans of the North Ward from marauding blacks.

Did Tony expect more trouble, like the 1967 riots? Yes, he said, only this time it would be different. There would be "country-wide riots, in June or July." The blacks would "move against the suburbs." They would "attack utilities and water supplies, and cover the highways with sniper fire." In Newark, "they can't come through the North Ward, of course, so they'll push out through Vailsburg and work their way into the Oranges and other suburbs."

Imperiale's men listened to this grim prediction raptly, with seeming relish. People said he was a racist, Imperiale continued, but he was no more a racist than the Maccabees in Brooklyn—his ambulance rescued blacks as well as whites. The real cause of the trouble was that there was "a dual system—one set of rules for the blacks, another for us."

NO SHARE OF THE BOOTY

Who makes the rules? "People who live in ivory towers," Imperiale said, a hard edge of anger in his voice, for the first time. "People who live on terrain where I and the blacks can't live."

"Sure, everybody's got a little venom in them," said Sheik Wadud the next day, over a Moslem meal of shredded mutton, rice and honey. "But against who? Not against the Italian people. Not against the black people. Against the people who don't let us share in the booty. We've fought in every war, but we never get our share of the booty."

We were eating in the spotless kitchen of Kamiel's mosque—a middle-class, white clapboard house in what had been the Jewish section of Newark. The meal had been prepared by one of Kamiel's wives, a handsome woman with long, flowing hair, who refused to shake hands—Moslem women, she explained, didn't shake hands. Kamiel's dozen or so children wandered in and out—he delivers all his children himself, he said, and gave a gruesomely detailed explanation of his technique. One charming little girl recited from the Koran and Arabic, in a lilting singsong.

From another room in the mosque came the sounds of a Moslem prayer service. After the meal, Kamiel suggested a visit to his school and his bazaar, and on the way to the

entrance, where we had left our shoes, we passed the room in which the prayer service was being held. There were about twenty blacks in red fezzes or skullcaps, kneeling on the floor, occasionally prostrating themselves, chanting their responses in Arabic. It was an oddly moving sight.

Kamiel's school is a second-story rabbit warren of neat little rooms, with Arabic scribbled on blackboards—this was a holy day, and the children were at home. The shop—Beit-al-Quraish's Bazaar offers to deliver "bargains on all our lines of children and women's clothes to your door by our fleet of sixteen yellow trucks." In a garage in the back were six of the yellow trucks, each loaded with cheap clothes.

I asked Kamiel whether he had any trouble with hijackers, or with discipline in his school. He pulled a long knife out of the folds in his garments, switched the blade, and grinned a wolfish grin. "Nobody messes with Kamiel," said a black who had driven us to the store.

"Nobody messes with Tony," one of Imperiale's bodyguards had remarked over a beer the night before. Those phrases may provide a glimpse of "wherever the cities are going."

Both Tony Imperiale and Kamiel Wadud have carved sizable turfs out of Newark's urban jungle. To the people who live on their turfs, they offer, first and foremost, physical security. Although both are vague about the economics of their ventures, they offer some degree of economic security too. They offer more than that—excitement (the night rides in the ambulances), a purpose (the Moslem prayer service) and a whole lifestyle designed to break the gray tedium of the ugly city.

GOVERNMENT BY TURF

Government, to both Tony and Kamiel, is a racket, a "hustle." To a remarkable extent, they have organized on their turfs a sort of government-within-a-government, offering such services as schools, police power, ambulances, even tax powers. Dimly one glimpses an urban civilization which consists increasingly of an interlocking pattern of such turfs.

As long as the turfs are not violated, they are not necessarily hostile. Tony and Kamiel are in regular communication, and when race war threatened some time ago, Kamiel says, "we got together to cool it off." Both, moreover, have a mutual enemy—"the people who live in ivory towers," "the people who don't let us share in the booty." If Tony and Kamiel and their like ever really got together, the suburban middle class, whose children had such fun in Washington last week play-acting at revolution, might see the real thing. It would not be fun.

DISCLOSURE OF FINANCIAL INTERESTS BY SENATOR MATHIAS

Mr. MATHIAS. Mr. President, I ask unanimous consent to have printed in the RECORD a statement of disclosure of the financial interests of Mrs. Mathias and myself and a letter of transmittal to the Honorable JOHN STENNIS, chairman of the Select Committee on Standards and Conduct.

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

UNITED STATES SENATE,
Washington, D.C., May 1, 1971.

The Hon. JOHN STENNIS,
Chairman, Select Committee on Standards and Conduct, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Senate Rules 42 and 44, I have submitted the information required. In addition to that disclosure, Mrs. Mathias and I wish to follow the practice that we have established and to make a listing of our assets, our creditors and our income over and above Congressional pay and allowances. A copy of this voluntary report is enclosed for your information and additional copies will be submitted to the Congressional Record.

I have not engaged in the practice of law or received any fees therefrom and have not served as director of any corporation and received any compensation for any such service.

Sincerely yours,
CHARLES McC. MATHIAS, Jr.,
United States Senator.

MAY 1, 1971.

DISCLOSURE OF FINANCIAL INTERESTS

ASSETS

Equity in Federal Retirement System
Life Insurance
Livestock and Farm Machinery
Real Estate: House: RFD 2, Frederick, Maryland; House: 3808 Leland Street, Chevy Chase, Maryland; Half interest in forty-acre farm in Frederick County, Maryland; Half interest in 306 Redwood Avenue, Frederick, Maryland; Lease for 373-acre farm, expiring in 1973.

Stocks:	*Shares*
Farmers & Mechanics National Bank	1034
Capitol Hill Associates	2
Citizens Bank of Maryland	15
Foote Mineral Company	18
Frederick Medical Arts	15
Glaxo Corporation	48
G. D. Searle & Co	30
First Pennsylvania Corporation—common	120
First Pennsylvania Corporation—Preferred	2
Massachusetts Investors Growth	120.964
The Detour Bank	5
The Great Atlantic and Pacific Tea Company	6
Warner Lambert Pharmaceutical Company	76
Maryland National Corporation	129

LIABILITIES

Debts due on mortgage, collateral and personal notes to: Farmers & Mechanics National Bank, Frederick, Maryland; First National Bank of Maryland, Baltimore, Maryland; Frederick County National Bank, Frederick, Maryland; Walker & Dunlop, Washington, D.C.

Net worth: Computed May 1, 1971, $212,448.78.

Year	Investment income	Interest	Honoraria	Net rents
1970	$1,544.28	$15.11	$6,485	$707.91

RUMANIAN INDEPENDENCE DAY

Mr. ALLOTT. Mr. President, Monday was one of those melancholy days when Americans took solemn note of a day of celebration, a day which cannot be properly celebrated in the nation to which it means the most.

Monday, May 10, was Rumanian Independence Day. But independence—along with all other natural rights—is denied the Rumanian people by the Communist despotism which rules in Rumania.

All Americans join with their Rumanian friends in praying for the day when that despotism will be removed, and Rumania will once again enjoy the independence which is its right.

VETERANS' UNEMPLOYMENT RATE RISES

Mr. EAGLETON. Mr. President, on Monday I introduced S. 1741, to provide increased unemployment benefits to Vietnam veterans who experience an extraordinarily high unemployment rate.

Last week it was reported that the unemployment rate for veterans 20 to 29 years of age rose to 10.8 percent during the first 3 months of 1971—a total of 372,000 out of work. This increased percentage emphasizes the need for legislation to provide increased readjustment assistance to these veterans who face serious problems in the tight job market.

I ask unanimous consent that an article entitled "Job Pinch Gets Worse for Vets," published in the Washington Evening Star of Wednesday, May 5, 1971, 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, May 5, 1971]

JOB PINCH GETS WORSE FOR VETS

Unemployment among discharged servicemen continues to climb and stay well above the jobless rates for other workers.

The unemployment rate for veterans 20 to 29 years of age rose to 10.8 percent during the first three months of 1971, with 372,000 out of work. This compared with 10.2 percent during the three-month period ending Feb. 28, 1970, and 7.9 percent during the last three months of 1970.

DEDICATION OF THE ZELLERBACH THEATER, UNIVERSITY OF PENNSYLVANIA

Mr. JAVITS. Mr. President, recently, I had the honor of speaking at the dedication of the Zellerbach Theater at the University of Pennsylvania—a magnificent building and monument to the arts made possible by the generosity of a dear friend of mine and a trustee of the university, Harold L. Zellerbach, of San Francisco. Another close friend, Nancy Hanks, Chairman of the National Endowment for the Arts, was scheduled to speak at the dedication, but because of a conflict in schedule, her remarks were read by her able and charming assistant, Florence Lowe. Martin Meyerson, president of the University of Pennsylvania, also spoke at the ceremony.

Inasmuch as our remarks discussed the imperative of expanded private and government support of the arts—and of the theater as an essential element of the arts—they should be of interest to the Senate, and I ask unanimous consent that they be printed in the RECORD.

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

REMARKS OF SENATOR JAVITS AT ZELLERBACH THEATER DEDICATION, UNIVERSITY OF PENNSYLVANIA, PHILADELPHIA, PA., MAY 6, 1971

There is a new national commitment to the arts. In a society which has been roundly criticized by some for worship of materialism, Federal and State Governments and business and the public are ranking the arts at a new level of priority.

One measure of this new commitment of the arts is, of course, the beautiful theater

to the arts from one of my dearest and oldest friends and Pennsylvania's great benefactor, Harold L. Zellerbach of San Francisco.

Another measure of this new commitment can be seen in record levels of Federal and State support. The $30 million budget of the National Endowment for the Arts for FY 1972 now before the Congress doubles Federal funding of the Endowment over the current year—and the current year's appropriation is about twice that of last year. During this time of Federal budget stringency, I doubt whether any other activity can boast a doubling in budget in each of two successive years. This bespeaks a clear and new Federal commitment to the arts.

The Federal Government has assumed not only the role of a patron of the arts, but as a stimulator of art patronage by State and local governments and by corporate and individual giving.

In the last five years, State and Territorial budgets for the arts have expanded tenfold, growing from $2.66 million to $26.67 million. I am proud to say that my own State of New York ranks first in this listing, as well it might as the cultural and financial center of the nation. But, interestingly enough, it should be noted that the Commonwealth of Puerto Rico, most assuredly not a wealthy Government, ranked second, the only "State" with a budget in excess of $1 million other than New York. The States are keeping pace with the new Federal commitment.

Corporate giving to the arts is now in the area of $85 million annually; three out of every four of the nation's largest corporations extend some support to the arts. While corporate philanthropy is expected to double in the next decade, it still falls short of what is needed and what can be done. Corporate giving for all philanthropy averages about 1% of pretax income—but Federal tax laws allow 5% deduction for such donations.

And the public commitment? A glance, for example, at museum attendance—and museums cannot be classed as one of the most lively of the arts—is revealing. Museum attendance has escalated in the last three decades from 50 million visitors in 1940 to 200 million in 1960 to 560 million in 1967.

In music, symphony orchestras are found in practically every city in the nation in excess of 50,000 population as well as in smaller communities. More than 20 million tickets are purchased to concerts each year.

There is truly a new—and a growing—commitment to the arts throughout the nation. But, as heartening as is this growth, we are haunted by the fact that it is insufficient and that the arts face a crisis of major proportions. For example, eight of the nation's 28 major symphony orchestras are in serious financial trouble. The Ford Foundation, which is giving some $20 million to the arts, indicates that the urgent requests for aid which it has before it amount to $50 million. And the National Arts Endowment can only fund about one out of every five requests for aid it receives.

The arts must overcome a double challenge—inflation, with its mounting costs, and the economic downturn, which has resulted in declining private donations and a pinch at the boxoffice. The doubling of Federal financial assistance twice in the past two years—with a concomitant geometric increase in State and local support—is still insufficient. Government aid, while at an unprecedented level, still amounts to only 7½¢ per capita. Sweden and Austria can boast of $2 per capita of such assistance; our neighbor to the north, Canada, provides $1.40 per capita; Israel, a nation under military seige for most of its existence, provides $1.34; and Great Britain, our cultural mother country, itself in a state of economic seige, spends $1.23 of Government funds per capita for the arts.

Clearly, if Federal assistance were at a level of only $1 per capita, a modest goal which has been set by Partnership for the Arts, an organization headed by Amyas Ames, a Wall Street financier, much of the nation's arts endeavors would be safely removed from its cliff hanging stance on the brink of bankruptcy, and such a Government commitment would have to have an echo not only from corporate and individual support but also from the foundations which, according to recent estimates, are expending less than half of their income in philanthropy.

The founding fathers of the nation—Washington and Jefferson—recognized the arts as central to our national well-being and spoke in terms of the quality of our national life. As the nation approaches its bicentennial anniversary, the new national commitment to the arts should be brought to full fruition, so that we are pre-eminent in the quality of our national life as we are pre-eminent among the nations in our material affluence.

ZELLERBACH THEATRE DEDICATION—MESSAGE TO HAROLD ZELLERBACH—FROM NANCY HANKS, CHAIRMAN NATIONAL ENDOWMENT FOR THE ARTS

To Harold Zellerbach: It is with great personal regret that I am unable to be with you, Doris and other members of your family on this wonderful occasion. I am fortunate in having seen the theatre and Seymour Lipton's sculpture, "The Voyager." How right that it should be at the entrance of the theatre. Because, isn't a theatre, essentially, a place for voyages of the mind and spirit?

How very appropriate the sculpture is, both as a symbol for the future of the work that is to be done in the theatre, and as a sign of your devotion to the idea and the substance of the arts of this nation.

It is only because of you and others like you and your family that millions of Americans have been able to become voyagers into the great universe of the arts—millions who might otherwise have been left earthbound.

And, as it is right for "The Voyager" to be in the lobby of the Zellerbach Theatre, it is right for the Zellerbach Theatre to be in Philadelphia. Like so many other achievements of the mind and spirit, the history of the theatre in America really begins in Philadelphia.

Here, in 1749, a company of players led by Thomas Kean and Walter Murray constructed a playhouse in a ramshackle warehouse and presented a variety of plays, including "Richard III."

Later, in 1776, the first permanent theatre in America was built here. It was called The Southwark Theatre of Philadelphia, a rough brick and wood structure, painted red, its stage lit by oil lamps. Its first two plays were "The Provoked Husband" and "Thomas and Sally." Today they might have been something like "The Liberated Wife" and "Thomas and Sally—and Ted and Carol."

What highlighted that season, however, was the first American play to be produced professionally in America, "The Prince of Parthia," by Thomas Godfrey.

Here, again, Philadelphia was the leader.

It remained the leader of the art of the theatre in America for many years. The Chestnut Street Theatre was opened in 1794, an elegant and spacious building holding an audience of 2,000 and modeled after the Theatre Royal of Bath. It became the most prominent theatre of the country and came to be known as Old Drury. It was one of the first theatres in the United States to be lighted by gas lamps. They were lit in 1816.

The early 19th Century saw the construction of the Walnut Street and the Arch Street Theatres.

Throughout all of this theatrical enterprise and leadership Philadelphia was virtually unique in the emphasis it gave to the production of American plays acted by American players.

I mentioned a moment earlier theatres lit by oil lamps and then gas lamps and they bring to mind a meeting only last week of the National Endowment for the Arts Theatre Advisory Panel. The question came up, and it is a knotty one plaguing everyone involved with the theatre today, of what are theatres for? Are they for advancing the theatrical art, for entertainment, for community services? Are they for a combination of all of these elements?

Robert Brustein, Dean of the Yale University School of Drama, a member of the panel, presented the allegory of the lamp and the mirror. The lamp lighting the way for innovation and aesthetics; the mirror reflecting the likes and attitudes of the audience.

Not every professional theatre can be a lamp, frequently because there simply isn't that much creative talent available. But, most can be mirrors, and good ones too, if they concentrate on the quality of their productions and performances.

I have an idea that this immensely impressive theatre will be largely a lamp, leading the way for the university, the community and the city. But, I think it will serve as a mirror as well and it is good that it should.

What it will be, I hope, is a total theatre. A lamp in front of a mirror expands the light it sheds and can spread radiance and inspiration for all who observe it.

The audiences who attend here will be both entertained and enlightened. I look forward to taking my place among them. And every time I do I will thank you and your wonderful family for all you have done to make this nation an ever better one.

REMARKS OF MARTIN MEYERSON, PRESIDENT, UNIVERSITY OF PENNSYLVANIA

If you were to take one part civic leader, one part art patron and devotee, one part philanthropist, one part corporative executive, one part conservationist, and several parts thoughtful friend, loyal alumnus, and familial head, you would probably conclude that you were naming a fictitious ideal or describing the prototype of the good citizen and exemplary leader. But you would, instead, be describing a few of the roles of Harold Zellerbach.

He is a Trustee of the University, an outstanding member of these often unsung men and women. He has given generously of his time and of his extraordinary abilities to Pennsylvania, unhesitatingly and with verve and imagination. He has been a faithful colleague, missing few meetings, traveling from California to be in Philadelphia for many of them—on one memorable January day about four years ago to receive the Alumni Award of Merit. For a great number of years, he has been one of the prominent, active alumni on the West Coast, serving as Chairman of the Pacific North region of the University's National Council. And, as a cultivated traveler, he has represented his alma mater throughout the world. His contributions to Pennsylvania have been in the best tradition of her Trustees—wise advice, thorough committee work, and enthusiastic support of University goals.

Harold Zellerbach is also widely recognized for his able support and advocacy of the arts—his directorship of the San Francisco Symphony, Opera Association, and Ballet Guild attest to his special activities. He has served for many years as the President of the San Francisco Art Commission and, more recently, as the President of the city's International Film Festival.

This is altogether a splendid record. And he is also, to put things into true perspective, the most avid Giant's fan since baseball's legendary manager, John McGraw.

(Obviously, the national pastime is another form of the arts.)

He has received numerous awards and has stood at stage center on innumerable occasions. Thus, to have a fascinating new theater on his University's campus named for him seems an especially fitting tribute to those who know him and of him. All of us warmly applaud this recognition of a memorable protagonist.

Voltaire, in one of his gentler moods, wrote: "All the arts are brothers; each one is a light to the other." This communal regard inherent in the arts which instruct us all is representative of Harold Zellerbach. He has artfully brightened the University community and far beyond it, dramatically by example and deed. In doing so, he has enlightened and made glad the many friends, colleagues, family members, and admirers for whom I speak now.

CRISIS IN THE INTERNATIONAL MONETARY SYSTEM

Mr. ALLOTT. Mr. President, the recent flurry of developments in the international monetary system—a flurry dubbed a "crisis" by the uncomprehending media—has left many people understandably confused.

Fortunately, Mr. Jude Wanniski, writing in the National Observer of May 10 with his customary clarity and precision, has explained the matter splendidly.

As Mr. Wanniski makes clear, the calm and prudent spirit of the Nixon doctrine has prevailed during this affair. The Nixon administration has refused to do for Europeans what Europeans are capable of doing for themselves.

So that all Senators can profit from Mr. Wanniski's analysis, I ask unanimous consent that his article be printed in the RECORD.

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

[From the National Observer, May 10, 1971]

THIS WEEK IN WASHINGTON—MONEY CRISIS? NIXON TEAM PLAYS IT COOL

(By Jude Wanniski)

The remarkable thing about the current "international monetary crisis" is the total absence of a crisis atmosphere in Washington. The dollar is under siege in the Western European money markets, but the people in the Nixon Administration who know what's going on are privately satisfied that the worst that could happen will not be bad for the U.S. economy. And it might even be good for it. The stock market, which barely noticed the crisis in Europe, seemed to come to the same conclusion.

First, the Government isn't even sure there is a real problem in the relationship of the dollar to the West German mark. Just because speculators believe there is, and last week rushed to change their dollars into marks, in hopes of a windfall, doesn't make it so.

And even if there is an inequity in the exchange rate, now 3.63 to 3.69 marks to the dollar, the Nixon Administration figures it is more a West German and Common Market headache than something the United States should get overly upset about. As it applies to Western Europe, the Nixon Doctrine assumes the postwar recovery is over; the Europeans are big boys now, and should be able to work things out for themselves instead of expecting Uncle Sam to bail them out.

Treasury Secretary John Connally has been setting this style lately, one that is being described as a U.S. attitude of "benign neglect" of the tribulations of the international money markets. The Administration doesn't care for the phrase, thinking it imprecise and open to misinterpretation. And "neglect" is too harsh a term. The United States will do what it can to ease the pain of its allies and trading partners, but not if it means pain for the U.S. economy.

"THE DOLLAR IS IMMUTABLE"

The notion that the Nixon Administration might be willing to tighten credit and delay its expansion plans for the U.S. economy in order to quiet the turbulence in Europe is viewed as ridiculous. "The U.S. economy is like a house; the European economies are like the grass around it," says White House economist Arthur Laffer. "The house doesn't change in relationship to the grass; it's the other way around." In other words, it may be time to cut the grass, and the Europeans have to do it. This is another way of saying, as former Treasury Secretary Henry Fowler put it, that "the dollar, like the moon, is immutable." Paul McCracken, chairman of the President's Council of Economic Advisers (CEA), paraphrases Gertrude Stein: "A dollar is a dollar is a dollar."

Treasury Secretary Connally watched the goings-on with detachment. The U.S. Treasury stands ready to co-operate to stabilize the situation, but revaluation of the existing exchange rates is "a matter for other nations to decide," he shrugs.

Of course, the crisis boils down to a political problem. The governments of the Common Market and of Japan don't want to adjust their currencies upward in relation to the dollar. This would make their goods less competitive in the United States, and U.S. goods more competitive overseas.

The Nixon Administration seems to feel that it has paid its political dues: In cooling off the U.S. economy to fight inflation in 1969, Republicans suffered in the congressional elections of 1970. Now it's time for the European politicians to bite the bullet, Administration strategists reason. Even a German decision to "float" the mark in the free market, until it finds its true level, would put a slight squeeze on jobs and profits in Germany, cause political anguish in the Common Market, and put similar pressure on Japan to take similar steps. The U.S. economy, of course, would benefit.

Even so, the United States will be sympathetic to the Europeans while putting its own economic interests first. If too many dollars making their way around Europe are the nub of the problem, the United States will make friendly suggestions on how the Europeans can spend them here, thereby ending the persistent U.S. balance-of-payments deficits: lower their nontariff barriers to trade, modify pricing policies that discriminate against U.S. goods, help pay more of the costs of the U.S. military presence in Europe, even dish out more funds in foreign aid.

WORKING FOR HEALTHY ECONOMY

Meanwhile, the Administration is at work to try to get the U.S. economy healthy again, which would be good for everyone. And it is out to make U.S. industry a tougher trading competitor. The Administration's controversial plan to give business a $3 billion tax break on depreciation write-offs has this in mind. They are also rumblings in the Capital that the Administration thinks it is time for the Japanese to cut the grass too. And if they won't, through revaluation of the yen or friendlier trade practices, the United States might do some long-distance mowings by imposing some unfriendly trade practices of its own. "You know," says a White House economist, "it's just amazing how many cards we have to play."

Speaking in Chicago last week to the International Economic Forum, CEA Chairman McCracken reminded his audience of the image evoked by Canadian Prime Minister Pierre Trudeau, who says living with the United States "is like sleeping with an elephant; no matter how friendly and even-tempered is the beast, one is affected by every twitch and grunt." Mr. McCracken seemed to be telling the story as a friendly warning of twitches and grunts yet to come.

UNRWA AND THE PROBLEM OF THE ARAB REFUGEES

Mr. HATFIELD. Mr. President, as hearings progress within Congress on the foreign aid bill, numerous issues will crystalize. Among them will be the issue of further funding of the United Nations Relief and Works Agency—UNRWA. One of the foremost authorities on the role of UNRWA in the Middle East is Prof. Harry N. Howard, who, among his other credits, served as Acting U.S. Representative to the UNRWA Advisory Commission during 1956–61 and as Special Assistant to the UNRWA Commissioner-General during 1962–63.

Dr. Howard has written extensively on many of the issues of the Middle East and has compiled over the years a vast knowledge of the area. Due to the timeliness of the issue of continued U.S. funding of UNRWA and Professor Howard's expertise, I commend to Senators a summary statement of Dr. Howard's examining the origins of UNRWA and the role it has played to date.

Mr. President, I ask unanimous consent that Dr. Howard's statement be printed in the RECORD.

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

UNRWA AND THE PROBLEM OF THE ARAB REFUGEES, A SUMMARY STATEMENT

(By Harry N. Howard*)

The blitzkrieg of June 5–11, 1967 and the events which followed in the ensuing years, once more threw Middle East tensions into very sharp relief, highlighted the problem of the Arab refugees, brought it again into the focus of international attention, added some 400,000 to the relief burden in that troubled area, and even altered the character of the issues which were involved. For a moment, if only for that flickering instant, the events of 1967 fathered the thought, at Western wishing wells, now that Israel had inherited some 800,000 Arab refugees in the Gaza Strip, the Jerusalem area and the West Bank of the Jordan River, that the refugee problem, by some financial, technological and organizational magic, might be pushed toward quick and easy solution, largely through large-scale projects for development and resettlement. For those acquainted with this problem the story had a very familiar ring. In the earlier years, immediately after the Arab-Israeli conflict of 1948, it had been thought that, following a peace settlement, the refugee problem would soon go away. During the years 1952–1955, large-scale development projects, and especially the Jordan Valley Project, which was accepted neither by Israel nor by the neighboring Arab States, were to bring about a solution, and the Middle East would settle down in an era of peace, orderly development and prosperity. The problem was not as simple as all that, however and, in the years after 1967, it was clear that a new dimension had been added to it—if it had not been clear before that time. It was now quite evident that the Arab refugees had developed a national consciousness as Palestinians, with all the consequences of that fact for those who seriously pondered the problem.

Footnotes at end of article.

ORIGINS OF THE PROBLEM

The problem of the Arab refugees came into being as a result of the partition of Palestine, recommended by the UN General Assembly in its resolution of November 29, 1947, and the subsequent Arab-Israeli conflict in 1948, when Arabs left, fled or were driven out of their homes in Palestine. While it is true that, in some instances, Arab inhabitants of Jewish-occupied regions in Palestine were "invited' to remain where they were, there were others in which they were terrorized into flight, as in the case of Deir Yasin (April 9, 1948). There is no probative evidence that the refugees were urged or "ordered" to leave their homes by Arab leaders, whatever the myths and the propaganda to the contrary, and none has been brought forward. The fact of the conflict itself, the consequent insecurity and the uncertainty and confusion as to the future were, no doubt, the basic elements in the flight which produced the refugee problem. An estimated 725,000 Palestinian Arabs had become refugees in 1949. These unfortunate people lost their homes, their property, their livelihood and even their country. They constituted a community and, as UN Secretary-General U Thant reminded the world in 1967, like "people everywhere," they "have a natural right to be in their homeland and to have a future." [1]

PEACE POSITIONS

There was little indication during the period of 1948–1967 that either Israel or the Arab States were ready for any formal peace settlement of the more general problem of Palestine or that of the Arab refugees: The minimum requirements on either side were greater than the other was willing to concede. Under Resolution 194 (III) of December 11, 1948, the UN General Assembly established a Conciliation Commission for Palestine to assist the parties toward a settlement. Composed of representatives of Turkey, France and the United States, it produced a general formula in September 1951, which was not acceptable to either side. During the years which followed, the Conciliation Commission was able only to register some 450,000 individual claims for abandoned Arab properties in Israel, and to unfreeze some $10,000,000 in blocked Arab bank accounts.[2] While the Commission sent Dr. Joseph E. Johnson, President of the Carnegie Endowment for International Peace, as Special Representative to the Middle East in 1961 and 1962 is an attempt to find adjustments in the refugee problem, there were no positive achievements in this direction.[3]

Prior to the 1967 conflict, Israel demanded recognition of its right to national existence, and rejected any major changes in the existing demarcation lines, any alteration in the status of Jerusalem as the capital of Israel, and any large-scale repatriation of Arab refugees to their former homes. On the other hand, the Arab States and the refugees themselves publicly demanded restoration of the boundaries established under the Resolution of November 29, 1947, and the free choice of refugees either of repatriation or individual compensation for those who did not choose to return, under Resolution 194 (III), reaffirmed annually since December 11, 1948, and rejected resettlement and integration within the Arab States.

With Israel in occupation, after June 1967, of the Sina Peninsula, the Gaza Strip, the Jerusalem area and the West Bank of the Jordan River, and the Golan Heights, the position of the Israeli Government as to what it is willing to concede in the interest of peace has hardened. It has maintained an adamant position against repatriation of Arab refugees in the interest of security and the preservation of the Jewish character of the state. Despite the provisions of the Security Council's Resolution 242 of November 22, 1967 as to withdrawal from occupied territories in the interest of a peaceful settlement, Israel also appeared determined to remain at Sharm el-Sheikh in the Siani Peninsula, in Jerusalem, in the Golan Heights, and in the Gaza Strip and significant portions of the Jordan Valley. The Arab States, on the other hand, have demanded withdrawal of Israeli forces from the occupied territories. Discussions of possible terms of peace, under the direction of Ambassador Gunnar V. Jarring, which began in 1969, appeared to make little progress, and the conflict in the Middle East took on added dimensions in 1970, until the achievement of a cease-fire on August 7, largely under American initiative. On February 15, 1971, the UAR Government, in response to a questionnaire of Ambassador Jarring (February 8, 1971), indicated its willingness to discuss peace terms, provided Israel would withdraw from the occupied territories. The UN Secretary-General expressed his satisfaction with this "positive reply", but noted that the Government of Israel, in its reply of February 26, had refused to give a commitment to withdraw. There the matter appeared to stand by the late winter of 1971.[4]

STATUS OF REFUGEES

While there has been a continuing deadlock on the political plane, and the basic element of Palestinian nationalism has now entered into the complications of the problem, under the surface, much "solid, constructive progress" has been made since 1948 in dealing with the social and economical aspects of the Arab refugee problem, as both the UN Secretary-General and the UNRWA Commissioner-General have pointed out.[5]

The widespread assumption that the refugees have simply stagnated in idleness or engaged in senseless trouble-making throughout the years since 1948 is untrue. Nor is there validity in the widespread belief that, since many of the refugees (in fact only about 40 per cent of the total) were still living in UNRWA centers or "camps" two decades after displacement from their homes, therefore no progress had been made towards their rehabilitation. These mistaken assumptions, often propagated for partisan reasons, have given rise to the equally mistaken view that UNRWA was engaged in an endless operation of merely keeping the refugees alive to remain a charge on the charity of the international community. Finally, there is a widespread belief that the Arab host Governments have been deliberately and inhumanely keeping the refugees in a state of desitution and dependence on international charity as a weapon in the prosecution of their political aims. This assumption also needs basic correction. Although the host Governments have opposed mass projects of direct resettlement, on the grounds that such action would be contrary to the interests and expressed wishes of the refugees themselves, their record in promoting the rehabilitation of the refugees as individuals through education, training and employment has been notably humane, constructive and helpful. They have extended this assistance to the refugees despite the grave difficulties which already confronted them in providing a livelihood for their own rapidly expanding populations. As UNRWA reported in September 1967: [6]

"The truth is that, up to the time of the recent hostilities, a slow but steady process of rehabilitation had been at work among the refugees and, in recent years, had begun to make an evident impact in improving their economic and social condition. . . . The process of rehabilitation was being achieved not by ambitious and costly works projects and schemes of mass resettlement but by the operation of normal economic and human factors."

By mid-1970, there were 1,425,219 Arab refugees on the UNRWA registration rolls, of whom only 804,576 were full ration recipients, as compared with 957,000 when UNRWA assumed its responsibilities on May 1, 1950. The number of refugees are distributed generally as follows: East Jordan, 478,369; West Bank, 269,065; Gaza Strip, 307,824; Lebanon, 168,927; Syria. 151,730.[7] About two-thirds of the refugees are in the age group of 1–25 years, 24 percent in that of 25–50, and 12 per cent 50 years or above. Some 35,000 reach maturity annually. About 66 per cent of the refugees, prior to June 1967, were eligible for UNRWA rations and services, 26 per cent were eligible for services, and it was estimated that about 10 per cent were self-supporting. About 40 per cent of the refugees lived in UNRWA centers, although the average varied considerably, and in Syria, for example, less than 16 percent do, as compared with about 65 per cent in the Gaza Strip, 44 per cent in Lebanon and 32 per cent in Jordan. By mid-1970 UNRWA provided assistance in 63 camps, 53 of which had been established prior to June 1967, the additional 10 being established for those displaced as a result of the 1967 conflict.

Granted the underdeveloped state of their economies, it is altogether probable, despite the myths propagated to the contrary, that the Arab host countries absorbed as many employable refugees, most of whom were farmers, as was possible during the period since 1948. From the standpoint of sheer numbers, Jordan, where the refugees became citizens and made up about one-third of the total population, constituted the basic problem, primarily because of Jordan's economic inability to integrate them. While the population density of Jordan as a whole was only some 41 per square mile, that in the Jordan Valley, which represented the basic agricultural economy of the country, was in the neighborhood of 1,000. The problem in Lebanon is one of the most difficult, especially in view of the confession character of the state, with Muslims and Christians in indelicate balance, since approximately 95 per cent of the refugees are Muslim. In addition, Lebanon has a commercial economy, without basic economic resources. In Syria, economic integration of the refugees into the economy has moved forward, with substantial assistance from the Syrian Government, although the political issue has remained. In the Gaza Strip, with refugees constituting about 70 per cent of the total population of some 400,000 and a density of some 3,600 per square mile, the problem defies solution outside a general political settlement.

THE ROLE OF UNRWA

UNRWA, or the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the international agency responsibile for the welfare of the Arab refugees, came into being on May 1, 1950, on the basis of a resolution of the UN General Assembly of December 8, 1949. Prior to that time, the needs of the refugees had been met through the Disaster Relief Project and voluntary agencies like the International Committee of the Red Cross, the League of Red Cross and Red Crescent Societies, and the American Friends Service Committee, whose activities were coordinated under the United Nations Relief for Palestine Refugees (UNRPR, 1949–1950). UNRWA was not established to "solve" the refugee problem, much less the more general Palestine problem. As defined by the resolution of the UN General Assembly, UNRWA's functions were and are to provide relief, medical care and education for refugees, and to assist them to become self-supporting. These services have been rendered efficiently at an average cost of some $40.00 per capita per year, or about 10 cents per capita per day.

Footnotes at end of article.

With a staff of some 13,800 UNRWA is the largest of the United Nations subsidiary agencies. There are only 133 international staff members. Virtually all local posts are occupied by Palestinian refugees. More than 6,200 are engaged in education and training, and some 3,000 in the health services. The Commissioner-General is an American, Dr. Laurence Michelmore, and the Deputy Commissioner-General, Sir John Rennie, is British.[8]

The annual UNRWA budget has averaged some $45–47,000,000 in recent years, with 45 per cent going to education and training, 42 per cent to relief services, and 13 per cent to health services. Thanks to the failure of contributions to match expenditures, by 1966–1967 there was a threatened deficit of more than $3,000,000 even before the June conflict had added the increased burden of some 400,000 refugees who needed emergency international assistance. By 1970–1971 a deficit of some $5,000,000 threatened UNRWA with the possibility of severe budget cutting, with all the consequences which might follow, or even bankruptcy.[9]

Leaving aside the developments during 1967 and the years which followed, and their possible consequences, there can be little doubt that UNRWA has contributed constructively to such stability as existed in the Middle East, as did the UNTSO and UNEF, which operated in the security field, and helped to maintain a climate in which social, economic and political forces which might meet the problem in its various aspects might work effectively. While UNRWA deals with some of the most intimate and complicated problems falling ordinarily within the essentially domestic jurisdiction and concern of the host governments, cooperation generally has been very good, despite very natural understandings between the host governments and UNRWA relative to the latter's routine operations.

Because a major portion of its work of more than two decades since 1950 has been devoted to relief, with all the connotations involved in the term, the technical assistance aspects of UNRWA's activities often passed unnoticed, especially in the fields of public health and education and training.[10] In 1950 there was a prospect that UNRWA might develop into a major United Nations center for Middle Eastern technical assistance. While events did not, in fact, develop in that direction, some aspects of the UNRWA programs in education and vocational training have become very useful models to which the wise and prudent in the Middle East might well repair.

It is not generally realized that, by 1970, 45 per cent of the UNRWA budget ($20,424,000) was allocated to education and training, with $21,747,000 allocated to this activity in 1971. There were some 219,000 refugee children enrolled in 480 UNRWA/UNESCO elementary and preparatory schools during 1970, and an additional 45,000 were enrolled in government and private schools in these two cycles. Attendance of refugee students in government and private schools in the upper secondary cycle totaled 18,604. Similarly, it is not generally known that, by 1970, UNRWA some 1,610 Arab refugee university graduates (with awards of some 9,735 one-year scholarships), at an annual average cost of $500 per student, through Middle Eastern universities. Many of these students were trained at the American University of Beirut. Of the 1,610 scholarship graduates, no less than 346 were trained in engineering and 326 in medicine, to say nothing of other fields of knowledge and activity desperately needed in the Middle East.[11]

Somewhat better known were the six vocational training centers which, by 1970, had a capacity of more than 2,600 students and were graduating trainees at the rate of 1,200 per year. Thirty-six types of courses were offered in such basic trades as the metal trades, electrical trades, building trades and technical and semi-professional trades. Vocational courses for girls included hairdressing, dressmaking, clerical, and secretarial work, and training as medical laboratory technicians. By 1970 some 12,000 students had received these varied types of training. In addition, more than 1,200 students had been trained as teachers, largely in UNRWA's five teacher training centers, and more than 2,000 completed in-service training under the direction of the UNRWA Institute of Education. Most of the trainees found suitable employment. This was technical assistance of a very high order, even if it did not, and could not, solve the larger refugee problem or meet the political issues involved.

The Health Service, which concentrates on curative and preventive medicine, is one of the best in any developing area, and has also done much in stimulating the training of doctors, nurses, nurses' aids, technicians, pharmaceutical assistants and health educators.

CONTRIBUTIONS TO UNRWA

During the period since 1948 some $758,180,720 have been contributed to the relief and rehabilitation of the refugees, primarily through UNRWA ($738,100,720), while expenditures down to June 1970 totaled $765,314,253. The United States contributed some $483,943,069, by mid-1970, The United Kingdom $118,459,004, Canada $26,945,123 and France $17,971,251. The Arab Governments themselves contributed in the amount of some $22,205,151 (Host Governments $13,058,115) to the UNRPR and UNRWA during 1948–1970. In addition, with their direct assistance to the refugees, the Arab Governments contributed in the neighborhood of $140,000,000 in goods, services and cash. The government of Israel contributed the equivalent of $256,547 during 1950–1957, while UNRWA had a claim of $375,745 against Israel, largely for losses suffered during the Israeli occupation of the Gaza Strip during November 1956-March 1957. After the conflict of 1967 and the assumption of new responsibilities relative to the refugees, Israel contributed some $3,076,190 to UNRWA and made direct contributions in the neighborhood of some $4,200,000 annually. Voluntary agencies have contributed some $40 to $50,000,000 in assistance to the refugees since 1948.[12]

UNRWA AND THE EMERGENCY, 1967–70

Following the renewed conflict in June 1967, as noted above, UNRWA was faced with a new emergency involving some 350,000 to 400,000 people who had been displaced as a result of the hostilities. They found refuge in East Jordan (200,000), Syria (116,000), and the United Arab Republic (38,000). About 130,000 were already refugees from the 1948 conflict. It may be noted, however, that the numbers continued to increase in East Jordan, as people were "encouraged" to move from the West Bank of the Jordan River and the Gaza Strip. While the Israeli Government indicated in August 1967 that refugees would be allowed to return, only some 14,000 were permitted to do so by the end of August, and it appears that only some 21,000, at the most, have been allowed to come back to the Valley. Israel has ignored repeated resolutions calling upon it to permit these people to return to their homes.[13] By the fall of 1970 it was estimated that there were more than 517,000 Arab refugees (registered with UNRWA) in East Jordan, or about 35 per cent of the total of 1,400,000 refugees for whom UNRWA has a responsibility and, in addition, some 250,000 other displaced persons.[14]

But the problem of the Arab refugees is not merely a body of data, statistical or otherwise. As Dr. Michelmore, the UNRWA Commissioner-General, reported in the fall of 1967: [15]

"No factual and necessarily brief account can . . . portray the overwhelming sense of bewilderment and shock felt by the inhabitants of the areas affected by the hostilities as the cataclysm swept over them. The disruption of the lives and careers of countless persons, the anxiety caused by the sudden loss of earnings and remittances from abroad, the personal tragedies resulting from the separation of husbands and wives, parents and children, are only some of the problems which confront so many of the former Arab inhabitants of Palestine. They will need the sympathy and understanding of the international community, quite as much as the financial help which has been forthcoming on such a generous scale, as they face the often bitter problems of readjustment which now confront them."

After the June 1967 conflict, UNRWA, once more, was faced with undertaking emergency relief operations on a very large scale, in addition to its burden of meeting refugee needs stemming from the conflict in 1948, with food, medical supplies, clothing and tents desperately needed. Cash was required to provide flexibility in meeting the need. While emergency assistance came from all over the world, largely channeled through UNRWA, the new emergency added gravely to the crippling financial burden which UNRWA was already carrying, and the need for funds to maintain its relief, health and educational services was greater than ever.

The refugee problem, after two decades, had not vanished. The Arab refugees had not just gone away, conveniently away. Not only were there now more refugees than ever whose needs had to be met, as already observed, they had developed a deepening sense of identity as Palestinians.[16] On June 14, 1967, the UN Security Council unanimously called upon the Israeli Government "to ensure the safety, welfare and security of the inhabitants of the areas where military operations" had taken place "and to facilitate the return of those inhabitants" who had "fled the areas since the outbreak of hostilities." At the same time, Israel signed an agreement with UNRWA to facilitate its humanitarian work in the occupied areas. There was evidence, however, that this resolution and others which followed were not implemented in good faith.[17]

There was much discussion of the plight of the refugees in both the Security Council and the General Assembly of the United Nations in the fall of 1967, as there has been annually in the General Assembly in the years which have followed. Moreover, in his address of June 19, 1967, when he laid down the basic policy of the United States relative to the Middle East, President Johnson called for "justice for the refugees," as one of the fundamental conditions for peace in the Middle East. He added: [18]

"A new conflict has brought new homelessness. The nations of the Middle East must at last address themselves to the plight of those who have been displaced by wars. In the past, both sides have resisted the best efforts of outside mediators to restore the victims of the conflicts to their homes or to find other proper places to live and work. There will be no peace for any party in the Middle East unless this problem is attacked with new energy by all and, certainly, primarily by those who are immediately concerned."

While this was an over-simplification of a very complex problem, in the origins of which the United States played a very significant role, it did highlight its importance. The Resolution of the UN Security Council (November 22, 1967) sounded something of the same note when it called for "achievement of a just solution of the refugee problem." Secretary of State William P. Rogers appeared to take a further step on December 9, 1969, when he set forth proposals for peaceful adjustment: [19]

Footnotes at end of article.

"The problem posed by the refugees will become increasingly serious if their future is not resolved. There is a new consciousness among the young Palestinians who have grown up since 1948 which needs to be channeled away from bitterness and frustration toward hope and justice."

There was further evidence of American awareness of basic issues, in President Nixon's Report to the Congress on Foreign Policy on February 25, 1971, in which he said: [20]

"No lasting settlement can be achieved in the Middle East without addressing the legitimate aspirations of the Palestinian people. For over two decades they have been the victims of conditions that command sympathy. Peace requires fruitful lives for them and their children, and a just settlement of their claims."

No doubt plans and projects for a "solution" of the problem of the Arab refugees—the Palestinians would be forthcoming, developed in part in discussions among the interested powers and parties.[21] Meanwhile, however, the problem has remained and not merely grown in proportions, but deepened in dimension. There is little prospect of immediate adjustment. Granted the tragedy, the world was fortunate in having an international agency like UNRWA ready and competent to deal with the refugee problem. If UNRWA could not "solve" the problem, it could meet very real and pressing needs, well and efficiently, as it had met similar needs and emergencies since 1948.

FOOTNOTES

*Harry N. Howard, Adjunct Professor, School of International Service, American University, Washington, D.C., is a retired U.S. Foreign Service Officer, who served as Acting U.S. Representative on the UNRWA Advisory Commission during 1956–61 and as Special Assistant to the UNRWA Commissioner-General during 1962–63. He is the author of *The Partition of Turkey* (1931, 1966), *The Problem of the Turkish Straits* (1947), *Greece and the United Nations* (1947), *The King-Crane Commission* (1963), etc. This account is modified and brought down to date from a contribution on "The Problem of the Arab Refugees" in Madja Khaddouri, ed., *The Arab-Israeli Impasse* (Washington, D.C., Luce, 1968), 167–177.

[1] Introduction, Annual Report of the Secretary-General on the Work of the Organization (1966–1967), U.N. Doc. A/6701/Add. 1, para. 49. See also I. F. Stone, "Holy War," in Walter Z. Laqueur, *The Israel-Arab Reader* (New York, Bantam, 1969) 308–326.

[2] See UN Conciliation Commission for Palestine, U.N. Docs. A/AC.27/W.82, Revs. 1 and 2 (1961) and W/84 (1964). The Israelis owned between 5 and 6.7 per cent (between some 385,000 and 460,000 acres) of the land on which they lived at the time of partition in 1947. Unofficial estimates by the UN placed the value of Arab abandoned properties at some $1,500,000,000, while Arab estimates vary from $5,000,000,000 to $7,000,000,000. See ESCO Foundation for Palestine, *Palestine: A Study of Jewish, Arab and British Policies* (New Haven, Yale, 1947), I, 338–370; Don Perez, *Israel and the Palestine Arabs* (Washington, MEI, 1958), Chs Henry Cattan, *Palestine, the Arabs and Israel* (London, Longmans, 1969), 73–88; American Friends Service Committee, *Search for Peace in the Middle East* (Philadelphia, 1970), 75 pp.

[4] See U.N. Docs. S/10070/Add. 1 (January 4, 1971), S/10070/Add. 2 (March 5, 1971 on the Activities of the Special Representatives (Jarring) to the Middle East; S/10126, 10136, 10138, and A/8282 (S/10124). For the Israeli position see Embassy of Israel, *Policy Background: The Components of a Secure Peace*. March 10, 1971, 8 pp., and the Israeli communication of February 26, 1971. See also the interview of Prime Minister Golda Meir with the *London Times* (*New York Times* March 13, 1971). The American official position, which holds that there should be no basic changes in the pre-June 1967 lines, is set forth in *U.S. Foreign Policy for the 1970's: A New Strategy for Peace. A Report to the Congress by Richard Nixon, President of the United States. February 18, 1970* (Washington, USGPO, 1970), 77–83; . . . *Building for Peace: A Report to the Congress by Richard Nixon, President of the United States, February 25, 1971* (Washington, USGPO, 1971), 121–134.

[5] See especially U.N. Docs. A/6713, paras. 53–54; A/6787, paras. 32–34.

[6] U.N. Doc. A/6713, paras. 53–54. On the economic impact of Jordan's loss of the West Bank of the Jordan River see ECOSOC Report in U.N. Doc. E/4511 (May 15, 1968).

[7] See U.N. Doc. A/8013, paras. 53–58; Tables 1, 7, 8; UNRWA 1969–70 (Beirut, 1970), 2–3. While there has been much propaganda and politics concerning the problem of rectification of the UNRWA relief rolls, it may be observed that, over the years, UNRWA has removed the names of some 738,500 from the roll. This is, of course, a problem which all large-scale relief organizaions have faced.

[8] Commissioners-General (Directors) have been: General Howard Kennedy (Canada, 1950–51), John P. Blandford (1951–1953), Henry R. Labouisse (1954–1958), John H. Davis (1959–1963), and Laurence Michelmore (1964). Leslie J. Carver served an Acting Director during 1953–1954, 1958–1959, when the post was vacant. Deputies have been Leslie J. Carver, John Reddaway, and Sir John Rennie, all British.

[9] See especially U.N. Doc. A/8013, paras. 1–11. Thanks to current emergency measures in 1970–1971, it now appears that the deficit may be reduced to some $3,000,000.

[10] See U.N. Docs. A/7060; E/CN.4/L.1008, 1040.

[11] See especially U.N. Doc. A/8013, paras. 91–142; UNRWA–UNESCO, Department of Education, *Statistical Yearbook, 1969–70, No. 6* (Beirut, 1970), *passim*. See also UNRWA/UNESCO Education Services for Palestine Refugees (Beirut, 1970) 22 pp.

[12] U.N. Doc. A/8013, Tables 19–22.

[13] See, for examples, the following resolutions: *Security Council* resolutions 237 (June 14, 1967); 259 (September 27, 1968); *General Assembly* resolutions 2252 (ES–V), July 4, 1967; 2443 (XXIII), December 19, 1968; 2452A (XXIII), December 19, 1968; 2535B (XXIV), December 10, 1969; 2672D (XXV), December 8, 1970; 2727 (XXV), December 15, 1970; *Commission on Human Rights* resolutions 6 (XXIV), February 27, 1968; 6 (XXV), March 4, 1969; 10 (XXVI), March 23, 1970. See also Peter Dodd and Halim Barakat, *River Without Bridges: A Study of the 1967 Palestinian Arab Refugees* (Beirut, Institute for Palestine Studies, 1968) 68 pp.

Footnotes 14 and 15 not supplied.

[16] See, for example, *Report of a Middle East Trip (July 23–28, 1967)*, by Dr. L. Emmett Holt, Jr., M.D., President, American Middle East Rehabilitation, Inc. (AMER); *Friends in NEED* (Beirut, UNRWA, 1968), 19 pp. NEED contributed more than $6,000,000 in assistance to Arab refugees.

[17] See U.N. Docs. A/2713, paras. 24–26; A/6701/Add. 1, A/6787, A/6793, A/6797. See also Footnote 13 for other resolutions. For convenient documentation on the period see Department of State, *American Foreign Policy: Current Documents 1967* (Washington, D.C., USGPO, 1969), Pt. VII; *A Select Chronology and Background Documents Relating to the Middle East* (First revised edition), Committee on Foreign Relations, United States Senate, 91st Congress, 1st Session (Washington, D.C., USGPO, 1969), 197–287.

[18] *Ibid.*, 241–243.

[19] *A Lasting Peace in the Middle East: An American View: An Address by Secretary of State William P. Rogers, December 9, 1969* (Washington, D.C., USGPO, 1970), 10 pp. For an Israeli critique see Embassy of Israel, Washington, D.C.: *Policy Background: An Analysis of the U.S. Mideast Peace Plan*. December 24, 1969, 4 pp.

[20] *U.S. Foreign Policy for the 1970's* (1971), 129.

[21] For the discussions under Ambassador Gunnar V. Jarring, see U.N. Doc. S/10070 Adds. 1–3.

TEXTILE AND APPAREL IMPORTS

Mr. BROCK. Mr. President, the Department of Commerce recently released statistics on textile and apparel imports for the first quarter of this year. These are startling statistics. They show that imports of cotton, wool, and manmade fiber textiles reached an all-time record level of 1,407 million square yards in the first 3 months of this year. This is an increase of 38 percent over the same period last year, and if projected for the entire year, imports at this level will amount to some 5½ billion square yards.

The bulk of this growth is taking place in the area of manmade fiber textiles, where there are no international agreements controlling imports. We have become the world's dumping ground for a larger and larger volume of low-wage textiles and apparel.

If left unchecked, textile imports will amount to more than a billion square yards more than in 1970, a year in which we saw textile and apparel employment decline by some 100,000 jobs. While this severe job loss is important, in itself, the long-range implications of this relentless growth is even more significant.

It is estimated that the 1970 level of imports displaced the equivalent of 400,000 textile and apparel jobs. Just think what it would mean to our economy if we could restore some of these jobs in Appalachia and some of the other areas of high unemployment in this country.

Textiles and apparel are essential to my own State of Tennessee. More than 100,000 people are employed directly by these industries and nearly an equal number earn all or part of their living in the growing, processing or manufacturing of the cotton, wool, and manmade fibers for our domestic textile industry.

The textile payroll is particularly significant, because in many cases it is the largest or only payroll in countless rural communities throughout the Nation.

Better than 60 percent of the textile industry's employees work in nonmetropolitan areas. Nearly half of the textile jobs are held by women and 80 percent of those engaged in manufacturing apparel are women. This is the type of payroll, one of great social as well as economic importance, which we cannot afford to sacrifice.

But sacrifice it we will if some assemblance of order is not restored to our international trade in textiles. Some people in this country have not yet come to the realization that we are in the process of destroying some of our most basic and essential industries with our outmoded trade policies. Textile imports sell in vast volumes in this country not because they are any better or more efficiently made or any better designed, but simply because they are made for slave-labor

wages which are only a fraction of those paid in this country.

Even though our economy has been in the midst of a slowdown, this has not been reflected in textile imports. They just go on piling up record after record level, leaving in their path more unemployment, more short weeks, and more closed mills.

The imports in excess of 5 billion square yards which are being projected for 1971 are more than double the level of just 4 years ago. Imports of yarn during the first quarter of this year were 110 percent higher than the same period last year, and yarn spinning is an extremely vital industry in Tennessee. Where are we going to put all of these textile employees to work if this type of import is permitted to continue?

Mr. President, the time is long overdue for decisive action by Congress. Our country has just been through many months of formal negotiations and informal discussions with Japan and the other major textile-exporting nations. The only thing that has come out of all of the hard work by the Nixon administration is a totally inadequate plan by the Japanese textile industry to control its exports to the United States unilaterally.

The Japanese, and the other countries of the Far East and Europe, have made it perfectly clear that they have no intention of imposing realistic limits on limiting their textile exports to this country unless forced to do so by legislation.

We cannot afford to wait any longer. We must pass legislation and pass it now.

The type of legislation which I have introduced, along with a number of my colleagues in the Senate, will get the job done. It would give the President the additional authority he needs to bring about the type of realistic international agreements, which are absolutely essential if we are to safeguard the future of 2.3 million American textile workers.

In order to call the attention of the Senate to this increasingly serious problem, I ask unanimous consent that the U.S. Department of Commerce news release announcing first-quarter textile imports be printed in the RECORD.

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

TEXTILE IMPORTS FOR MARCH

The Department of Commerce today released data on imports of man-made fiber, cotton and wool textile manufacturers during the month of March 1971.

Man-made fiber, cotton and wool textile imports in March reached an all-time high, totaling 523 million equivalent square yards. These imports were 21% higher than in the previous month; 43% above the level for March a year ago; and 15% above the previous record set in January 1971. The cumulative total of these imports for the first quarter of this year was 1,407 million square yards, 38% higher than in the same period of 1970.

In the first quarter of 1971, the value of imports of all three fibers totalled $542 million compared with exports valued at $171 million. The trade deficit of $371 million compares with $246 million in the same period of 1970 when imports were valued $419 million and exports at $173 million.

Imports of yarn in the three-month period of 1971 were 110% higher than the same period last year. Apparel imports were 29% higher; fabric imports were 15% higher; and imports of made-up and miscellaneous goods increased 3%.

Imports of these textiles from Japan, Hong Kong, and the Republics of China and Korea were 37% higher than in the first quarter of 1970 and represented 57% of total imports.

March 1971 imports of man-made *fiber textiles* reached a new record level of 386 equivalent square yards, 89% higher than in the same month of 1970, 30% above the February 1971 level, and 23% above the former record level of January 1971.

The value of man-made fiber textile imports for the first three months of 1971 was $341 million and exports were valued at $99 million. The net trade deficit of $242 million compares with $110 million for the same period of 1970 when imports were valued at $206 million and exports at $95 million.

Imports of *cotton* textiles in March 1971 totalled 126 million square yards. This total is 1% higher than in the previous month but 15% under the level of March 1970. Total cotton textile imports in the first quarter of 1971 were 383 million square yards, 11% less than in the same period of 1970. Imports of yarns, fabrics, and made-up and miscellaneous goods declined while apparel imports increased.

The value of cotton textile imports for the first quarter of 1971 was $146 million compared with $143 million in the first quarter of 1970. The value of exports declined to $70 million from $75 million of the same period of 1970. The trade deficit of $76 million compares with $68 million for the same period of 1970.

Wool textile imports in March were 10 million equivalent square yards, 29% above the level of February 1971 but 22% below the level of March 1970. In the first quarter of 1971, these imports totalled 27 million square yards, 25% less than in the same period of 1970.

Wool textile imports during the first three months of 1971 were valued at $56 million compared with $71 million in the same period of 1970. Exports declined from $3 million in 1970 to slightly less than that figure this year and the net trade deficit declined from $68 million in January-March 1970 to $53 million in the same period this year.

A FIRSTHAND EXPERIENCE OF TURMOIL IN EAST PAKISTAN

Mr. ALLOTT. Mr. President, I urgently want to call to the attention of the Senate a letter I have received from a person with firsthand experience of the recent turmoil in East Pakistan.

The letter is from Mr. James F. Ragin, of Fort Collins, Colo. He recently was evacuated from Dacca, and has composed a most impressive and alarming report on what he saw before being evacuated.

Mr. Ragin's letter is the more impressive because it does not indulge rhetorical flourishes. With deadly matter of factness he recounts the orgy of mindless bloodletting he saw while in East Pakistan.

I am sending copies of this letter to appropriate persons in other branches of the Federal Government. I expect to be apprised by these persons concerning the U.S. response to the events Mr. Ragin describes and concerning appropriate modifications of U.S. policy in the light of these events.

Meanwhile, I urge all Senators to read Mr. Ragin's letter, which I commend him for writing, and which I ask unanimous consent to have printed in the RECORD.

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

FORT COLLINS, COLO.,
April 19, 1971.

Hon. GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: As an American citizen recently evacuated from Dacca, East Pakistan, and a member of your constituency, I am writing to you regarding the lack of an official American response to the events in Pakistan since March 25th. As a result of complete press censorship by the Pakistan Government and sensationalism by some news media, it may have been difficult for you to obtain a firsthand account of the Civil War which is raging in East Pakistan. My own personal experience in Dacca up to April 6th verifies many of the reports appearing in the International Press regarding the brutal tactics being used by the Pakistan Army against unarmed civilians. In addition, the American Consulate in Dacca has sent lengthy reports to the Department of State containing detailed accounts of systematic and random killing of civilians, students, faculty members and political leaders.

Amidst the myriad of political and strategic considerations surrounding our Government's lack of response to the inhumane repression of the 75 million people of East Pakistan, several relevant facts are clear. The first democratically-elected majority party of Pakistan, the Awami League, has been banned and its leaders, including Mr. Mujibur Rahman, have been jailed or killed. American weapons which were allocated to Pakistan for defense are being used by the military against unarmed Bengalis. The statement by the Soviet Union on April 1st condemning the massacre and urging an end to the carnage was widely hailed in India and East Pakistan.

Fully realizing the inadvisability of the United States to actively intervene in a Civil War, I urge you to seek and support a condemnation by Congress and the President of the United States of the inhumane treatment being accorded to the citizens of East Pakistan. The silence of our Government is being regarded as tacit approval of the action taken by the West Pakistan military. No political or strategic consideration should outweigh the importance of a humanitarian stand reiterating the American belief in the value of individual lives and in a democratic process of government.

I urge you to speak out now and to help bring an end to this tragic situation.

Sincerely,

JAMES F. RAGIN.

FACT SHEET ON INCIDENTS AND INFORMATION COLLECTED BY AMERICANS IN DACCA

I. ATTACK ON UNARMED CIVILIAN INHABITANTS IN DACCA

A. Sadarghat is the dock area of old Dacca. On the morning of March 26th army troops attacked the terminal. No civilians were armed in that area. A machine gun was installed on the terminal roof and all men, women and children were fired upon. Inspection of the terminal on March 29th revealed pools of dried blood on the terminal floor. The washrooms were completely soiled and soaked with blood. According to an eyewitness, a Bengali student, all civilians who were waiting for boats in the terminal were killed. After the massacre, bodies were dragged into buses and burned. Corpses were still floating in the Buriganga River adjacent to the terminal on March 29th.

B. Shandari Bazaar is a Hindu artisan center of old Dacca. According to an American missionary who lives near the area, machine guns were placed at the ends of the street and soldiers attacked the entire bazaar area without warning on the morning of March 28th. On March 29th and 30th, not a sign of life remained in a once busy bazaar area. Corpses remained unburied on the street and inside gutted homes. Parts of three-story buildings had completely collapsed from the ferosity of the attack and shell holes marked heavy armament attacks.

C. Ramna Kalibari is an ancient small Hindu settlement situated in the middle of the Dacca Racecourse. Even during the most violent Hindu-Muslim riots of partition, the village was able to avoid participation in communal strife. On the night of March 28th soldiers attacked the village killing all inhabitants—estimated at 200 people. On March 29th, a pile of approximately 70 to 100 bodies, charred and machine-gunned, was on visible display in Kalibari. The entire village was burned to the ground.

D. Other areas of Dacca, such as Nyar Bazaar, Ryar Bazaar and multiple "bustis" (shanty areas) were completely destroyed by fire because soldiers attacked during curfew under the cover of darkness. Details surrounding these attacks are not well known. However, many eyewitnesses described sudden attacks of submachine guns, grenades and burning to force the civilians out into the open. Such an occurrence was witnessed at 7:00 a.m. on March 29th when, near a hospital in Mohakali, bustis were set afire and fleeing inhabitants "gunned-down like dogs."

II. ATTACKS AGAINST UNIVERSITIES, STUDENTS AND FACULTY MEMBERS

A. Iqbal Hall, student dormitory center of the Student Council, was attacked on the morning of March 26th by tanks and soldiers with submachine guns and grenades. Although the exact number of students killed is uncertain, not one survivor was found.

Inspection of the Hall two days later revealed a building demolished by tank blasts and gutted by fire. Bodies were still visible—many of them having been taken to the roof to prevent body count. One man and two children corpses were charred leaning against a window. The degree of armed resistance offered by the students is not clear. One American physician upon inspection of the Hall saw a pile of burned rifles. All of these rifles had false wooden barrels and may have reflected the degree of armed resistance which these students offered.

B. Jagannath Hall is the dormitory of the Hindu students at Dacca University. According to one student survivor who was treated at Dacca Medical College, all 103 students were killed. Soldiers attacked the dormitory on the morning of March 26th without warning. Approximately six students were spared and forced at gunpoint to dig a mass grave (in a field adjacent to the dormitory). They were then shot. This student was left for dead and was able to crawl away to the hospital under the cover of darkness.

C. Home of Professor G. C. Dev, Head and Professor of Philosophy at Dacca University, was also attacked the same night. Professor Dev, a noted Bengali Hindu Philosopher, has never been politically involved. He was an elderly bachelor who housed poor students, often leading discussions about philosophy and religion. His home was attacked and all students were killed. Professor Dev himself was marched to the adjacent field and killed.

D. Names and rank of faculty members at Dacca University who were killed or wounded:

1. G. C. Dev, Head and Professor of Philosophy, killed.

2. Moniruzzaman, Head and Professor of Statistics, killed.

3. Professor Ali, Head and Professor of History, killed.

4. Professor Guhathakurta, Head and Professor of English, killed.

5. Dr. Munim, Instructor of English, killed.

6. Dr. Naqui, Instructor, department not known, killed.

7. Professor Huda, Head of Department of Economics, wounded.

8. Professor Innasali, Head of Department of Physics, wounded.

Other faculty members were also killed during the attack on the university, but their deaths could not be verified. Personal reports by wives of faculty members indicated that specific professors were sought by the army, especially those involved with Economics, Political Science and Bengali Culture. Although the exact circumstances of death are not known, one example has been pieced together by visits to faculty housing and eyewitness accounts from family members. On March 28th Building 34 contained pools of blood on the first and second floor foyers. According to wives of faculty members, troops attacked the building on the morning of March 26th. Apartment A was entered forcibly and the faculty member marched to the courtyard where he was shot. Fortunately he was only injured with a neck wound and was last known to be in critical condition at Dacca Medical College. The soldiers then went to Flat D, where Professor Muniru Zaman lived. He, his son, his brother, who was an advocate on the East Pakistan High Court, and the only son of his sister-in-law were marched to the first floor foyer, lined up against the wall and machine-gunned. The wife of Professor Zaman dragged her wounded husband back to their apartment, hiding him in the bedroom. Three hours later when the soldiers returned to remove the bodies, they reentered his apartment, again dragged him down the stairs and killed him.

E. The British Council which is located near Dacca University was also attacked on the morning of March 26th. According to a British Council official, who was trapped in his home near the Council Building during the gunfire, the troops broke into the Council and destroyed some books because they mistook the Council for the University Library. In addition, eight Bengali local policemen who were stationed at the Council were killed during the surprise attack. This official's bedroom and house were subjected to machine gun fire during the entire night. Only after daybreak did he dare tell the soldiers that he was a British subject and they did not kill him.

III. ATTACK ON INDIGENOUS ARMED MILITIA

A. The East Pakistan Police barracks are located in Dacca. It housed approximately 5,000 policemen. On the morning of March 26th, it was attacked without warning by mortar, tanks and a large number of troops. Although there was resistance, most policemen were believed to be asleep when the attack occurred and to have died during the fighting. The barracks buildings were completely leveled by heavy arm fire and were gutted by fire.

B. East Pakistan Rifles (EPR) was formed as a native Bengali force to concentrate its efforts at border patrol. On the morning of March 26th the EPR barracks in Dhanmondi was attacked by a similarly equipped force. Once again the number of deaths is unknown, although reliable estimates indicated that approximately 1,000 EPR's were stationed in Dacca. Groups of EPR soldiers were seen by Americans being trucked away. The fate of these soldiers is unknown.

C. It is known that many Bengali officers who were members of the Pakistan Armed Forces were killed for "disloyalty." Whether these officers actually mutinied is unclear. One source, the recently retired Director of the Information Ministry of East Pakistan, indicated that four Bengali officers were called to General Tikka Khan's office and disarmed. While being disarmed, one managed to shoot General Khan in the leg, but the General was not killed. This may have been the source of rumors printed in the Indian newspapers that General Khan had been killed.

IV. TERROR OF UNARMED CIVILIANS

A. Not only were large villages completely destroyed by the Pakistan Army, but individual Bengalis were subjected to terror and harassment. Martial law regulations indicated on March 26th that all government, semiautonomous and associated agencies would open immediately and that absent personnel were required to return to work or face ten years' imprisonment.

B. When large numbers of civilians fled from the war-torn capitol, Dacca, the army forced many at gunpoint to remain in the city.

C. Barda is a small village adjacent to Gulshan (a residential area for foreigners). On April 2nd it was raided early in the morning by 40 soldiers. All 600 men of the village were rounded up and marched at gunpoint to Gulshan Park where they were interrogated. Students, politicians, faculty members and those who were leaving their jobs in Dacca were particular people in whom the army had an interest. After one full day of terror under the sun with constant threats of a mass slaughter, ten selected men were trucked away.

D. One American physician visited old Dacca and was shown a man who had been shot by the army only one-half hour earlier. This Bengali had refused to open his shop at the request of soldiers and had been killed with a submachine-gun at 3:30 in the afternoon, when curfew was not operating.

E. One American missionary described the army tactics in old Dacca. Soldiers during the day carried whistles, which were blown when they wanted to search a civilian. At the blowing of a whistle *any* moving person was immediately shot.

F. An official of USAID, while driving through Gulshan, witnessed a jeepload of soldiers fire submachine guns at three children who were playing in the rice paddies. No one was injured.

G. Multiple episodes of the army plundering shops were witnessed by many Americans in Dacca from March 26th to April 6th.

V. Not only was censorship complete, but news that was distributed by the Pakistan Government by radio and newspapers was contrary to the true situation in Dacca. From March 25th life never returned to "'normal" in Dacca. Even on April 6th when we were evacuated, fewer than 10% of the shops were open for business. English and Bengali newspapers were forced to open and printed only martial law news. Opposition Bengali lanlanguage papers such as The People, Ittifaq and Sangbad were completely destroyed by the troops at night.

VI. The Awami League is the first truly democratic party of Pakistan. Placed into its position as the majority party of Pakistan by an honest election, it has been outlawed and its leader Mujibur Rahman jailed and accused of treason. Prominent members of the party (which includes virtually the entire educated and prominent community of Dacca) have been systematically sought after. In addition to high-level members, as of April 4th people such as Gabriel Gomez, a teacher at Holy Cross College and a Christian leader of the Awami League, was being sought. Miss Doli DeRosario, a young woman Bengali appointee MNA, was also being sought.

VII. HARASSMENT OF FOREIGN CIVILIANS

A. On March 30th, three British citizens were almost executed by the Pakistan Army. These civilians were walking through old Dacca taking photographs of the destruction when they were arrested by the army. Two Americans who were accompanying the Britishers were subsequently released and immediately reported the incident to the

British High Commission. Only the last-minute insistance of the British representative saved the lives of the three British subjects who were lined up against a wall in an army station ready to be shot after three hours of interrogation.

B. The home of an American doctor was entered by two soldiers when his wife was home alone. One soldier at gunpoint looted the servant quarters. Another armed with a hand grenade threatened the wife and took money, clothing, rug and a watch.

C. While driving in Gulshan, an American and his wife were stopped by two soldiers who ordered them out of their car. They were robbed of watch, money and a ring.

CIVILIAN CONTROL OF THE MILITARY AND THE VOLUNTEER ARMY

Mr. HATFIELD. Mr. President, a recently completed research paper for the Ripon Society, prepared by William P. Welch, articulately presents the case for a volunteer military. It not only covers some of the usually heard arguments supporting the case for an all-volunteer armed force but also takes some new approaches while offering specific suggestions for helping implement change. The paper is well researched and responsibly presented. I invite the attention of Senators to this analysis and ask unanimous consent that it be printed in the RECORD.

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

CIVILIAN CONTROL OF THE MILITARY AND THE VOLUNTEER ARMY

(By William P. "Pete" Welch)

SUMMARY

In our democratic society, the Volunteer Army is the most promising way to make the military responsive to the will of the American People.

To attract volunteers, the Armed Forces will have to open themselves to civilian influence from within by making military life less isolated, by decreasing the arbitrariness of military authority, by encouraging more lateral entry by professional people, and by increasing the number of civilians employed.

Draftees exert only a minimal restraining influence within the military on policy matters. Facing a rigid hierarchy, they will constitute no more than 12% of a post-Vietnam military.

In a voluntary system, individual Americans will exercise choice not only at the ballot box but also at the recruiting office. Our insurance against future Vietnams lies in a system in which military policy as well as military life has to win more popular acceptance.

As civilian influence in the enlisted ranks will be strengthened in a Volunteer Army, so must it be strengthened in the already professional officer corps. Instituting a civilian promotion board, requiring generals to take sabbatical leaves, and commissioning civilians directly as generals would contribute substantially to opening up a modern army.

INTRODUCTION

The Vietnam War has made apparent the growing influence of the military in American society. While the Pentagon's profile is so high, the time is ripe for considering how to reaffirm civilian control over the military. Not only will civilian influence work to keep soldiers in touch with reality, but it should place much needed limits upon the President's ability to assign U.S. forces to long term combat operations without Congressional and popular support.

Civilian control of the military is an essential part of democracy. As representatives of the People, the President and Congress must share effective control over all national policies. Although civilian authority is considered supreme, both Congress and the President have relied too heavily upon the often self-interested expertise of military technocrats. Congress is searching for ways to reassert its own influence vis a vis the Executive and the military. Ill-equipped to manage the foreign relations of the United States, Congress does not want such a daily responsibility. Congress, however, can and should make structural changes in the government which will stimultaneously reaffirm Congressional prerogatives and make the President and the military to be more responsive to the will of the American People.

To Cold War America, growth of military power has been the natural consequence of a constant nuclear threat and the necessity for containing Communism around the world. The former logically required the intertwining of military with political and economic affairs. The latter flowed without serious question from the presence of relatively unconstrained global power and an ethic of Pax Americana to justify its use. Under such conditions complete civilian control is impossible. But this inability to attain perfection should not detain us from strengthening to the extent possible.

The ways to control the military are many—Congressional administrative overview, organizational changes, decreased appropriations, and changed personnel policies. During the Cold War, the history of civilian control has been changing organizational form, not substance; personnel changes have never been substantially tried. Because of the President's dependence on the judgments of thousands of officers and civilians, the country cannot maintain control of policy unless there is civilian input into the processes by which these people are selected, trained, and promoted. The biggest decision over personnel policies is between the Volunteer Armed Force and the draft.

I. VOLUNTEER ARMED FORCE VERSUS THE DRAFT

Although the case for the Volunteer Armed Force is multi-sided, of primary importance is that it will strengthen civilian control of the military. The strengthening will be both through the civilian influence of volunteers from within and their use of economic power—as well as political power—to restrain foreign adventures. Those liberals who feel the draft strengthens civilian control make two arguments: the influx of draftees avoids a military caste and the drafting of middle class sons forces their parents to protest politically against foreign military operations. This paper will first state the pro-draft civilian influence argument, refute it, and show how the Volunteer Armed Force strengthens civilian influence, before proceeding to the political protest argument.

A. How to maximize influence from within?

The pro-draft argument runs that conscription is necessary to breathe new life into the military. The constant influx of draftees ensures that the military does not become a caste, isolated from the rest of society. Citizen-soldiers are said to keep the military honest, and through their civilian-orientation, to ensure that generals cannot participate in foreign wars with a willing Army behind them.

To suggest that draftees can affect military policy is implausible. A humiliating basic training tries to teach acceptance of the rigid authoritarianism of the military hierarchy. Complete control over the draftee's work assignments, his privileges, and his freedom couple with a military justice system of questionable fairness to silence the few left who may openly question military judgments. Most short-termers avoid confrontation with their officers; some who do not are stockaded, undesirably discharged or court-martialed, as were the soldiers in the Presidio "mutiny".

The difficulties of the civilian influence argument are twofold. First, the influx of draftees has not perceptably affected the military's behavior in any desirable way. The argument does not describe the supposed mechanism by which citizen-soldiers control the generals. Certainly draftees do not influence generals through personal relationships. Historically they have not mutinied in the face of distasteful orders. In fact, there is no way through which small numbers of draftees, holding no rank above captain, will control the policies of the strictly hierarchical military organization. Second, the draft has staffed the military's civil auxiliary, the National Guard, whose availability for domestic deployment has posed grave threats to American civil liberties.

The closest thing to a draftee influence is the exposure of military scandals. One liberal draft-supporter asked whether the Mylai massacre would have been exposed "if the only Americans present had been soldiers who were totally dependent on the Army for their career and their retirement?"[1] The concern is a valid one; our knowledge both of the Mylai massacre and Army surveillance of civilians was gained through exposure by discharged soldiers. In the Mylai massacre, however, the first soldier to report having seen the killings was Sgt. Bernhardt, who was not a draftee, but who left college to fight this war as a volunteer. While Sgt. Bernhardt did not participate in the massacre, Lt. Calley, who joined the Army just one step ahead of the draft,[2] was found guilty for the incident.

Even professional soldiers will not as a group be dependent on the Army for their careers. Projections by the Gates Commission indicate that approximately 325,000 men will annually leave the military under a volunteer system—a drop of only 25%. Of those roughly 215,000 or 65% will leave after a single tour of duty, a drop of first term turnover of less than a third.[3] If increased turnover is desirable for exposing military scandal, concern might be more effectively focused upon the higher ranks in the officer corps and among Department of Defense civilians.

Even if one assumes a degree of draftee influence, what percentage of the military should be conscripted to safeguard our liberties—33%, 50%, or 75%? According to all estimates, draftees will not constitute more than 12% of the Armed Services. The pre-Vietnam figure of 8% is probably closer.[4] It is unlikely that such a small percentage of powerless enlisted men can affect the Department of Defense.

Misstated Problem

The argument that draftees prevent the formation of an isolated military caste ignores not only the insignificance of draftee influence on policy but also the already close-knit professionalism of the military officer corps. As Samuel Huntington stated in his classic *The Soldier and the State:*

"The modern officer corps is a professional body and the modern military officer a professional man. This, perhaps, is the most fundamental thesis of this book. . . . The problem in the modern state is not armed revolt but the relation of the expert to the politician."[5]

The problem of conscription is not how to avoid a professional military, for we already have one, but rather is what type of people professional military men should be and what relationship they should have with the rest of American society.

Footnotes at end of article.

We must have general and flag rank officers who have a perspective on American society reaching far beyond the problems of combat or national security. As the means of insuring this broad perspective directly relate to the spirit of the Volunteer Armed Service, they will be covered later in this paper. Under a volunteer system, the Army could not remain an isolated institution and be able to attract men for service.

Volunteer Armed Force Strengthens Civilian Influence

That the ending of citizen-soldiers will strengthen civilian influence in the military is paradoxical. But to attract civilians, the Armed Services must "civilianize" military life and basic training. They must offer positions of specialty through lateral entry and must hire more civilians because military wages will be increased. All will occur because first-term enlisted men, as a group, would no longer be powerless in the face of the military establishment. And all increase civilian influence.

1. *Military Life*—The very threat of a Volunteer Armed Force has prompted military reforms such as increasing the ease with which men can obtain passes and ending bed checks to enable men to sleep off-base. The Navy has provided men at sea with garages and lockers on shore to facilitate travel and recreation when a ship is in port. At Fort Carson a general sits surrounded by peace posters in a GI coffeehouse and listens to his troops' gripes. At San Diego Naval Base a direct line to the commanding officer is available to seamen. If that is unsuccessful, a seaman with severe problems which his commanding officer refuses to hear can go directly to a rear admiral in Washington. Working as an ombudsman, the admiral is encouraging commanding officers to look at the exceptional personal case and to take discretionary action. He also is discouraging arbitrary orders which hurt seamen. Although the program has been in effect only since last October, a decrease in arbitrary orders can clearly be seen.

In the future the pressure of a Volunteer Armed Force may well force expanded off-base living. As the Gates Commission [6] noted, not only does a serviceman often live on base and shop in the PX but also he may send his children to a school filled with children whose parents are also in the military and his family to a military hospital. If more military compensation were paid in cash and less in kind, military isolation from the rest of society would decrease. (Compensation in cash for housing would encourage off-base living and should be strongly supported by those concerned with civilian influence.) What the Commission did not but could have concluded is that such isolation would be discouraged by a Volunteer Armed Force. Servicemen want to break out of the totality of the military to meet other people, to develop other interests, and to avoid the hierarchical social system.

While these changes and others in basic training may be in response to growing disenchantment with the military, the threat of the Volunteer Armed Force certainly is a major impetus, if not the central cause. In spite of growing resentment over the past five years, no changes occurred until after the Gates Commission had recommended and the President had approved in principle a Volunteer Armed Force.

2. *Basic Training*—Changes in basic are already underway. Instead of dehumanizing and humiliating draftees, Fort Ord is testing a merit reward system. Much to its surprise, the Army is finding that an emphasis on motivation and initiative is much superior to treating men like machines. The experiment is producing results beyond the expectations of the most optimistic civilians. Contrary to widespread belief, this shift of emphasis to motivation from authoritarian discipline is strengthening combat effectiveness. The problem that officers faced in both World War II and the Korean War was a lack of motivation—less than a quarter of all soldiers even fired their rifles in major battles. Changes in basic training and military discipline will also strengthen civilian control.[7]

3. *Lateral Entry*—With a Volunteer Armed Force, the military will be forced to promote lateral entry, offering volunteers the opportunity to work within their specialty as they "serve their country and see the world." (At the same time the military will have to offer to other potential volunteers the chance to learn a skill.) It will have to recruit men into ranks higher than E–1, 2, 3, and 4 and O–1 and 2 and excuse these individuals from basic training. In the past the Army has not taken advantage of many useful skills within its ranks. For instance, of 270 men with architecture degrees in 1969, only 8 were used in their specialty, while the Army had need of 394 architects. Of the 912 men with accounting degrees only 62 were used as accountants while the Army needed 463.[8] The changes which the military will have to institute will be similar to the program the Seabees developed when faced with World War II manpower shortages.

When a career officer works with a short-termer, he will learn to respect him if the man has been professionally trained and enjoys his work because he chose it. The personal relationship which can develop between professional military and professional technician would lessen military isolation. It would provide an avenue through which professional knowledge, say in electronics, would be introduced into the military. In an age where only 29% of military personnel are in purely military specialties,[9] the opportunities for lateral entry are great.

4. *Civilian Employment*—Because the real cost of draftees is much higher than their compensation, draftees are often used where civilians would be cheaper in real costs. As wages of servicemen are increased, civilians will become cheaper than soldiers in budgetary terms. The Gates Commission estimated that 117,000 civilians could be substituted for servicemen in a force of 2.5 million men. These positions are in administration and medical and logistics support. Some changes of this type are already occurring.

The reforms brought about by the threat of a Volunteer Armed Force have instilled a new civilian orientation in the entire military bureaucracy. As the idea of a volunteer force gains momentum, the responsiveness of the Army will increase in direct proportion. General Westmoreland has a special assistant for the Modern Volunteer Army and has given this lieutenant general considerable authority.

B. How to maximize control over military policy from without?

The second liberal pro-draft argument is that the draft forces the politically powerful middle class to protest wars. As Senator Kennedy states the argument:

"It is unwise to insulate from the horrors of war, middle and upper class Americans, who might lead the protest against senseless foreign adventures. I frankly would question, for example, whether the current pressure for deescalation of the Indo-China war would be as great if young men from every social background were not threatened with service in that war." [10]

That conscription is a necessary precondition for an aggressive military policy is apparent from the history of Napoleon, the British in the American Revolution, and the Prussians, but it is nowhere more apparent than in the Vietnam War. It was the draft that enabled President Johnson to constantly escalate troop levels throughout 1965 with a minimum of public debate. Had the nation not retained a peacetime draft, Johnson would have been forced to request one from the Congress. Without such a tradition, politically the Congress could have authorized one only after a lengthy debate and probably a declaration of war. The political risks involved in such a request would have been unacceptable to Johnson, who (as few now remember) ran on a peace plank in 1964.

As the war continued, its burdens increasingly fell on the draftee. By 1970 of Army infantry riflemen in Vietnam, 88% were draftees; 10%, first-term volunteers; and 2% career men.[11] The draftees insulate the ranks of the career soldiers from the consequences of continuation of the war. At the same time it provides them with the promotion opportunities which come with an enlarged Army and if they chose, with short-term combat experience necessary for promotion in the higher ranks.

The idea of holding middle class sons hostage to force political control is plausible. Middle class parents, however, are far less vocal in political protest against the war than their offspring on college campuses. The reaction of many otherwise apathetic parents to the draft has often been to support the war as a means of supporting their sons in combat. In demonstrations and marches, the more radical students (on which the television cameras naturally focused) forced a choice in many viewers' mind between the unshaven marchers and the President of the United States. Following the three largest demonstrations, support for the President's policy rose.[12] In contrast to both World War I and the Korean War where support for the war fell off quickly, in this war demonstrations have helped to maintain support. The draft has thus given us the worse of both worlds—supplying the military with unlimited manpower at rock bottom rates and helping to maintain support for military policies. Permitting the President to involve us in wars, this manpower supply creates the very problem which it unsuccessfully attempts to solve.

Those who defend the draft on the hostage argument take the same moral view of our citizens that the military advocates—seeing draftees as only means to an end other than themselves. One group views them as replaceable parts in the war machine. The other views them as hostage to force political control over the military. Both philosophies are repulsive.

In the history of the Vietnam War, three facts stand out clearly. First, the draft allowed us to become involved. Second, the draft permitted us to remain involved. And third, for six long years this nation has remained at war, in spite of illusions that the draft would force our exist.

Volunteer Armed Force Strengthens Control Over Military Policy

By forcing the military to be dependent on volunteers for infantry soldiers, a Volunteer Armed Force strengthens popular control not only of generals but also of the President. It adds a second channel of control—the economic power of not volunteering—to the usual political channel. This boycotting of the combat branches in an unpopular war will occur naturally and without organization because few men are willing to risk at any price their necks for a war in which they and their families do not really believe. They will instead refuse to enlist in combat branches. One election every four years cannot be as strong a balancing factor as the individual decisions of the millions of Americans about their personal participation under an unpopular military policy. By making both channels of control available, a Volunter Armed Force strengthens popular control. Those who argue that it is necessary to draft men in order to increase their inclination to use the political channel underrates

Footnotes at end of article.

the intelligence and moral sensitivity of the American electorate.

Conscription Ceiling

Implicity recognizing that the draft enables us to get into unpopular wars, the Senate Armed Service Committee has approved an amendment to limit the number of men the President can conscript to 150,000 a year. As the ceiling could be raised only by a joint Congressional resolution, Congressional control apparently would be reinstated. Although the amendment is a step in the right direction, it remains a poor halfway measure. Any time throughout the last five years of war, the Congress could have reinstated Congressional control through budgetary limitations. What it lacked was the will to oppose directly the President, not the means. To stop future Vietnams, the peace forces in Congress need to be able to focus debate around the only issue which can compare in emotional intensivity with national security—the principle that no American should be drafted in peacetime. Unless this principle is established, a President can always ask for "small" increases of the ceiling and escalate gradually. As he always received his increases of the national debt ceiling, so is he likely to receive these increases. To end the peacetime draft would destroy the facility with which Presidents have circumvented Congressional authority. Without an ongoing draft no President will be able to implement a policy requiring massive number of soldiers without convincing Congress that the National security is directly and immediately threatened.

In short, control over the military is made much more difficult when authorizes it to conscript unlimited men. A ceiling on conscription only recognizes the problem but does not effectively deal with it.

II. OTHER METHODS OF CIVILIAN CONTROL

While the Volunteer Armed Forces will strengthen civilian control of the military, especially in the enlisted ranks, other methods are needed to control the already professional officer corps. For those who still believe (for whatever reason) that the draft aids civilian control, the alternatives for control are many and varied and do not require abridgement of American liberties.

A. Civilian promotion boards

Status Quo

Promotion to all general and flag ranks is made by promotion boards (officially called selection boards), which are in theory chosen by the service secretaries. In practice, the board members are chosen by the service chief of staff and nominally approved by the secretary. Most civilians, either in the Department of Defense or the Congress, have been reluctant to interfere with the process for fear of charges of playing politics. Secretary of the Army Cyrus Vance, however, personally chose board members. He concentrated on the crucial promotion colonel to brigadier. Comparing generals in 1961 to now, Vance feels he was successful in influencing the Army, to appoint. But with the advent of Secretary Laird, control has gone back to Army regulars.

The service academy graduates have a virtual monopoly among the highest ranks. Although only 5% of the officers are academy graduates, all but 11 of 47 Army lieutenant generals graduated from the academies—7 of the 11 are in specialized command such as logistics or engineering.[13] At full general only one out of 16 is a Reserve Officers Training Corps (ROTC) graduate. The discrimination against ROTC graduates is virtually complete at all flag ranks in the Navy. The Air Force, until recently without its own academy, is more open than either but is expected to discriminate more as Colorado Springs graduates rise.

Discrimination exists against support officers in all services,[14] as well as against ROTC graduates. Although 52% of all colonels are in support positions, only 28% of brigadiers are. At the rank of lieutenant and full generals, the figure falls to 10%. The percentage of officers in operations commands is 33 for colonels, 54 for brigadiers, and 73 for lieutenant and full generals. Percentages for general staff officers hover around 16%. Because officers in operations have responsibilities unlike any citizens, a disproportional number in the highest ranks lessens the similarity of thinking between the military-civilian worlds.

Proposal for Promotion Boards

Boards for promotion to and within general and flag ranks should be composed of civilians. The members, nominally chosen by the President to give them prestige, would be picked by the service secretaries. The civilians chosen would be men of wide experience with the military and in society. They should not be content with the *status quo* and should be drawn from business, foundations, academia, and civilians in the Defense Department. Civilian selection boards already exist for Navy ROTC scholarships. The Philadelphia area board, for instance, is composed of an officer, an educator, a minority representative, and a businessman. Civilian boards should not cover promotion to colonel or to lower ranks because the decisions made at those ranks are not significant enough to justify civilian involvement and the numbers are too large. According to Ward Just, the best men in the Army are colonels who never made general.[15]

Civilian boards could provide more civilian influence than a million draftees. New ideas from society would be communicated to the military through the selection process. Generals and admirals, present and potential, would be forced to judge their actions in the light of the country's thinking. These boards are an excellent way to break the grip that academy graduates and operations officers have on the Armed Services. The present discrimination against non-academy men creates a military homogenity in background, experience, and thinking. Giving ROTC graduates a fair shake will help retain good men from civilian colleges.

In the past interservice promotion boards have been recommended. Interservice boards or board members from other services would hinder, not aid, civilian control. It is isolation from society, not competition between services, which is to be feared. In almost every modern nation, the divisions of military forces into separate groups has been used to bolster civilian control.[16] In Congressional debates (such as over the ABM), services supply information to scuttle the programs of sister services.

To invigorate the military, vigorous leadership from within the ranks must be found. When Secretary of War George Dern wanted to modernize the Army in 1936, he took Colonel George Marshall from his "exile" as a nonconformist at National Guard training duty and promoted him over more senior officers. Marshall, in turn, chose vigorous officers.

Congressional Review

To aid chief executive involvement in promotion, Congress' Armed Services Committees might review carefully promotions to lieutenant and full general and vice and full admiral. Since all appointments above lieutenant and ensign must be approved by the Congress, the mechanism for control is available. Not until a man becomes a three-star general does he influence policy. With less than 200 men in all services of that rank or higher, Congressional review becomes possible. The principle jobs in the Army, says the Army Registrar, number only 24. All these men and with their counterparts in the other services might testify before Congressional committees before confination.

B. Master degrees and sabbaticals

The Armed Services rotate officers every three years to give them a broad experience in the military. Since three years is the time it takes to learn a job well, the procedure is wasteful. Its philosophy is also wrong: we do not need military generalists, we need generalists, period. That is, men who are competent in their specialty but who know the needs and thinking of American society. Instead, officers might be rotated in and out of the military every five years.

Advanced education might be required for all future generals. Masters degrees are rapidly becoming an unwritten rule for promotion to brigadier; 60% of them have M.A.'s. It is not necessary that generals have the degree itself. A year in mid-career back at a university studying diverse subject matters such as English literature, political science, and engineering would be more broadening than an M.A. in a speciality like bio-chemistry. To encourage the liberal arts curriculum, the unwritten rule should be written to include a year of interdisciplinary study.

Sabbaticals or leaves of absence might also be required. If men remain in specialist careers (such as research or communications), as the Fitzhugh Commission urged, they will have expertise to offer to businesses, universities, or private foundations. Through civilian jobs, their experience will be broadened. Also, retired officers might be asked to return at higher rank if their civilian experience has been relevant to their military responsibilities. While rarely taken advantage of, the legal basis for recalling officers is already available. For instance, President Kennedy recalled General Taylor in 1962.

Holding civilian jobs will remind officers that they are not dependent on the military for their livelihood, making them more willing to dissent within the ranks. They will further know that if their promotion is refused and they retire early, the wind may blow in a different direction in the future. They may be rewarded by coming back from retirement at a higher rank.

C. Civilian generals

The military remains a relatively closed system because only one career pattern is available: commission as a second lieutenant or ensign and promotion rank by rank. The only route to becoming a general or admiral is through 20-odd years of service—20 years of taking orders, of learning the Army's procedures, and of internalizing its norms. Almost no other organization requires 20 years of service within it before influence is gained. To open up this system, civilians must be offered commissions at all levels including that of general and flag rank. This procedure will be most successful with men in their thirties being offered commissions from major to colonel.

During World War II men were directly commissioned up to the rank of colonel. Secretary of Defense McNamara, for instance, served as a lieutenant colonel. Except for tradition, there is no reason why this might not be extended upward. While it would be undesirable for civilian generals to have operation commands, less than 40% of our Army are combat commands. Executives are needed for logistics, recruitment, and medicine. The skills needed in the military are those needed in business. To ensure that the influx is not thwarted by traditionalists in the Pentagon, service secretaries or Congress might require that a minimum percentage of commissions at each rank be direct from civilian life.

The concern that a Volunteer Army will create a mercenary army, eager to fight and politically unconstrained, is unfounded. An end to conscription will rather strengthen civilian influence and control over the mili-

Footnotes at end of article.

tary. We urge, therefore, a vote for the Volunteer Army as a vote for civilian and Congressional control.[17]

FOOTNOTES

[1] Califano, Joseph A., Jr. "The Case Against an All-Volunteer Army," *Washington Post*, Feb. 21, 1971.

[2] *Newsweek*, Dec. 8, 1969, p. 36.

[3] Cranston, Alan, "Conscript Army Lure to Battle," *Washington Post*, March 14, 1971, p. D5.

[4] While these figures do not include draft-induced volunteers, neither do they exclude the draftees who would have eventually volunteered if they were not drafted. With distortions working in both directions, these figures give a fair if inexact picture.

[5] Huntington, Samuel, *The Soldier and the State*, pp. 7 and 20.

[6] The President's Commission on an All-Volunteer Armed Force, Washington: U.S. Government Printing Office, 1970, p. 139.

[7] Just, Ward, *Military Men*, New York: Alfred A. Knopf, Inc., 1970, p. 126. In the U.S. Army, Just notes orders are meant to be obeyed without question or comment whether in the Pentagon or in combat. Respect for authority in minor things becomes slavishness in major things, freezing out of important decisions middle rank officers. Unthinking acceptance of orders is not endemic to all armies, such as the British Army.

[8] *Congressional Record*, remarks of Senator Hatfield, Jan. 28, 1971, p. S432.

[9] Janowitz, Morris, *The Professional Soldier*, Glencoe, Ill.: The Free Press, 1960, p. 9.

[10] *Congressional Record*, remarks of Senator Kennedy, Jan. 29, 1971.

[11] Glass, Andrew J., "Draftees Shoulder Burden of Fighting and Dying in Vietnam," National Journal, reprinted in the *Congressional Record*, vol. 116, pt. 22, p. 29700.

[12] Gallup Poll Question: "Do you approve or disapprove of the way President Johnson (or Nixon) is handling the situation in Vietnam?" From August to November 1967, approval went from 33% to 35%. From early October 1969 to late October, approval went from 52% to 58% and then to 65% in mid-November. (The last increase is better explained by the President's speech.)

[13] Just, *op. cit.*, p. 109.

[14] *Administrative Science Quarterly*, March 1965, p. 421.

[15] Just, *op. cit.*, p. 122.

[16] Huntington, Samuel, "Interservice Competition and the Political Roles of the Armed Services," in Harry L. Coles' *Total War and Cold War*, Columbus: Ohio State University Press, 1962, p. 185.

[17] This paper was prepared from an original draft written by William P. (Pete) Welch of the Philadelphia Chapter and reviewed by a committee composed of the following members: Richard Beeman, Research Director; Mark Bloomfield; and Kenneth Kaiserman.

CLEAN WATER

Mr. BROCK. Mr. President, today the goal of clean water is universally accepted but the means of achieving it are often complicated by the passionate intensity of well-meaning persons who feel compelled to speak out on issues concerning the environment. This is particularly true in the case of phosphates in detergents. Many such "authorities" have indicated the use of phosphates and advocated that they be replaced by nitrates.

While I would certainly not attempt to exonerate phosphates from all the charges made against them, the substitution of phosphates in detergents has many ramifications and asides that have not been thoroughly investigated or publicized. To the end that a balanced view be presented, I commend the efforts of the Maury County Chamber of Commerce, Columbia, Tenn., and request unanimous consent that their resolution be printed in the RECORD.

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

MAURY CHAMBER OF COMMERCE—RESOLUTION

Whereas, Maury County, Tennessee produces the bulk of the phosphatic materials used in the manufacture of detergents, and

Whereas, the phosphorous industry employs over 3,000 people either directly or indirectly in Maury County and has been especially affected by increased gas and electricity rates, ecological legislation and depletion of available reserves, and

Whereas, the anti-phosphatic detergent advertising campaign leaves the impression that phosphates are harmful to the environment, and there is no apparent campaign to give the public the truth about our number one industrial product;

Therefore, be it resolved that the Columbia-Mt. Pleasant Chamber of Commerce go on public record as protesting the one-sided reports on phosphates and requesting our local news media, representatives to the Tennessee General Assembly and representatives to the U.S. Congress to help us publicize the positive aspects of phosphates; and,

Be it further resolved, that this organization prepare and distribute material giving the facts concerning phosphates and the ecology.

———— ————,
President.
WILLIAM V. CHAFIN, JR.,
Executive Vice President.

GRAND TETON NATIONAL PARK

Mr. ALLOTT. Mr. President, I invite the attention of the Senate to a letter to the editor, which appeared in the March issue of Not Man Apart, a publication of the Friends of the Earth.

Senators are familiar with this organization and its work in the field of environmental affairs. However, I am concerned that the letter written by Mr. Bernard Shanks, of East Lansing, Mich., may mislead its readers. Mr. Shanks refers to the fact that our able and distinguished colleague, the junior Senator from Wyoming (Mr. HANSEN) holds permits for grazing cattle within the boundaries of Grand Teton National Park. Mr. Shanks charges that the National Park Service is not managing the grazing program within the park in accordance with Public Law 81–787 and implies that Park Service actions reflect political interests. Mr. Shanks closes his letter stating:

I would appreciate hearing from anyone who has ideas about correcting this situation or further information.

Had Mr. Shanks been seeking the facts, I suggest he might have written to the National Park Service and fully informed himself of the circumstances surrounding grazing within Grand Teton National Park before he chose to write the letter published in Not Man Apart. In response to Mr. Shanks' public request for further information, the National Park Service responded in a letter from Mr. Howard H. Chapman, Superintendent of Grand Teton National Park. I ask unanimous consent that both the letter written by Bernard D. Shanks and that written by Superintendent Howard H. Chapman be printed in the RECORD at the close of my remarks.

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

Mr. ALLOTT. Mr. President, Superintendent Chapman's letter makes it quite clear that grazing within Grand Teton National Park is being managed in accordance with guidelines set by the Congress in Public Law 81–787 and that the management of the park is being conducted in the best interests of the American public.

Superintendent Chapman states that on September 14, 1950, the time of enactment of Public Law 81–787, establishing Grand Teton National Park, Messrs. Clifford Hansen, Arthur Brown, and Bruce Porter held valid grazing permits on the Potholes-Moran grazing unit. The public law establishing the park required that persons holding valid existing permits on the date of the act shall enjoy such permits during their lifetime and the lifetime of their heirs, if these heirs were members of the immediate family on that date. It is significant to note that this legislation was passed by the Congress a full 16 years prior to the time Senator HANSEN became a Member of this body.

Superintendent Chapman continues that Senator HANSEN and the other permittees on the Potholes-Moran grazing unit agreed to a 1957 request of the National Park Service that they graze their cattle under fenced pasture in another area of Grand Teton National Park in an effort to increase the protection and proper maintenance of native vegetation and to enhance the recreational values of the park for the American people. Senator HANSEN agreed to this relocation which eliminated grazing on 83,500 acres of the park and adjacent forest, all possessing high scenic and recreational value, while still meeting the National Park Service's legal obligation as set forth in Public Law 81–787. Superintendent Chapman states that it is the ultimate objective of Grand Teton National Park to eliminate all domestic stock grazing within the park, recognizing that the U.S. Government does have a legal obligation under Public Law 81–787 that must be met first.

Mr. President, I believe that the letter of Howard H. Chapman, superintendent of Grand Teton National Park, sets the record straight. Mr. Bernard D. Shanks should be aware of the public policy set by the Congress in 1950, when it created Grand Teton National Park. I sincerely hope that all of those who had occasion to read Mr. Shanks' original letter will have an opportunity to read the informative letter written by Superintendent Chapman.

No Member of the Senate would question the integrity of CLIFF HANSEN; his conduct has always been above reproach. I sincerely believe that he has handled his business affairs over the years—long before becoming a Member of this body—in a manner which would enhance the public enjoyment of Grand Teton National Park. During the hearings and debates on the grazing fee issue, Senator

HANSEN has volunteered information concerning the fact that he holds grazing permits.

Indeed Cliff Hansen, as a county commissioner of Teton County, was one of those who strongly urged the U.S. Congress in 1950 to establish the Grand Teton National Park and to preserve this magnificent area for the enjoyment of all the American people for generations to come. Mr. President, I thank the Senate for this opportunity to inform the Senate and the public about this matter.

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

[From Not Man Apart (Friends of the Earth), March 1971]

DEAR SIR: A perceptive visitor to Wyoming's Grand Teton National Park will notice cattle grazing in the valley portion of the park. Such a visitor will realize that the valley is the winter range of large numbers of moose, elk and deer. He will also see signs of overgrazing and erosion on the south slopes of some hills. The cattle, overgrazed south slopes, and wintering wildlife spell trouble. It is unfortunate that over half of the cattle that compete for the rangeland have no legal basis according to the grazing records of the park.

The National Park Service permits the continuation of several questionable grazing permits, and maintains cattle for Wyoming's U.S. Senator Hansen and two of his cattlemen associates. To prevent Hansen's cattle from wandering onto the park highways where the heavy traffic would take its toll, the cattle are protected by park fences. Senator Hansen, who has frequently spoken out on the Senate floor against increases in his grazing fees, has no apparent hesitation about the Park Service spending over $264,000 in a 10-year period to care for his cattle. On public land the Park Service has built miles of fence and maintains ditches and gates for irrigated pasture land. It pays for irrigators every summer and rather than permitting the area to return to its original ecological state the Park Service "improves" the grass cover. Every year the reservoir that supplies the water for irrigation is nearly exhausted by fall, leaving a mudflat three quarters of a mile long. During the early days of the park, Hansen and his two friends secured their permits by a brazen political power play. The permits were never clearly established; in fact, the park superintendent originally recommended granting the permits because it was too late in the season for the cattlemen to find range elsewhere and appropriation restrictions prohibited enforcing the park regulations!

Grazing is permitted in the park, but only under the strict provisions of the act that established the park in 1950. (Public Law 81–787.) Under no conditions were increases to be permitted above the 1950 grazing levels and only valid grazing claims were to be continued in the park. Hansen and others had grazed cattle on the public lands during World War II without permits and were never challenged by the Park Service, apparently due to their political influence. Despite a clear directive against grazing increases, the Park Service has permitted levels to rise. In 1966 grazing had increased over the 1950 levels by 341 animals and 4,219 AUM's. (An AUM is one cow or horse grazing for one month.) The Park Service has violated both the spirit and intent of the Act of Congress that established Grand Teton National Park.

In 1967 over 3000 head of stock were grazing in the park for a total of 12,000 AUM's. The thought of the forage that 12,000 cattle can consume in one month is disturbing. When such consumption takes place in one of the most magnificent National Parks, it becomes a nightmare. Perhaps the time has come to manage the grazing program in this park in accordance with Public Law 81–787. No new acts or laws must be passed to reduce the grazing by 60%. The question is how to move a bureaucracy and vested political interests? I would appreciate hearing from anyone who has ideas about correcting this situation or further information.

BERNARD D. SHANKS.

EAST LANSING, MICH.

FRIENDS OF THE EARTH,
Albuquerque, N. Mex.

GENTLEMEN: A letter was recently published in "Not Man Apart" from Bernard D. Shanks concerning grazing in Grand Teton National Park. I wish to take this opportunity to provide you with additional facts which Mr. Shanks did not bring out in his letter.

Prior to enactment of Public Law 81–787, which created Grand Teton National Park as it exists today, Messrs. Clifford Hansen, Arthur Brown, and Bruce Porter held valid grazing permits on what is known as the Potholes-Moran Grazing Unit. This grazing unit consisted of 83,500 acres of land in Jackson Hole National Monument and the Teton National Forest. The permits granted grazing on this unit from May 16 to November 15 and authorized a total of 1,154 cattle and 6,924 AUM's (one animal grazing for one month). Of this, 569 cattle and 3,414 AUM's were authorized to Mr. Hansen. Public Law 81–787 provided for a continuation of existing permits and leases as of the date of the Act, September 14, 1950. The Law further stated the persons utilizing these permits shall enjoy the same for a period of 25 years and thereafter during their lifetime, and the lifetime of their heirs if these heirs were members of the immediate family on that date. On becoming U.S. Senator in 1967, the Hansen permit was legally transferred to his wife, Martha.

National Park Service administration recognized that the Potholes-Moran Grazing Unit in Grand Teton National Park contained outstanding scenic values. Open grazing in this area interfered with the basic Park objectives for protection and proper maintenance of native vegetation and also lowered recreation values for visitor use in the areas of major development such as Jackson Lake Lodge, Colter Bay, Signal Mountain Lodge, several dude ranches and developed campgrounds.

In 1957 the National Park Service proposed to the permittees of the Potholes-Moran Grazing Unit that they bring their cattle under fenced pasture in another area of Grand Teton National Park where ranching was grazing had been historically practiced. The graziers, of which Senator Hansen was one, accepted this proposal. To accomplish the grazing relocation, irrigation systems had to be redeveloped, fences built and cultivation revitalized. This successful relocation accomplished an elimination of open grazing on 83,500 acres of the Park and the adjacent forest, all possessing high scenic and recreational value, while meeting the Service's legal obligation. This relocation allowed a reduction in grazing land to 11,000 acres of Park land which had already been used for irrigated hay lands and pasture.

This relocation, however, did cause an increase in Park AUM's. To take the cattle off of the Potholes-Moran Grazing Unit in the Park it was also necessary to remove them from the Teton National Forest on which part of the grazing unit existed. Due to the fact that there are no fences along the boundary of the Park and forest and if cattle were allowed to graze on the forest section of the Potholes-Moran Grazing Unit it would be impossible to keep them off Park lands. Therefore, the grazing preference of the National Forest was absorbed into the fenced pasture operation which added 1,154 AUM's to the Park's total grazing picture. This includes 569 AUM's which were authorized in the Hansen permit.

From 1952 to 1970 the total number of horses and cattle grazing permits have been reduced from 26 to 14. Through these permit reductions, AUM's have been reduced by 1,559. Total AUM's grazed in 1970 were 10,742 as compared to 11,147 in 1952 which was the highest allowable grazing year in the Park's history. Except for the one instance of the additional AUM's required to put the Potholes-Moran graziers completed under fenced pasture, there have been no increases in AUM's within Grand Teton National Park.

It is the ultimate objective of Grand Teton National Park to eliminate all domestic stock grazing within the Park, however, we have legal obligations under Public Law 81–787 that must be met first.

These additional facts are essential to complete the understanding of grazing practices in Grand Teton National Park. Your interest in conservation, particularly where it concerns the National Park Service is appreciated.

Sincerely yours,

HOWARD H. CHAPMAN,
Superintendent.

HIGH SCHOOL STUDENTS VOTE ON WAR IN SOUTHEAST ASIA

Mr. BURDICK. Mr. President, in Fargo, N. Dak., and its sister city of Moorhead, Minn., a group of high school students recently conducted an advisory vote on the war in Southeast Asia. Their aim was to help the community voice its opinion about the war.

Voters had a choice of three alternatives on the ballot:

First, U.S. policy should be geared to removal of all U.S. military personnel from South Vietnam by December 21, 1971;

Second, U.S. policy should be that stated by Government officials. Stated as gradual withdrawal from South Vietnam of about 14,000 troops per month, which would leave 184,000 by December 1, 1971. It is further suggested that at the end of 1972, a "residual" force of perhaps 50,000 men would remain for an indefinite period; and

Third, U.S. policy should be geared to obtain a decisive military victory by exerting greater military force against the North Vietnamese.

With a total vote of 5,044, the computed percentages were:

	Percent
Choice (1)	72.4
Choice (2)	22.7
Choice (3)	4.0
Spoiled ballots	.9

I place these figures in the RECORD because I feel they are significant. Here in a semirural, relatively conservative, middle-American community, 72 percent of the voters want out of Vietnam by December 21, 1971. They are tired of the fighting, and they want a complete and final end to U.S. involvement in Vietnam.

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:

MOORHEAD STATE COLLEGE,
Moorhead, Minn., May 5, 1971.

Hon. QUENTIN BURDICK,
Senate Office Building,
Washington, D.C.

DEAR SIR: We are students of the Moorhead State College Campus High School and are writing this letter as a conclusion to a campaign to help the citizens of our community (Moorhead, Minnesota and Fargo, North Dakota) voice their opinions on government policies concerning Vietnam.

The Fargo City Commission and the Moorhead City Council unanimously sanctioned this vote, and mayors of both cities urged strong voter participation.

The community had a choice of three alternatives on the ballot:

(1) U.S. policy should be geared to removal of all U.S. military personnel from South Vietnam by December 21, 1971.

(2) U.S. policy should be that stated by government officials. (Stated as gradual withdrawal from South Vietnam of about 14,000 troops per month, which would leave 184,000 by December 1, 1971. It is further suggested that at the end of 1972, a "residual" force of perhaps 50,000 men would remain for an indefinite period.)

(3) U.S. policy should be geared to obtain a decisive military victory by exerting greater military force against the North Vietnamese.

With students and the League of Women Voters manning the polls, the procedure went smoothly and the vote was quite successful.

Five thousand forty-four is the combined total of the number of voters in Moorhead and Fargo. The computed percentages are as follows:

	Percent
Choice (1)	72.4
Choice (2)	22.7
Choice (3)	4.0
Spoiled ballots	0.9

These percentages are very similar to recent national opinion polls.

The importance of this vote is magnified because we are a part of middle America, a semi-rural and relatively conservative community. Yet, here the supposed "silent majority" spoke out.

We hope this information will help you affect legislation expressing the views of the American people.

Sincerely,

BECKY HEGLAND.
GAVIN STEVENS.

S. 635, STATE MINERAL INSTITUTE LEGISLATION

Mr. ALLOTT. Mr. President, on April 28 the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs held hearings on my bill S. 635, to amend the Mining and Minerals Policy Act of 1970, which would authorize the establishment of a mineral institute in each of the 50 States and Puerto Rico.

In order that Senators may have an understanding of the proposed legislation and its purposes, I ask unanimous consent that my statement before the subcommittee, which outlines the provisions of the bill, and the bill itself, S. 635, be printed at this point in the RECORD.

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

STATEMENT OF SENATOR GORDON ALLOTT, BEFORE THE SUBCOMMITTEE ON MINERALS, MATERIALS AND FUELS, REGARDING S. 635

Mr. Chairman, nearly two years ago we held hearings before this same subcommittee on the legislation to establish a National Mining and Minerals Policy. I am gratified that that legislation is now the law of the land.

The National Mining and Minerals Policy Act was intended to be a cornerstone upon which could be built a national program to ensure the availability of the mineral commodities necessary to supply our industry and provide for our national security. Population growth and increasing per capita mineral demands are placing unprecedented pressures upon the Nation's minerals base.

Recent experience has taught us that dependence upon foreign sources tends to encumber our foreign policy and limit our freedom of movement within the family of Nations. It is in the long-term national interest that our ability to domestically produce important mineral commodities be improved.

The best hope for achieving this objective is through technological advancement in methods of finding, mining, and processing available resources. Radically new approaches may be necessary to achieve this, and research is the logical path to new technology. Our continued progress depends upon it. S. 635 addresses itself to the development of new and improved technology, and since the development and application of the new technology necessarily depends upon attracting and training scientists, engineers, and technicians, it is also the purpose of the bill to aid in the training of qualified personnel through the establishment of research centers.

The challenge to the men of the minerals industry is great, and lesser men would shrink from it. Our minerals men must not only continue to supply the Nation's enormous appetite for mineral commodities, but they must do it without doing permanent violence to the environment and with as little temporary disruption as is practicable. In addition, the ores are becoming leaner, and future discoveries of major ore bodies are likely to be substantially deeper; therefore, new technology is essential to the successful mining and extraction of mineral commodities.

Virtually no mineral deposits will economically yield all of their values, and many will give up only 50 percent of their values with present technology.

Recycling is an essential element to the wise use of our natural resources, since recycling extends the life of a mineral commodity. But, recycling also applies to the land resource from which a mineral commodity was extracted.

Land reclamation is an essential part of the new environmental challenge to the minerals industry. But, perhaps our thinking with respect to land reclamation has been in a much too narrow frame of reference. It is a part of recycling, and by that I mean that as an ore body is mined out, the area must be restored to a useful or productive condition, in other words, a second use. Too often land reclamation is viewed as a requirement to restore the mined land to nearly its identical condition just prior to mining. This may not be the best second use of the land. The land may very well be far more useful, with some modifications, in its mined out condition.

As an example of this, gravel pits are ordinarily close to metropolitan areas. This is largely due to the cost of haulage. Since petroleum and chemical bulk supply depots must also be close to the metropolitan area they serve, perhaps a better second use of the gravel pit would be as a tank farm. Safety precautions require that dykes be built around the tank farm so that spillage will not escape. In the case of the worked out gravel pit, much of the excavation may already be accomplished, and the tanks may be placed in an inconspicuous setting.

In other instances, worked out underground mines may serve as subterranean warehouses and loading terminals, providing, of course, that location and other factors are appropriate.

These examples are only two possibilities, and are mentioned simply to show that with technology, ingenuity, and opportunity many of our environmental problems could, with some exercise of foresight, become solutions for other problems.

It is hoped that S. 635 will help the minerals industry and the Nation deal effectively with all of these and the myriad other related problems not mentioned. But, let no one be confused, S. 635 is a long-range program and to expect "instant solutions" is to be misled. The significant impact of the bill will most likely not occur until after the passage of at least ten years, but it seems obvious that the benefits of the program to be established by this bill will be even more important to the social, economic, and environmental well-being of the Nation in the next decade.

The purpose and policy of the legislation is set forth in the first section, that is, the proposed new section 3 of the Mining and Minerals Policy Act of 1970. It states as follows:

"It is the policy of Congress to support, enhance, and stimulate mining, mineral, metallurgical, ceramic, fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economics, and related environmental research, and the training of an adequate supply of scientists, and technicians in such fields, by supporting the establishment of an appropriate research and training center in each State."

Under the provisions of section 4, each State could establish an institute or research center in one of its tax-supported colleges or universities, preferably its school of mines or its college or university having a department of mining, mining engineering, and metallurgy. The grants would be on a matching basis requiring half of the support to come from non-Federal funds. Each State is eligible, provided it meets the requirements of the act. As pointed out in the hearings on S. 719 in 1969, by one of the principal witnesses to be heard this morning: "Every State has important, essential mineral resources—sand, gravel, building stone, industrial minerals, etc., and in addition may have one or more metallic ores, petroleum, natural gas, or coal."

Section 5 authorizes special mineral resource research projects to be conducted under the direction of the Secretary of the Interior. These projects would be of high priority to meet certain urgent needs, and would normally be conducted by the institutes established under section 4 of the act.

In order to assist the States in establishing a research institute, section 6 provides for grants of up to 75 percent of the cost of purchasing equipment, facilities, and library materials. None of this money can be used for providing buildings or land.

Section 7 provides for an annual report to the Secretary and other housekeeping measures.

Section 8 requires that the results of all research conducted under this act and financed by grants under this act shall be promptly available to the general public. It also provides for the publishing and printing of research results. The purpose here is to insure that new technology and improved methods are made available to the mineral industry at the earliest possible date, and that where applicable they may be employed as widely as possible.

Section 9 places the Secretary of the Interior in charge of the program and gives him the responsibility for coordinating research and maintaining cooperation between the institutes, Federal research organizations, and other research establishments. He shall also act as a central clearinghouse for the results of such research.

Section 10 provides for an annual report to the Congress by the Secretary.

Section 11 prevents the act from impairing or modifying the legal relationship between the situs college and university and the State.

Section 12 includes Puerto Rico within the definition of "State".

The maximum appropriation authorized under this bill would be $23,750,000 after the fifth year, but that small investment can yield benefits many times as great to the Nation.

Mr. Chairman, I would be remiss if I did not recognize the bipartisan support and cosponsorship of S. 635. For the sake of the record, I should like to mention, in alphabetical order, those distinguished Senators who have joined me in sponsoring this measure. They are: Senators Bennett, Bible, Dominick, Fannin, Jackson, Jordan, Mansfield, Moss and Stevens. This interest is especially gratifying since no formal letter of request for cosponsors was sent out.

One final point, Mr. Chairman, our second Government witness, Dr. Elbert F. Osborn, Director of the Bureau of Mines, is deserving of special recognition with respect to this legislation, since it was the work of the Committee on Mineral Science and Technology, of the National Academy of Sciences, under his able chairmanship, which provided the in-depth, supportive evidence of the need for this legislation. In 1969, the Osborn Committee made a number of significant recommendations, some of which have been enacted into law as a part of the Mining and Minerals Policy Act of 1970. I shall quote two of these recommendations which relate to the legislation before us:

"A program be established under the Assistant Secretary for Mineral Resources to provide continuing federally appropriated matching funds to each state in support of mineral-resources research."

"The Bureau of Mines develop sustaining research and educational programs in mineral science, technology, and engineering through grants, contracts, and traineeship at educational institutions.

Mr. Chairman, we have an extremely distinguished list of witnesses, and I know their testimony will be highly instructive. I look forward to listening to their testimony with great interest.

S. 635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mining and Minerals Policy Act of 1970 (84 Stat. 1876) is amended by adding at the end thereof the following new sections:

"SEC. 3. It is the policy of Congress to support, enhance, and stimulate mining, mineral, metallurgical, ceramic, fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economic, and related environmental research, and the training of an adequate supply of scientists, engineers, and technicians in such fields, by supporting the establishment of an appropriate research and training center in each State.

"SEC. 4. (a) There are authorized to be appropriated to the Secretary of the Interior for the fiscal year 1972 and each subsequent year thereafter sums adequate to provide $100,000 to each of the several States in the first year, $150,000 in the second year, $200,000 in the third year, and $250,000 each year thereafter to assist each participating State in establishing and carrying on the work of a competent and qualified mining, minerals, and related environmental research institute, center, or equivalent agency (hereinafter referred to as 'institute') at one college or university in that State, which college or university shall be the tax supported school of mines or shall have a college or school of mine, or if there be no college of school of mines or other tax supported college or university having a department of mining and minerals, then it shall be a college or university established in accordance with the Act approved July 2, 1862 (12 Stat. 503), as amended, entitled 'An Act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanic arts', or some other institution designated by act of the legislature of the State concerned: *Provided,* That (1) matching non-Federal funds at least equal to the Federal share are used to support the institute; (2) if there is more than one such college or university in a State, established in accordance with said Act of July 2, 1862, funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to one such college or university designated by the Governor of the State to receive the same, subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act; (3) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (4) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in the work of the institute.

"(b) It shall be the duty of each such institute to plan and conduct or arrange for the conduct of competent research, investigations, and experiments of either a basic or practical nature, or both, in relation to mining, mineral, metallurgical, ceramic, fuel, scrap recycling, mined land reclamation, underground reservoir utilization, mineral economics and related environmental research, and to provide for the training of scientists, engineers, and technicians in these fields. Such research, investigations, experiments, and training may include, without being limited to, aspects of the supply and demand for various minerals; conservation and the best use of available supplies of minerals; health and safety in mining; improved methods of mineral extraction and exploration; mineral and mining economics; improved methods of mineral production, extraction and exploration which will reduce and minimize adverse effects upon the environment; and legal, social, geographic, ecological, national defense, land use, and other considerations to help assure satisfaction of the national needs and requirements, in both the short and long term, for minerals and their products, having due regard to the avoidance of unnecessary and unproductive duplication of research being conducted by agencies of the Federal and State Governments or other institutes receiving support under this Act.

"SEC. 5. (a) There is further authorized to be appropriated to the Secretary of the Interior for fiscal year 1972 and each subsequent year thereafter sums not in excess of the following: 1972, $1,000,000; 1973, $2,000,000; 1974, $3,000,000; 1975, $4,000,000; and 1976 and each succeeding fiscal year, $5,000,000. Such moneys, when appropriated, shall be available to meet the necessary expenses of special mineral resource research projects which would not otherwise be undertaken, and which the Secretary of the Interior has identified as being of high priority in meeting the objectives of this Act.

"(b) The Secretary shall, insofar as it is practicable, utilize the facilities of institutes designated in section 4 of this Act to perform such special research, authorized in subsection (a) hereof, and shall select the institute for the performance of such special research on the basis of the qualifications of the personnel who will conduct and direct it, the nature of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training mineral resource scientists, engineers, and technicians.

"SEC. 6. To assure that any institute established under this Act is adequately equipped to perform mineral resource research and to train individuals in the mineral resource fields, the Secretary of the Interior is authorized to make grants to each institute to pay up to 75 per centum of the cost of purchasing equipment, facilities, and library materials. No portion of any such grant shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation, or repair of any building. There are hereby authorized to be appropriated not to exceed $5,000,000, annually, to remain available until expended, to carry out the purposes of this section.

"SEC. 7. Sums available to the States under the terms of sections 4, 5, and 6 of this Act shall be paid to their designated institutes at such times and in such amounts during each fiscal year as determined by the Secretary of the Interior, and upon vouchers approved by him. Each institute shall designate an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary of the Interior on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any of the provisions of this Act during the preceding fiscal year, and of its disbursement, on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer or any institute under the provisions of this Act shall by action or contingency be found by the Secretary to have been improperly diminished, lost or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

"SEC. 8. No research, demonstration, or experiment shall be carried out under this Act by an institute financed by grants under this Act unless all uses, products, processes, patents, and other developments resulting therefrom, with such exception or limitation, if any, as the Secretary may find necessary in the public interest, be available promptly to the general public. There are authorized to be appropriated such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under the provisions of this Act and for administrative planning and direction, but such appropriations shall not exceed $1,000,000 in any fiscal year.

"SEC. 9. The Secretary of the Interior is charged with administration of this Act, and shall prescribe such rules and regulations as may be necessary to carry out its provisions. He shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, encourage and assist in the establishment and maintenance of cooperation by and between the institute and between them and other research organizations, the United States Department of the Interior and other Federal establishments, and shall act as a central clearinghouse for the results of research conducted by the institutes.

"SEC. 10. The Secretary shall make an annual report to the Congress of the receipts and expenditures and work of the institutes in all States under the provisions of this Act. His report shall indicate whether any portion

of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

"SEC. 11. Nothing in this Act shall be construed to impair or modify the legal relation existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education or training at any college or university.

"SEC. 12. As used in this Act, the term 'State' includes the Commonwealth of Puerto Rico."

Mr. ALLOTT. Mr. President, there was an unusually fine array of witnesses at the April 28 hearings, and I feel that Senators who are not members of the subcommittee would appreciate the opportunity to read some of the very fine statements presented to the subcommittee. Therefore, it is my intention to ask that selected statements be printed in the RECORD over the next few weeks so that Senators will have an opportunity to read and digest these high quality statements.

The first statement is that of Dr. James Boyd, chairman of the board, Copper Range Co. Dr. Boyd is an outstanding member of the minerals industry and a past president of the American Institute of Mining, Metallurgical, and Petroleum Engineers. While Dr. Boyd represented the American Mining Congress, he has performed distinguished service in the Government as a member of the Army and Navy Missions Board staff, as Director of the U.S. Bureau of Mines, and as Administrator of the Defense Minerals Administration. He is a member of the National Academy of Engineering, and served as Chairman of the National Science Foundation's Committee on Mineral Research.

As Dr. Boyd pointed out in his statement:

In supporting S. 635, the mining industry is assuming an unusual position, for it has tried, where possible, to solve its basic problems within its ranks.

In recent times, however, many new restrictions have been placed on the mineral industry by Government, which have made it more difficult for the industry to cope with the many conditions on a concerted basis. The bulk of these new restrictions are environmental in nature, and while these new requirements are commendable, nevertheless there must be technology developed to assist the industry to cope with them. An interdisciplinary approach will be essential to the resolution of many mining problems, and the resolution of many mining problems may have application in other fields. Dr. Boyd mentioned the pioneering work of his company with respect to rapid excavation equipment. The solution to some transportation problems in urban areas may depend upon the development of rapid tunneling equipment, and this technology may have similar application with respect to sewers, storm drains, and utilities.

I hope that Senators will take time to read Dr. Boyd's interesting statement, which I ask unanimous consent to have printed in the RECORD.

SELECTED STATEMENTS

Mr. Chairman and Members of the Subcommittee:

My name is James Boyd. I am Chairman of the Board of the Copper Range Company and appear today in support of S. 635, representing the American Mining Congress, an association of U.S. companies that produce most of the nation's metals, coal and industrial and agricultural minerals. Its membership includes also more than 200 manufacturers of mining and mineral processing equipment and supplies as well as financial institutions with a business interest in the mining industry.

In 1969 I was President of the American Institute of Mining, Metallurgical and Petroleum Engineers. Although that institute is not permitted to come to political conclusions, I may say that I have been in touch with the pertinent committees of the institute enough to be able to say to you that the profession supports the principles of S. 635 even if individual members might prefer to have different approaches to some of its provisions. As you know, it is always difficult to get a group of engineers to come to unanimous conclusions.

For myself, I am the son of a mining engineer and was brought up in the gold camps of Western Australia. I graduated from the California Institute of Technology in engineering and economics, and received advance degrees in geology and geophysics from the Colorado School of Mines. I served in the government, involved in raw material supply problems, during World War II, as a member of the Army and Navy Munitions Board staff, and later, as the Director of the U.S. Bureau of Mines, and Administrator of the Defense Minerals Administration during the Korean War. I was for a period Vice President of Kennecott Copper Corporation in charge of exploration, and have been with Copper Range Company for eleven years. I am a member of the National Academy of Engineering, and served on the committee of the Academy which wrote the Mineral Science and Technology report for the Interior Department. I also served for three years as the Chairman of the National Science Foundation's Committee on Mineral Research, and currently am Chairman of the Interior Secretary's Advisory Committee—Metal and Nonmetallic Mine Safety Act.

It is always a matter of pride to me to have the privilege of appearing before this committee, which I have done many times since my first appearance twenty-four years ago. Today, although I represent the American Mining Congress in support of S. 635, I propose to support its position by more personal experience.

Through all of the years that I have been related to the minerals profession, the Congress and various administrations have struggled with the enormous task of assuring the economy sufficient raw materials to keep it growing, while conserving our resources and preserving the environment. The problems are changing so rapidly that adjustments of policy are constantly required.

In supporting S. 635, the mining industry is assuming an unusual position, for it has tried, wherever possible, to solve its basic problems within its ranks. But times have indeed changed, and we find that we cannot solve all the problems facing us without help from the state. One reason is that the state imposes certain restrictions on us which inhibit our ability to cope with many conditions on a concerted basis.

There are many reasons why this legislation is needed. The demand for trained manpower ebbs and flows between the time a young person decides what he wants to do with his life and when he is prepared to assume his responsibilities. We sometimes find that the demand has temporarily slackened when these same young people become available. Today some graduate engineers cannot readily find a job.

The most dramatic illustration can be found in space technology. Here the sudden change in national priorities has thrown thousands of engineers and technologists with specific, sometimes narrow training and experience, out of work. Yet the need for trained men in the environmental sciences exceeds the supply by a substantial margin. The requirements for the most creative types of minds in the earth science and technology fields are perhaps most pressing, as too many of those having such potential were drawn into those fields where priorities are now declining. The disciplines addressed by S. 635 need the infusion of many more minds competent by intellect and training to meet their growing challenges. To provide these men with adequate training, under our educational system, requires exposure to new thoughts, modes of attack on problems, and new knowledge coming from research.

Such research takes place in industry, the research institutions, the government bureaus, and the universities. To a large extent we have to depend on the latter for the generation of fundamental knowledge. We found in our studies when writing the Mineral Science and Technology report of the Academies of Science and Engineering, that the universities were woefully short of funds to provide the opportunities for scientific discovery in the mineral fields. In fact, it appears that the rest of the world is leaving us far behind.

Now, let me illustrate what I mean from experience within my own company. We operate a very large underground mine, producing the fifth largest amount of copper in this country. This mine is so unique that we have had to develop new technologies to mine it successfully. For over 25 years we have necessarily been spending an unusually large portion of our income to develop new mining technologies. In fact, millions of private dollars were spent on research before the decision to mine could be made at all. This is a very large bite for a small company, but the knowledge gained from this work is being used all over the world. Even this large contribution, however, is not enough. We, as a relatively small company, simply cannot afford to do much of the fundamental work that is required to solve problems which we may have in common with those of other companies.

For example, we find that the future of our mine depends somewhat on the effective development of boring machines. We have pioneered in using these machines for tunneling purposes in hard rock, but with many unsolved difficulties. This is a brand new technology, which will make major contributions outside the mining industry. For example, the solution to some transportation problems in urban areas will depend on rapid excavation of tunnels, using such machines.

Unfortunately, we do not really know why or how this machine works. We cannot see the cutters operating or, with our facilities, have them instrumented to determine the forces involved. We need to do the kind of things that the air craft designers do in a wind tunnel, where they can see what goes on, instrument models to provide the physical data, and create constant but variable conditions so that they can test out their theories. The advances in space and aeronautical technology have come out of tremendous expenditures on research in hundreds of institutions. By comparison, the work done on the sciences of the earth is so small as to be negligible and is attempted in only a limited way in very few colleges and universities. Just as the technology developed by extensive research in space has provided answers to many pressing problems, so extensive research in the earth sciences is required to answer many national problems

involving all phases of the environment in which we live.

We in Copper Range have started with a survey of the state of the art in each of the fields we encounter. From there on, however, we have had to achieve results by developing information empirically. We can try out new things as we produce rock for our mills. Our work would be more effective and less expensive if we could look toward the educational and research institutions for fundamental physical constants and operating data.

We have had to man our machines with engineers who in some instances have gone back to college for advanced degrees. They, however, do not have available to them the reservoirs of knowledge of fundamental and applied research that exist in other fields. The government has seen this need in the physical sciences, in agriculture, space and medical technology, but not in the mineral sciences.

As I talk with our engineers and research men, I constantly hear about struggles to solve an urgent problem only to run up against a serious lack of developed technology. Some very pressing questions will not be answered until research produces new technology.

Up to now we have been blessed with abundant supplies of readily discovered and accessible mineral raw materials. The solution to technical problems could usually be handled by ingenious engineers who could improvise and accomplish the desired result. Others have pointed or will point out that this is no longer so. The resources exist within our territorities, but the technology to recover them in sufficient quantities at reasonable costs does not. To accomplish this we are required to speed up our research and to produce more competent graduates to deal with the enormously complicated problems involved.

In the meantime, even more complicated techniques are required to provide the means by which minerals can be made available for general use, without damaging the environment or so disturbing the ecology as to make it difficult to adjust to mineral industrial activities. A few such areas are:

1. The more efficient use of chemical energy (explosives).

2. Application of sonic and impact energy as applied to the mechanical cutting of rock.

3. Optimum cutter, shape and head design for boring machines.

4. Changing the rock shape fabric through application of chemicals to promote softening, possibly coupled with additional research in rock cutting with water jets.

5. Metallurgical research to test the feasibility of mineral preconcentration on removal within the mine environment without use of present massive rock displacement.

6. As to rock breaking, generally, investigation of new energy sources such as radiant heat, electron beams, plasma arc, lasers and electromagnetics. However, advancement and application of new techniques must depend upon generalization of rock data.

7. Development of suitable equipment and techniques for measurement of in situ physical characteristics of rocks. Little has been done in this area although the science of precise measurement has been advanced to a high degree in the aerospace industry.

Almost every competent mining company could provide you with longer and possibly more urgent lists.

Such measurements are desperately needed in order to provide the scientist with data which he can use to investigate new mine schemes more compatible with our ecology. The engineer-designer can use such data to develop more efficient mining and processing equipment to fit the schemes proposed by the scientist.

Breakthroughs in mining must be made in order to maintain or increase the present standard of living within acceptable ecological parameters.

If the ecology is to be maintained and material necessities are to be provided for our ever-expanding population, new mining methods must be developed.

These new developments could mutually assist in providing a solution to the present urban problems dealing with transportation and waste disposal.

In the preparation of this statement many questions have been raised about the completeness or the workability of this bill. I personally feel that those who drafted it did a magnificent job of covering almost all of these questions. For emphasis, however, I should like to present you with some of these concerns so that when you mark up the bill you will possibly have useful comments.

The requirements for this type of assistance are so broad that it is possible to feel that one technology has been emphasized at the expense of another. The policy statement in Section 3 is indeed all inclusive. Considerable work needs to be done in all these. It is to be hoped that the legislative history of this act will indicate that one part is as important as another, even though from time to time the priorities can change.

Some of my correspondents are concerned that the bill is too broad, and that applying it to all states could weaken its coverage. It is recognized, however, that every state, even the smallest, has mineral or earth-science problems and that in virtually everyone the problems can be unique. It is recognized that education is organized on a state basis, and as nobody has suggested to me a better way, I would not like to recommend an amendment.

The metal mining industry, and indeed the academies in their reports, feel the need to concentrate efforts in fewer centers which can be brought to high levels of excellence. Section 4a(3), which provides for interstate cooperation, seems to me to provide the means of accomplishing this end. This type of cooperation is not easy to achieve. I would hope that the Secretary of the Interior would be charged to encourage this type of cooperation. Perhaps the committee would agree with us and have its record indicate its purpose.

Mr. Chairman, I appreciate the opportunity of appearing before you and I would like to express my admiration for a well-drafted bill. I would hope that those who feel they have a better way to do things will try to find that way within the structure you have provided.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). Is there further morning business? If not, morning business is concluded.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. ALLEN). In accordance with the previous order, the Chair now lays before the Senate the unfinished business, H.R. 6531, which the clerk will state.

The legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the bill.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. CRANSTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RULE OF GERMANENESS WAIVED

Mr. BYRD of West Virginia. Mr. President, for reasons which will soon be apparent, I ask unanimous consent that the Pastore rule with respect to germaneness be waived for not to exceed 2 minutes.

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

THE FIRST GIRL PAGE

Mr. JAVITS. Mr. President, we are witnessing an historic scene. I had the honor just now to bring into the Chamber the first girl page in the history of either House of Congress. Her name is Paulette Marie Desell.

Again, I wish to thank the Committee on Rules and Administration and the Senate for breaking this historic barrier in a practical way. I think we will all get great gratification out of this event.

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

Mr. JAVITS. I yield.

Mr. GRAVEL. Mr. President, I would like to partake of this historic occasion and ask the young lady if she would secure a glass of water for the Presiding Officer.

The PRESIDING OFFICER (Mr. CRANSTON). The Presiding Officer thanks the Senator from Alaska.

Mr. JAVITS. I thank the Chair.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

WAIVER OF THE GERMANENESS RULE

Mr. BYRD of West Virginia. Mr. President, in view of the fact that there will be no votes today on the unfinished business, H.R. 6531, a consent agreement having been entered thereon, and in view of the additional fact that no Senator present wishes to address his remarks to that subject, I ask unanimous consent, on behalf of the leadership, that the Pastore germaneness rule be waived temporarily and that the Senator from Ne-

braska (Mr. HRUSKA) be recognized for not to exceed 20 minutes to speak on a nongermane subject.

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—I do serve notice on the Senator from West Virginia that I do wish to speak on the merits of the pending matter and will seek the floor as soon as the Senator from Nebraska is through. I do not object.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator.

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

(The remarks of Mr. HRUSKA, when he introduced S. 1865, S. 1867, and S. 1868, are printed in the routine morning business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, what is the pending business before the Senate, please?

The PRESIDING OFFICER (Mr. CRANSTON). The amendment of the Senator from Maryland (Mr. MATHIAS) to the Mansfield amendment.

Mr. STENNIS. On H.R. 6531?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. I thank the Chair.

Mr. President, I wish to address the Senate briefly about some of the important political effects which a radical reduction of our European troops would have. We have discussed here quite thoroughly the economic effects of such a reduction, and I believe it has been shown conclusively that the very large figures—such as $14 billion—which are cited by the proponents of the distinguished majority leader's amendment are most misleading indeed. We have shown, I believe, that the increased cost of providing equipment and facilities for our troops here at home would far outweigh any of the small savings in transportation costs which might accrue after a withdrawal from Europe. Moreover, one of our greatest assets in the balance-of-payments field is the offset purchases and agreements by the German Government. The funds provided to us under these agreements reduce by about half—to less than a billion dollars—the deficit caused by our military expenditures in Europe. As a matter of fact, the most reliable figures I can get on the expenditures are $1.7 billion. The offset payments reduce that by $800 million, which cuts it down to $900 million. Pulling a large number of forces out of Germany, as we would have to do under this amendment as proposed, would shatter these offset agreements and could mean that our balance-of-payments difficulties would be considerably worsened rather than improved.

The offset purchase agreements with Germany are being renegotiated now for a continuation. They automatically expire, as I understand it, on June 30 of this year. There could hardly be anything more upsetting, especially at this time, than to agree to the Mansfield amendment which, if it is agreed to by the Senate, would presumably become law.

I have some special remarks here on the need for in-depth hearings. While I am on this point, let me say that nothing better illustrates the real need and almost the demand for in-depth hearings so that all the sides, circumstances, and facts, even as to the economic figures, could be fully developed and brought into focus by competent analysis and then brought forth in a report. There is nowhere that a Senator can turn to, outside the committees that deal with this matter, to readily get this information which has been verified by other Members of this body.

Mr. President, I believe that the political consequences of the withdrawal of half our forces from Europe would be even more devastating. Europe is our strongest ally. The NATO Alliance is the alliance which has worked.

It has worked in an outstanding way for its European members, and it has also worked in an outstanding way for us. Let us not overlook that fact. It has been found to be especially practical, workable, and effective from our point of interest. When I say our point of interest, I mean the defense of our own land. We should not allow our emotional concerns about overseas involvements—proceeding indirectly, I believe, from the agony of the war in Vietnam—to undermine our entire foreign policy. I ask the Members of the Senate to consider for a moment the importance of Western Europe to the United States in the world balance.

Just under 3 years ago, we were debating in this Chamber the possibility of withdrawing forces from Europe when the Soviets invaded Czechoslovakia. I believe this brought home to all of us, as forcefully as an incident could, the importance of a free Europe to the United States. I would not want to be an alarmist—and I do not think that I am—about the troop reductions proposed by the distinguished majority leader, sizable though they are. I do not believe that such reductions would mean that Western Europe would be immediately overrun by Soviet divisions. The problem is much more subtle than that, but no less serious. The Soviet Union has constructed a great empire since World War II and those nations on its borders which are not occupied by its troops are, for the most part, coerced indirectly into cooperation. They live in a somewhat gray world, in between independence and satellite status, having some freedoms as long as they are not too vigorously exercised. I do not imply any criticism of a fine and courageous nation when I say that it would be a disaster—an immediate and direct disaster for all of us—if we were to see the gradual Finlandization of Western Europe.

It was my privilege to be in Finland for 4 or 5 days, and I want to emphasize that I have great admiration for those fine people, their manners, their spirit, their friendliness, and their ruggedness. They are a people with great integrity. Thus, I speak of them with admiration. However, it is true that we can illustrate what can happen to other fine nations by pointing to what happened to them.

If the Western Europeans began to believe that the United States was not willing to help them provide the military power necessary to resist Soviet advances, the long-range political and economic consequences could be disastrous for the United States. The consequences might first be seen in the weaker nations of the NATO Alliance, perhaps Greece and Turkey, but it would eventually spread even to such an economic and political giant as West Germany.

Mr. President, I speak with the greatest of admiration for the small countries of Greece and Turkey—while we may not approve of the government now in Greece. It has its ups and downs. Greece has some of the finest soldiers in all of Europe, as well as Turkey, which has some of the most effective ground troops to be found anywhere. In my visits to Greece and Turkey, I have felt that they are conscious of American support through the NATO Alliance, and it gives them courage. It makes all the difference. They look toward the West now, whereas they might have to look toward the East for alliances or some kind of affinity, should they decide that our support was uncertain.

We must remember that Greece and Turkey are located geographically more to the east. They are a long, long way from us.

I mentioned the Czechoslovakian invasion. I do not travel much or leave Washington much; but when that invasion occurred, through a sense of duty, I went to Western Europe, to get the feeling of what was going on there, and went up to the Czechoslovakian border where I saw the invading military units of Soviet Russia who had taken over Czechoslovakia. I got a feeling of the way the people of Greece and Turkey feel about this thing that happened so near their own doorsteps. I came away with a deeper understanding of the problems there, and of the value of the NATO Alliance to the security of Western Europe. I had a much better understanding of the situation than I had before I went there.

I know I do not need to remind the Members of this body that the Mediterranean, particularly the eastern Mediterranean, is NATO's vital southern flank. A weak alliance, supported by only

skeletal U.S. forces, would not be able to establish the presence the United States needs to assure a peaceful settlement to the conflict in the Middle East. I do not mean to say that the fate of Israel is immediately endangered by the withdrawal of U.S. forces from NATO, but it is certainly more easily brought into question—far more easily. The friendly and moderate Arab states in the Near East as well as Greece and Turkey are not likely to fail to notice a massive American withdrawal from Europe. The message to them would be clear: The United States is returning to fortress America, and with a speed approaching panic. This would be an erroneous conclusion on their part, but one they could well make.

I do not think we are rushing to isolationism or back to Fortress America. I do not favor such a move. However, that is the way it would look to the others. I might add, Mr. President, that one of the worst things about this amendment and one of the dangerous things about it is the speed it would require in withdrawal. Also, the fact it would be forced upon the President by the Congress, would tell our potential enemies everywhere that the President of the United States has lost effective control of American foreign policy.

I am not including in that the power to declare war or anything like that. That is withheld by the Constitution. Everyone is supposed to know that. However, we do not always practice it. I hope that we are going to reconsider that process now. However, on the matter of far-reaching policy, like carrying out the solemn treaty that we are already members of, we have to give the President a great deal of discretion. As I will say later here, I think we ought to continue to consider this matter of some reasonable withdrawal. It would have to be slow at first and small in amount at first. However, by all means, it should be after proper negotiations and proper long-range notice.

After all, we may not think these other members are equal partners entitled to equal consideration. But they think they are. They are parties to a pact, and they are sovereign nations. They have their own government and their chiefs of state and their legislative bodies.

The way it looks to them is that until we have at least gone through the channels of diplomatic considerations and attempted understandings and negotiations, or whatever term might be used, any withdrawal of this proportion and in such a short period of time would be a running out on our agreement.

These agreements ought to be reconsidered from time to time and negotiations about them carried on. That is something I favor. I would like to see the others reconsidered and renegotiated. However, I think this, with due deference, is the wrong way to start on the alliance we have that has been so highly successful.

I do not mean to imply by these words that I would be opposed to all reductions in our European force levels. If these were carried out in a reasonable and gradual fashion after negotiations—and, I want to emphasize, after negotiations—if they were matched by increases in our Allies' forces, and if they were executed in a spirit of cooperation, I think such reductions would be reasonable. U.S. forces should remain in Europe for the foreseeable future, I believe, and should remain there in numbers greater than those required for a nuclear tripwire, but I do believe some reductions, from time to time, would be possible.

It should only be done however after thorough study and consultation with our Allies and after reasonable attempts at cooperation between the President and the Congress.

This is an area, Mr. President, in which the vital interests of the United States are so directly affected that we dare not act irresponsibly. We must assume that any amendment we pass is likely to become law. And we must ask ourselves, very honestly, whether we wish to project for our country an image of recklessness and weakness.

Mr. President, I have been concerned since this debate started about the lack of comprehensive and in-depth hearings with the testimony before us, with the benefits of analyses by our colleagues, sustained by the able staffs that would put these questions of fact in depth before us and pose the proper questions of policy with clarity.

One of the most important reasons why we should not vote as radical and rapid a cut as that included in the amendment proposed by the distinguished majority leader is that there has been no thorough study of this issue in the Senate for many years. I realize that many Senators are under the impression that this issue has been thoroughly studied. I submit that this is not true. A good deal of discussion in one form or another has taken place here on the floor, but the Senate committee system involving hearings and reported legislation has not functioned in this matter. In fact, Mr. President, it is startling but true, that no legislation—resolution or otherwise—has been reported out of the appropriate committee, the Foreign Relations Committee, on this matter in many years.

That is a very able and a very prominent committee. They have a lot of energy and are well versed in our foreign relations and in all jurisdictions assigned to them under our Senate rules. I have the highest regard for the membership and the recommendations they make. But we are lacking this element of their recommendation in our debate. Although we have the recommendations of a number of their fine membership, we are lacking this element in the report, as I have said.

I am not referring to an individual. The only reasonable conclusion I can draw is that that fine committee has not been unified in making recommendations. They are just divided in their conclusions regarding this matter. We still have not found as yet a hard, concrete recommendation that they feel like making.

In 1966 when the distinguished majority leader first introduced his resolution hearings were held and they were held again in 1967. But before the report could be written, while many Senators were considering a precipitate withdrawal, an event intervened of which I believe this Chamber should be reminded.

I do not believe any of us will forget the effect which the Soviet invasion of Czechoslovakia had. In some ways this invasion was quite high even upon the Soviet Union's own scale of cynicism in international affairs.

The Czechs and the government of Aleksander Dubcek were not the enemies of the Soviet Union. We can expect and should certainly anticipate that the Soviets will be cynical in their dealings with us. We are doctrinally their enemies. But the invasion of Czechoslovakia was the suppression of a government friendly to the Soviet Union whose only crime was to permit some freedom in arts and in speech. It cut quite short a great deal of speculation about detente and a great deal of wishful thinking about European affairs. Many began to see what Europe could be like if the Soviets were free to work their will upon it.

Following that invasion, as Senator JACKSON stated in his speech here on May 13:

> There was some sudden back-pedaling.

The report that was being written stated, when it came out in October:

> The time is obviously not propitious for a substantial reduction in U.S. forces in Europe.

Mr. President, I submit that the world is not a more relaxed place in 1971 than it was in 1968. Quite the contrary. The Soviet Union has vastly increased its strategic nuclear forces to the point that it stands nearly at parity with the United States. The Near East, on NATO's southern flank, is in danger of erupting into war at almost any time. The Soviet navy has vastly expanded in size and Soviet submarines patrol off our shores. The Soviet divisions are still bivouacked outside Czech cities and villages. Mr. President, there is no less reason to suppose that the United States must stand firmly together with Europe. On the contrary, there is more.

Last fall, Mr. President, the general issue of U.S. commitments was investigated and studied quite ably by the Foreign Relations Subcommittee on Security Agreements and Commitments Abroad. But I do not believe by any stretch of the imagination it can be said that the Senate as a whole is adequately prepared to deal with this issue. As I said before, no legislation of any kind has been reported out of the Foreign Relations Committee on this subject. No carefully drafted language has been scrutinized by the committee members sitting together after having reviewed the hearings on this subject. The lack of information is illustrated by the nature of the report of the Foreign Relations Subcommittee dated December 21, 1970.

The distinguished majority leader, when introducing his resolution, remarked that there were hearings in 1969 and 1970, that a report was issued, and that the membership of that combined subcommittee investigating the NATO troop issue, was made up of Senators from the Senate Armed Services Committee and the Senate Foreign Relations Committee. I know that was the informa-

tion then before the majority leader, but let us get the record straight on this point.

The joint hearings referred to by the distinguished majority leader were not last year, but were rather in 1966 and 1967. They were the hearings to which I have referred earlier which were completed before the invasion of Czechoslovakia. The later hearings, referred to by the distinguished majority leader, dealt with a much wider range of issues and were conducted by a Foreign Relations subcommittee alone.

But, Mr. President, the issue is not really whether a report was issued and what Senators served on the subcommittee. The issue is rather whether or not this extremely important subject has been dealt with with the care it deserves. The report referred to by the distinguished majority leader was a report dealing not with NATO, but with a much vaster subject: the entire range of our security agreements and commitments abroad.

The issue of NATO is well-discussed. I do not mean to disparage this report at all. But the issue of NATO—all of NATO—is covered in less than a page and a half. This 28-page report covers our commitments to: the Philippines, Laos, Thailand, Taiwan, Japan, Okinawa, Korea, Ethiopia, and Spain, as well as NATO. It also deals with tactical nuclear weapons and intelligence.

This is a fine, concise report. But one and one-half pages—just under one and one-half pages—do not constitute the full review we need to decide about an entirely new foreign policy for the United States in the 1970's. Of course not, Mr. President. I speak with great deference to everyone connected with this problem. There were one and one-half pages, and they referred to certain divisions and airpower, as I recall, and there was not a discussion of the fundamental issue. That is just not enough for the Senate to have before it for study and perusal before we make a fundamental decision here on a rollcall vote that absolutely sweeps off the surface one-half of the Armed Force we have in all of Western Europe in support of NATO; and if it is applied across the board, one-half of those that are in the Mediterranean Sea area committed to NATO.

Mr. President, we simply cannot make decisions on an issue as fundamentally important as this—a major shift in our foreign policy—without a full and complete study using the most up-to-date information.

We cannot do it without notice, without negotiation, and without recognition of our Allies in this pact. They are sovereign nations. They have their own chief executives and they have their own legislative branches and we cannot ignore them. They asked us to come into this pact and we asked them to come in. We were very anxious that they would come in.

I will speak later on the drastic effect which cuts of this size would have upon NATO Alliance's capability to maintain an effective conventional deterrent against the Soviet Union. If a reduction is to be made it should be made gradually, accompanied by careful planning, and with full assurance that any U.S. unit which is removed can be effectively replaced by a European unit. It is absolutely impossible, Mr. President, to achieve this assurance with no hearings, no report, no reported legislation, and a bare 6 months of time to restructure an entire alliance.

Mr. President, I wish to say just a few words about what has transpired here since the amendment was filed. There has been no amendment to any bill of which I have been the floor manager that has drawn such interest, concern, and study as this amendment. The Committee on Armed Services has had numerous calls and requests from Senators and I have had numerous calls and requests from Senators, wanting to know what the facts are, and to get the actual figures and an analysis of what the issues are in this amendment and the implications and the consequences that would result from its enactment. I find this very deep concern has continued from day to day.

I find that when a great many of these Senators who are not members of the two committees get more and more of the facts, there is more and more sentiment among them not to support the amendment, even though on the surface it has appeal. So I am very proud to see the membership respond in the way that it has.

I predict now that we are going to have some interesting developments in the debate. More and more Senators will come on the floor and express their concern about the situation. I say that in a very humble way. I just know this concern is in existence, and that some of it is going to be expressed. I believe now a great deal of the concern will be reflected in the final vote.

I have already paid my respects to the Foreign Relations Committee, making it clear that my reference to them and their lack of report here was no criticism of them, but represented my regard for them and the ability of the membership.

I refer now to a statement made here on the floor by a member of the Foreign Relations Committee, the Senator from Kentucky (Mr. COOPER). We have had the benefit of some fine speeches, but I feel that, in his splendid way, he set forth with great clarity and emphasis the real issues here, the implications and the consequences, not only in the military field but in the diplomatic field, and the consequences to our foreign policy and our relations with other countries throughout all of Western Europe and also the Middle East. I refer to his speech as the pivotal guide for any Senator who has a continuing interest in this matter.

The Senator from Washington (Mr. JACKSON), a member of the Armed Services Committee, made a very fine analysis yesterday in his speech on the same subject. I recommend to the membership that they look at the contents of his analysis, which I think they will find very worthwhile in this field.

I do not know that there will be any further debate here today, but before we get to a vote on this matter Wednesday, I know there will be further debate from each side, and I believe it will be very wholesome debate and very enlightening.

I hope, in the final analysis, this amendment will be voted down, but that interest in this debate will not abate; that we can have the proper kind of hearings and development of the facts and get a firm recommendation from the Foreign Relations Committee; and that in the course of time this matter will come up again for such consideration as the congressional branch of the Government may wish to give to it.

I have never made any promises or anything else to the executive branch about this matter, or any other matter, that restricts me in any way in debate. It is entirely an open question to me, as well as to others; but I am convinced, beyond all reasonable doubt, that in this case whatever should be done in diminution of our troops there should not be done to this extent. It should not be done without notice and negotiations with our allies on a diplomatic level of equality, and that whatever withdrawal of troops, if any, is decided on, it should not be abrupt, but should be after reasonable notice, and start at a low enough rate so that there could be a replacement of quality troops.

I warn now of the consequences of just jerking out of the line half of the troops we have over there over a 6-month period. Understand that under the agreements we have made, each of the major allies is assigned a sector on the eastern front, a sector that each is primarily responsible for. If our troops are abruptly withdrawn—and a period of 6 months would represent an abrupt withdrawal under circumstances like these—there would be no time for others to adequately take their place.

If they started preparing for those replacements today, there just would not be a time. They would have to start leaving long before December 31 of this year. According to the amendment, that would be the last day. They could not spend any more money after that date, according to the terms of the amendment. It means they would all have to be gone. This is precipitate action.

We have no real idea of what would happen toward filling the space we would leave vacant there. I would not be in favor of leaving the second one-half there if they were spread out so thin that they would not have a proper chance to protect themselves.

I speak with great deference here. I believe that some of our anxiety over this subject is a reflection of what is going on in Vietnam. There is no direct connection whatsoever between the two. Whatever is to our dislike in Vietnam is not related to the situation in Europe.

I think our second thoughts—and I am a great believer in the second thoughts of the membership of this body—and our second analyses will require us to withhold support of the amendment until a further look can be had.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I have listened with interest to what the distinguished Senator from Mississippi (Mr. STENNIS) has just said. I did not have the opportunity to listen to his entire speech, but I have read a part of his

prepared remarks. I want to thank him for the courtesy he has shown in correcting the RECORD, and I would like to see the RECORD corrected. I was in error concerning the years during which the combined Committees on Foreign Relations and Armed Services met, and now the RECORD is straight.

If I may make a further comment, I would say that it is interesting to note the enthusiasm which has suddenly been kindled for the negotiation of mutual troop reductions between the Warsaw Pact and the NATO countries. On January 2, 1961—over 10 years ago—I made a similar proposal which was cold-shouldered by the preceding Democratic administration. If the Senate will permit, I will read that brief statement in full at this point.

At the present time—

And note, this is January 2, 1961, not 1971—

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

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

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

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

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

That statement, I repeat, Mr. President, was made on January 2, 1961, more than 10 years ago—more than a decade ago—if there is any suddenness in the proposals which I have made down through the years, that suddenness is news to me.

It is 10 years later and I may be forgiven, I hope, if I am less than sanguine about this sudden enthusiasm for negotiations. A timelag of a decade seems to me a somewhat prolonged delay in getting to them.

Nevertheless, I was interested in Brezhnev's proposal today. He suggested, as I understand it from the reports, that negotiations get underway between the United States and the Soviet Union. I am delighted that the response of the President has been in the affirmative. He is to be commended for whatever part he may have played in bringing about this stirring of diplomacy. Indeed, if the proposed amendment acted even as a partial precipitant, that is all to the good.

May I say, however, that the Brezhnev proposal does not in any way affect the rationale of the issue which is now before the Senate. In my judgment, a reduction in U.S. forces in Western Europe by 50 percent is in the interest of this Nation with or without negotiations. What is involved in this proposal is a cut where a cut can be made. It is a cut in the excess and a discard of the obsolescent in the U.S. deployment in Europe. It is a long-past-due adjustment, not in the Western alliance, not in the NATO Treaty, but in its one-sided machinery. The prolonged putoff of this adjustment has resulted in a debilitating drain on the resources of this Nation and this Nation alone. The run has not been on the mark; it has been on the dollar. Lest we lose sight of that reality in an enthusiasm for negotiated mutual reductions with the Soviet Union, I would also remind the Senate that the run has not been on the ruble. It has been on the dollar.

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

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

Mr. GRAVEL. Mr. President, I want to add, very briefly, to the fine comments made by the majority leader with respect to his statement of a decade ago.

Just to bring it into perspective, the point he raises is that what we had in Europe in 1960 was a token shield, and the fact is that that situation exists today.

I shall read from the report that was placed in the RECORD on May 11 by the majority leader, and I want to bring these facts before the Senate at this time so that the comparison is properly made.

In East Germany alone, the Soviet Union has 300,000 troops deployed. They have 20 armored and motorized divisions. In Czechoslovakia, Poland, and Hungary, the Soviet Union has a total of 500,000 troops. That makes 800,000 troops in those four countries

SHAPE, our headquarters, estimates that, in addition, the Warsaw Pact has three times as many divisions as we have in NATO. So the Warsaw Pact alone outnumbers NATO 3 to 1, and the Soviet Union, in the East European countries of East Germany, Czechoslovakia, Hungary, and Poland, has 800,000 troops.

So, by any stretch of the imagination, ours is not a defense force that could hold off an invading enemy of that size for any length of time.

As in 1960—now, in 1971—all we have there is a shield which is a token shield.

I want to draw an interesting parallel to the operations of the Mongol kings at the time of Genghis Khan. In order to maintain peace between tribes, they require that the chief of the other tribe leave in ransom his son or daughter, preferably the son—and preferably the oldest son—in the other tribe. Obviously, if one tribe were much stronger than the other, they could require more than just one son. They could require three or four sons, if the chieftan had that many, and perhaps a few of his wives. If they were really powerful, they could require to hold in ransom his entire family—brothers and sisters and what have you.

What we have today in Europe is the same thing. We have placed American forces in Europe as a guarantee there, in a state to be ransomed by the continuity of peace. It would seem foolish on our part if we would not recognize our interests and try to keep low the numbers of people who would be part of that ransom, part of that guarantee. In fact, we can think of the incident involving the capture of the *Pueblo*. There was a great deal of talk about our going to war because 94 Americans, I believe, were captured.

We have 530,000 Americans in Europe. How ridiculous it is to hold so many people in ransom when the same principle could prevail with 100,000, with 150,000.

So, as it was in the interest of Mongol chieftains to keep the numbers low for family reasons, reasons of personal affection, it should be in our interest, our economic interst, also to keep the force in Europe low—one, because of the cost of maintaining it and, two, because there is no need for a great force.

In fact, from a tactical point of view, if there were a ground invasion and not a nuclear attack, we would be much better off by having that force secure here, in the continental limits of the United States, ready to strike back, rather than having them held over by the Soviet contingent of 800,000 troops alone, not to speak of the 3 to 1 ratio of the Warsaw Pact nations to NATO. So I think there is abundant tactical reason to cut down the force level in Europe, and of course there is the logical reason that has come down through history.

If we must maintain peace in Europe with a ransom guarantee, let us at least have the intelligence and the wisdom to keep that ransom figure as low as possible

so that it does not operate as a strenuous economic burden against us.

Obviously, the number of people we have in ransom security in Europe today is not such a low figure. It was not such a low figure back in 1960; and this, of course, is the reason why we now have, as was predicted 10 years ago by the majority leader, a financial crisis, a financial hardship on this Nation.

I again compliment the majority leader for his skill in putting down the shrill criticism that has taken place since he proposed his amendment. I applaud his method of doing it, especially in calling up the statement he made over 10 years ago, a statement which has total germaneness today.

Let me say to the distinguished majority leader that he need not change one word of it. Only the date need be changed, from January 2, 1961, and say January 2, 1971. It will be equally valid.

Mr. President, I yield the floor.

(Mr. BENTSEN assumed the chair as Presiding Officer.)

Mr. BYRD of Virginia. Mr. President, during the current debate on extension of the draft, there have been many references to the national security needs of the United States.

A few days ago it came to my attention that an important report bearing on this subject has been made by seven members of the Blue Ribbon Defense Panel which submitted its report to President Nixon in July 1970.

The latest report is in the form of a supplemental statement, which lays stress upon the threats which the United States faces in the military sphere.

The supplemental statement was completed last September, but was not released by the Department until March 12, 1971. It has not been widely publicized.

The authors of the supplemental report form a distinguished group with a deep interest in national security. The seven authors are:

William Blackie, chairman of the board, Caterpillar Tractor Co., Peoria, Ill.

George Champion, president, Economic Development Board of New York, N.Y.

William P. Clements, Jr., president, Southeastern Drilling, Inc., Dallas, Tex.

John M. Fluke, president, John Fluke Manufacturing Co., Inc., Seattle, Wash.

Hobart D. Lewis, president, Reader's Digest Association, Inc., Pleasantville, N.Y.

Adm. Wilfred J. McNeil, director and adviser, Fairchild-Hiller Corp., New York, N.Y.

Lewis F. Powell, Jr., lawyer, Richmond, Va.

In the interest of bringing before the Senate and the public this significant statement, I ask unanimous consent that the text of the report, "Supplemental Statement to Report of Blue Ribbon Defense Panel," dated September 30, 1970, be included in the RECORD.

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

THE SHIFTING BALANCE OF MILITARY POWER

(Supplemental statement to report of Blue Ribbon Defense Panel, submitted to the President and the Secretary of Defense, September 30, 1970)

The Blue Ribbon Defense Panel, appointed by the President in July 1969, submitted its Report on July 1, 1970. At that time, members of the Panel reserved the right to submit supplemental statements on areas not addressed by the Panel's Report.

This Supplemental Statement dated September 30, 1970, and signed by the seven members of the Panel listed below, was not released by the Defense Department until March 12, 1971. It is not known why release of the Statement was delayed so long.

The central thrust of this Statement is as relevant and significant today as it was on September 30. It identifies and discusses trends which, if continued, will result in the United States becoming a second-rate power incapable of assuring the future security and freedom of its people.

The Panel members who joined in the Supplemental Statement are as follows:

William Blackie, Chairman of the Board, Caterpillar Tractor Company, Peoria, Illinois.

George Champion, President, Economic Development Board of New York, New York, New York.

William P. Clements, Jr., President, Southeastern Drilling, Inc., Dallas, Texas.

John M. Fluke, President, John Fluke Mfg. Co., Inc., Seattle, Washington.

Hobart D. Lewis, President, Reader's Digest Assn. Inc., Pleasantville, New York.

Admiral Wilfred J. McNeil, Director and Advisor, Fairchild-Hiller Corp., New York, New York.

Lewis F. Powell, Jr., Lawyer, Richmond, Virginia.

PREFACE

The Blue Ribbon Defense Panel, appointed by the President and the Secretary of Defense in July 1969, submitted its Report on July 1, 1970. Members of the Panel reserved the right to submit supplemental statements on areas not addressed by the Panel's Report. This is submitted, pursuant to that reservation, by the Panel members named below.

The statement which follows deals with the balance of strategic military power at a time when the convergence of a number of trends indicates a shifting of this balance against the United States. In the course of the Panel's study during the past year, it became increasingly clear to the undersigned that if these observable trends continue the United States will become a second-rate power incapable of assuring the future security and freedom of its people.

The President and the Secretary of Defense are fully aware of the trends which cause deep concern, and have brought these to the attention of the Congress and the public in formal reports and addresses. Yet much of the public remains uninformed and apathetic. This supplemental statement is submitted with the hope that it will contribute to public discussion and in the end to the informed public understanding which is essential in a democracy.

Now a word about the scope of this statement: It does not purport to be an exhaustive assessment of the comparative military capabilities of the U.S. and the Communist superpowers, as this can best be done by intelligence experts. Nor does it address directly the specific defense and foreign policy issues which must be resolved by the Administration and the Congress. Rather, the statement deals generally with the disquieting trends which affect adversely the strategic posture and influence of this country with the continuing buildup of Soviet and Red Chinese nuclear capabilities, including an apparent Soviet preemptive strike capability; with the vital issue of technological supremacy; and with attitudes on the domestic front which tend to inhibit the needed public debate and thoughtful reexamination of defense policies and priorities.

It is hoped that this statement will help stimulate this debate and reexamination, with a resulting wider public understanding that the balance of military power is shifting against the United States, and that the first duty of the national government is to "provide for the common defense" of our country (*Preamble to U.S. Constitution).

SUMMARY

The principal points in the accompanying Statement may be summarized as follows:*

The Converging Trends. The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union.** These trends include: (i) the growing Soviet superiority in ICBM's; (ii) the Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons, with the continued deployment thereof; (iii) the possibility that present U.S. technological superiority will be lost to the Soviet Union; (iv) the convincing evidence that the Soviet Union seeks a preemptive first-strike capability; (v) the rapidly expanding Soviet naval capability; and (vi) the mounting hostility of segments of the public towards the military, the defense establishment and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the U.S.

A Second-Rate Power. If these observable trends continue the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people. Neither the facts concerning these trends nor the ultimate danger is generally understood by the public, which for the most part remains uninformed and hence apathetic.

A Soviet World Order. Since World War II a degree of world order has been maintained by the dominance of U.S. strategic military strength. This American preserved world order is now disintegrating, as doubts arise as to our will and strength to preserve it. There is reason to believe that the Soviet Union envisions a new era which it will dominate, employing superior military power and the threat of its use to achieve long-cherished political, economic and even military objectives.

The End of U.S. Superiority. In a dramatic shift in the balance of power, largely unnoticed by the public, the quarter century of clear U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBM's, the principal weapons system of the nuclear age. The U.S. retains, for the time being, a substantial edge in the smaller, short-range SLBM's launched from Polaris submarines. Yet, the Soviet Union has a major submarine construction program which by 1973–74 could nullify this advantage. The U.S. subsonic B–52 bomber force still out numbers the Soviet strategic bombers by a three to one margin, but both nations recognize the relatively obsolete character of this weapons system.

There are, of course, other elements in the equation of strategic military power. In some of these—such as MIRV and Poseidon—the U.S. is ahead of the Soviet Union. In others—such as strategic defense against missiles (ABM's) and against bomber attack—the Soviets are significantly ahead.

But however one may view the balancing, no informed person now denies that the period of clear U.S. superiority has ended.

Footnotes at end of article.

The Soviet SS–9—ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's.

A Soviet First-Strike Capability. Our planners in the 60's assumed that if both superpowers had an adequate retaliatory capability neither would prepare for or risk a first strike. The evidence is now reasonably conclusive that the Soviet Union, rejecting this assumption, is deploying strategic weapons systems designed for a first-strike capability. This evidence includes: (i) the continued Soviet production and deployment of ICBM's *after* having attained a clear numerical and megatonnage advantage (ii) the emphasis on SS–9's designed as counter-force weapons capable of destroying U.S. hardened missile silos; (iii) the development of MRV with warheads also designed as counter-force weapons, and of MIRV by 1971–72; (iv) the development of a fractional orbital missile which significantly minimizes warning time; (v) the construction of a Y-class atomic powered submarine SLBM launching fleet capable, with no effective warning, of destroying our national command centers and much of our B–52 bomber force; and (vi) the continued Soviet emphasis on strategic defense systems against both missiles and bombers—an emphasis without parallel in this country.

The characteristics of these offensive and defensive weapons systems, which the Soviets continue to expand, are consistent only with a preemptive strike capability. Such a weapon mix and volume are not required for effective retaliation.

A Challenging Soviet Navy. The Soviet navy, modern and rapidly expanding, is now challenging U.S. naval superiority in every category except aircraft carriers. This Soviet naval buildup is a major element in the shifting balance of military power.

Retreat from the Threat of the 70's. The situation which our country faces is without precedent. As we enter the 70's, the strategy of American superiority has given way to the concept of deterrence by maintaining an assured retaliatory capability. But there is no longer any certainty that our nuclear deterrent will remain credible to a Soviet Union which apparently seeks a preemptive strike capability, and which is moving rapidly into the role of the world's dominant military power. Red China, bitterly hostile to the U.S., also is acquiring a significant ICBM capability. It is not too much to say that in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure.

Yet, many of our most influential citizens respond to this unprecedented national peril, not by a renewed determination to assure an adequate national defense, but rather by demands for further curtailment of defense measures which can only increase the peril.

Cutback in Defense Spending. Although the President has submitted for FY 1971 a "bare bones" defense budget, reflecting the largest single cutback since the Korean War, public and political pressures are mounting for even more drastic reductions. As the U.S. defense spending goes down, the trend of spending by the Soviet Union continues steadily upward. Its total military funding about equals that of the U.S., although its gross national product is barely half that of this country. The mix of Soviet spending is especially meaningful. Without the drain of a Vietnam War or public pressures to curtail defense funding, the Soviet expenditures in dollar equivalents on strategic offensive and defensive weapons significantly exceed those of the U.S.

Threat to Technological Superiority. U.S. qualitative superiority in weapons, due to its advanced technology, has afforded a decisive advantage over the past years. This advantage is now being eroded away, as the U.S. falls behind the Soviet Union in the support of R&D and in the training of scientists and engineers. There is an ever present risk of disastrous technological surprise in major weaponry where an open society is in competition with a closed Communist society. We are neglecting, by inadequate support and planning, to minimize this risk.

Negotiations—Trap or Opportunity? Since the end of World War II repeated attempts have been made by the U.S. to negotiate limitations on the "arms race." Negotiations for sound enforceable limitations should be continued and hopes are now high for the success of the current SALT talks. But the total experience of negotiating with Communist nations suggests the utmost caution and the need for the most critical analysis of the possible consequences of any proposed terms. Not only is the security of this country at stake, but it is possible that a limitations agreement as to strategic weapons could have the effect of neutralizing the U.S. as a strategic power, leaving the Soviet Union and Red China relatively free to employ their superior tactical capabilities wherever this seems advantageous.

Hostility Towards the Military. At this critical time, when the balance of military power is shifting, it is uniquely unfortunate that public hostility toward national defense and the military is at an unprecedented level. This attitude reflects a broad spectrum of opinion from honest pacifists and dissenters over Southeast Asia to New Leftist revolutionaries. But the base is sufficiently broad, and the voices supporting various aspects of it sufficiently powerful, to have a profoundly adverse effect upon almost every aspect of national defense. In a democracy, national defense suffers when there is inadequate public understanding and support. It may be fatally undermined when a significant segment of public opinion is not merely negative but irresponsibly hostile.

A Viable National Strategy. Unless the American people wish to accept irrevocably the status of a second-rate power—with all of the probable consequences—the only viable national strategy is to regain and retain a clearly superior strategic capability. This can be accomplished by reversing the trends identified above, and by eschewing agreements which freeze the U.S. into a second-rate status. The margin of our overall strategic strength must be sufficient to convince the most reckless aggressor that, even after a surprise first strike, the capability to retaliate will in fact survive and be adequate to impose unacceptable destruction on the aggressor nation. This course of action is not incompatible with continued negotiations for arms limitations. Indeed, it will significantly enhance the chances of negotiations being genuinely fruitful without constituting a trap.

The Consequences of Second-Rate Status. Basic Communist dogma contemplates the employment—over such time spans as may be necessary—of the entire arsenal of pressures against the U.S. as the strongest democratic power. Despite discord among Communist states, there has been no amelioration of this doctrinal goal. Throughout the past quarter century, when the Soviet Union was relatively weak strategically, it precipitated or supported crisis upon crisis—directly or through puppets and satellites—designed to extend its influence and to create disarray within the U.S. and the Free World.

It is irrational to think, with the balance of military power shifting in its favor, that the policies of the Soviet Union will be less hostile, disruptive and imperialistic.

The consequences of being second rate, even if national survival is not threatened, could be seriously detrimental to the most vital diplomatic and economic interests of this country.

Weakness—The Gravest Threat to Peace. The road to peace has never been through appeasement, unilateral disarmament or negotiations from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S.—of its military capability and its will—could be the gravest threat to the peace of the world.

THE SHIFTING BALANCE OF MILITARY POWER

The Blue Ribbon Defense Panel's assigned mission, though broadly defined, was related primarily to the organization and functioning of the Department of Defense and the Armed Services. The Panel was not requested to consider matters of national policy such as strategic posture, force levels, weapons systems and defense spending.

But one cannot spend a year studying the defense structure of this country without considering the vital questions of national defense policy. In the course of this study, it became increasingly clear that the balance of strategic military power is continuing to shift against the U.S.

In his Foreign Policy Report, President Nixon said:

"The overriding purpose of our strategic posture is political and defensive: to deny other countries the ability to impose their will on the United States and its allies under the weight of strategic military superiority. We must insure that all potential aggressors see unacceptable risks in contemplating nuclear attack, or nuclear blackmail, or acts which could escalate to strategic nuclear war, such as a Soviet conventional attack on Europe."[1]

If observable trends continue—in this country and abroad—there is grave doubt whether this purpose can be attained for the 1970's and beyond. The warning by Secretary Laird that the U.S. could be "in a second-rate strategic position . . . by the mid-1970's" appears to be fully justified.[2] Indeed, if these trends continue, the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people.

TRENDS WHICH ENDANGER U.S. SECURITY

The trends which are combining to shift the strategic balance of power in favor of the Soviet Union include:

1. The Soviet deployment of types and numbers of offensive and defensive nuclear strategic weapons which threaten the security of this country.

2. The Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons and weapons systems.

3. The Soviet commitment of greater manpower and resources than the U.S. to military-related research and development (R&D), thus threatening to end U.S. technological superiority.

4. The evidence that the Soviet Union seeks a preemptive first-strike capability.

5. The Soviet deployment of a fleet capable of challenging the U.S. fleet.

6. The abandonment by the U.S. of its former policy of maintaining strategic superiority.

7. The state of mind of much of the U.S. public which tends to inhibit necessary defense measures and even the full and rational discussion of the need for such measures.

8. The tendency of many to attack and criticize, whether justified or not, the military, the defense establishment, and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken—at a critical time in history—the only forces which provide security for the U.S. and the free world.

It is appreciated, of course, that opinions differ as to the extent and significance of these trends. Some will think these views do not appropriately weigh such counter trends as may exist. But national defense policies in the nuclear age should be formulated conservatively, based on the most real-

Footnotes at end of article.

istic assessment of potential enemy capabilities.[3] It is imprudent, indeed even reckless, to formulate such policies on the basis of subjective judgments as to Soviet and Red Chinese intentions rather than their known military and technological capabilities.[4]

Where the issues are the security of our country, the preservation of the values of a free society, and possibly the life or death of tens of millions of our people, responsible government cannot afford to run the risk of miscalculation on the optimistic side. The lessons of history abundantly teach that nations do not survive by trusting other nations to be rational or by setting examples of unilateral restraint in self defense.

THE GENERAL WORLD POSTURE

Genuine peace, the professed goal of all mankind, is as remote today as at any time since World War II.

The Asian Continent

On the Asian continent, the war in Southeast Asia drags on. Communist aggression continues in South Vietnam and Laos, and now threatens the national existence of Cambodia. With Red China building a military road across northern Laos directed toward Thailand, apprehension mounts in that ancient kingdom.

North Korea, reckless and arrogant, attacked an American ship and plane with impunity and constitutes a threat so serious that some 60,000 American troops remain in South Korea 17 years after the tenuous armistice there.[5]

Despite internal convulsions, Red China maintains the world's largest ground forces and is acquiring a significant nuclear capability. Its despotic regime harbors and promotes the most virulent hatred of America.[6] Its ambitions within Asia—beyond Taiwan—remain obscure, although already it has conquered Tibet, conducted border incursions against India, and indicated a continuing covetousness toward Southeast Asia.

Some think the greatest threat to peace in Asia lies along the Soviet-Chinese border where ancient hostilities have been exacerbated. However this may be, Asia is a continent of discord and unrest with military strength mounting in the four Communist powers. There is no peace or prospect of it.

The Middle East

The situation in the Middle East, in terms of possible escalation into major confrontation, appears to be even more serious. A state of undeclared but active war existed between Israel and its Arab neighbors until the August 1970 cease fire. Although the Arab states have an implacable hatred of Israel they are incapable of waging modern war without the weapons, technicians and economic support provided by the Soviet Union.

The strategic significance of the Middle East is profound. The petroleum resources there are vital to the economic well being of much of the Free World. Effective control of these resources—at least to the extent of being able to deny them to the Free World—is an obvious Soviet strategic objective. Perhaps a less obvious objective is the reopening and control of the Suez Canal. This waterway, as important to the Soviet Union as the Panama Canal has been to the U.S., would provide the cheapest and most effective transportation route between the Soviet heartland in Europe and the Soviet far east. The critical importance of this sea link is evident in relation to a possible U.S.S.R. confrontation with Red China.[7] These strategic considerations explain the willingness of the Soviet Union to incur the gravest risks of escalation. In addition to building up United Arab Republic and Syrian capabilities, the Soviet Union has deployed in the UAR some 100 Mig 21–J's and a substantial number of SAM–3 sites, all operated by Soviet personnel.[8]

The cease-fire plan appeared initially to afford an opportunity for negotiations. But this hope was dashed, perhaps irretrievably, by Soviet and UAR duplicity in deploying SAM's within the agreed truce zones.[9]

In view of Israeli-Arab hostility and Soviet ambitions in the Middle East, including its desire to out-flank NATO in the Mediterranean, there is no prospect of genuine peace in this explosive area.

Western Europe

The situation in Western Europe, the area of our most vital interest, remains relatively precarious beneath the superficial aura of peace. The Berlin Wall and the Iron Curtain still stand. NATO forces, including some 300,000 Americans, are confronted by a larger and better equipped Soviet force. This cold-war type confrontation, without precedent in history in terms of duration and scale, has lasted more than two decades with no end foreseeable.[10] One has to visit Allied bases in West Germany to comprehend even dimly the tenseness and tragedy of hundreds of thousands of armed men facing each other night and day, with air crews alert, ground units in position, command posts staffed, and the flight of every aircraft monitored.

Berlin, that indefensible symbol of freedom which we nevertheless are committed to defend, remains supported by Communist forces which periodically block or harass access routes by land and air. Berlin has assumed crisis proportions a number of times in the past. No one can be sure that the future will be different.

Other areas

The foregoing are the more visible and active danger areas in a troubled world, but ruptures of peace could come anywhere. A war was concluded in Africa earlier this year with heavy loss of life and infinite human suffering. There are few stable governments in either Africa or South America, where plots and revolutions are terroristic activities are commonplace. Cuba, now an armed and erratic Communist power, is a major base for subversion, the export of revolution, and possibly for Soviet naval operations.

Communist have common objective

It is true that the solidarity of the international Communist movement has been fractured. The friendship between the Soviet Union and Red China has dissolved. Even the boasted unity of the Warsaw Pact members depends nakedly upon the military might of the Soviet Union and is openly avowed "right" to employ this might against any recalcitrant member.[11]

But this disunity among Communist powers does not necessarily enhance the chances of peace for the Free World. The hate propaganda of both the Soviet Union and Red China against the United States exceeds that leveled against each other. Each has always proclaimed that the principal enemy is "imperialistic America." The Marxist dream of unity among Communist countries may have faded, but the Marxist purpose of communizing the world remains the goal of every Communist party.

This, in briefest summary, is the disordered state of the world at the beginning of the 1970's. Rational persons, familiar with the lessons of history, would hardly choose this time to undermine our own military forces either by irresponsible criticism or unilateral reductions in defense capabilities.

World order maintained by U.S.

Since World War II a degree of world order has been maintained almost solely by the dominance of U.S. strategic military strength. But for this strength and our will to assert it to preserve freedom, few doubt that the Soviet Union would have imposed Communist regimes on a number of other countries. It had the ambition to subjugate Greece and much of Western Europe just as it did the Eastern European satellites. But for American military strength there also would have been Communist incursions and aggressions—beyond those we have experienced—in Asia, Africa and even in this hemisphere.[13]

This world order which we have attempted to preserve has been precarious and far from effective in many instances. But at least the principal objectives have been attained. The freedom and independence of Western Europe and the opportunity of the countries there to restructure themselves economically were assured. Many nations around the world, including the emerging new nations in Africa, were encouraged to pursue courses of nonalignment. The prospect of worldwide Communist domination—a likely one in the absence of American deterrence—was not a realizable goal. But most important of all, a fragile peace was preserved between the great powers and there was no employment of nuclear weapons.

A new era—Communist world order?

This American preserved world order is now disintegrating. We no longer have the power to preserve it. Nor do we appear to have the will, as a new neo-isolationist fever dims the perception of our people. The Communists everywhere applaud this end of an era, and even many in our country seem to welcome it.[13]

Whatever one's views on this point may be, the critical question now is what sort of world order will exist in the years ahead. There is every reason to believe that the Soviet Union envisions the new era as one which it will dominate, employing its military power and the threat of its use to promote and attain its own imperialistic objectives.

Second best in troubled world

Thus, as we enter the 1970's America is confronted with an inherently unstable world situation in which "little wars and revolutions" can escalate and major wars develop on short notice. We face a world in which the military balance of power is shifting from the West to the East, and the world order sustained by dominant American power is fading away. In the most optimistic view, a precarious order will continue as the two superpowers maintain an uncertain balance of deterrence. A less optimistic view, and one supported by the weight of the evidence, is that the United States will become a "second rate" power subordinate to manifest Soviet military superiority. In that case, the world order of the future will bear a Soviet trademark, with all peoples upon whom it is imprinted suffering Communist repressions.[14]

THE END OF U.S. MILITARY SUPERIORITY

The facts set forth in the Reports of the President and the Secretary of Defense, mentioned above, clearly foreshadow the end of U.S. military superiority.[15] This was predetermined by decisions made in the 1960's, which resulted in the reduction, postponement and abandonment of strategic defense measures and weapons systems. These decisions reflected the budgetary priorities of the Vietnamese war as well as a desire to de-escalate the strategic arms race by an example of self-imposed restraint.

In any event, the U.S. is now face-to-face with the fruits of this unilateral strategic arms slowdown.

Soviet missile superiority

The Soviet Union has attained for the first time a superior strategic capability—where it counts the most—in ICBM's. The U.S. froze its ICBM's at 1,054 in the mid-60's when the Soviets had less than 250 ICBM's. While we imposed a limitation on additional strategic weapons, the Soviets pressed forward to overtake and pass us. Intelligence estimates indicate that they now have over 1,250 operational ICBM's, and will have about 1,300 by the end of 1970.[16]

More than 275 of the operational Soviet ICBM's are SS–9's, each capable of delivering 25 megatons as compared to the one megaton payload of the U.S. Minuteman missile.[17] The

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major portion of the remainder of the Soviet ICBM's are SS–11's and SS–13's, each capable of a payload as large as that of Minuteman.[18]

More serious than the numerical superiority is the substantial megatonnage advantage enjoyed by the Soviet Union. The enormous payloads of the SS–9's have a destructive capacity incomparably greater than any U.S. missile; they have a wider margin of error; they are effective against hardened missile silos as well as population and industrial centers; and their launch vehicle is capable of far more extensive MIRV systems than any U.S. missile.

Although the U.S. has frozen the number of its ICBM's at 1,054, we have commenced to deploy Minuteman III with MIRV warheads. This is a significant qualitative advance in missile technology. The Soviets are believed already to have deployed MRV's in some SS–9's,[19] and they have recently tested what appears to be a MIRV system for the SS–11 missile, indicating an early capability comparable to Minuteman III.[20]

The qualitative lead of the U.S. in MIRV's and guidance systems may prove to be short lived in view of Soviet success and the scale of its efforts. The Soviet Union's advantage in numbers and megatonnage of missiles also seems certain to increase, as it continues to construct and deploy ICBM's at a rate that could result in a force more than double that of the U.S. by the Mid-70's.[21] At that level of superiority, the Soviet Union would have the capability of effectively destroying both the U.S. ICBM and bomber forces as well as our cities.[22]

Polaris—A vital but limited response

The U.S. is fortunate to have its Polaris force, consisting of 41 atomic powered submarines capable of launching a total of 656 missiles (SLBM's). As in the case of ICBM's, we froze the number of Polaris submarines in the mid-60's and no new ones are authorized.

We have commenced the conversion from Polaris to the Poseidon configuration, increasing the size and range of the SLBM warheads. The Defense Department projects the ultimate conversion of 31 submarines, although only eight have been authorized by the Congress.

The U.S. superiority in this category of strategic weapons is also being challenged. The Soviet Union is now engaged in a priority construction program for its Y-class atomic powered submarine which is superior in some respects to Polaris. Ten of these submarines are believed to be operational, each with 16 SLBM's, and the Soviet Union is producing as many as eight to ten new vessels per year in two shipyards. By 1974–75, if this program continues, the Soviet Union will have some 50 Y-class subs with a missile capability greater than our present Polaris force.

Y-class submarines are already patroling the U.S. coast. Their deployment constitutes an ever-present threat to the survivability of our national command headquarters, to most of our major cities, and increasingly to the bomber element of our deterrent.[23]

Balancing the two SLBM forces against each other is not meaningful without considering the relationship of other strategic weapons systems and their survivability following a preemptive strike. If, as indicated above, the Soviet ICBM force attains the capability of destroying or neutralizing our ICBM and bomber forces, the only remaining retaliatory strategic weapon system would be Polaris.

But is it prudent, by tolerating an increasing Soviet ICBM superiority together with a rapidly expanding SLBM capability, to risk the security of the U.S. on a single retaliatory system which we do not plan to enlarge (except qualitatively) and which has definite limitations? Of our 41 Polaris submarines, a significant number are always in port and nonoperational. This means that at any given time our Polaris "assured retaliation" is considerably less than the specified total capability. Soviet strategists may conclude, as their ABM system is extended and improved, that—following a massive preemptive first strike—the damage potential of our SLBM response would be an acceptable risk.

Moreover, there can be no assurance that the presently assumed invulnerability of Polaris will continue.[24] As the Senate Armed Services Committee has said: "We cannot assume that our Polaris system will be the first weapon in history to remain invulnerable."

STRATEGIC BOMBERS

The third element of the U.S. strategic force consists of about 550 B–52 bombers, as compared with some 200 Soviet strategic bombers. Although a vital weapons system for many years, the subsonic and obsolescing B–52's are approaching the end of their effectiveness as a major strategic system. Both the U.S. and the Soviet Union are gradually minimizing their reliance upon existing strategic balance of power for the 70's, one must discount the role and significance of these aircraft.[25]

The misleading "numbers game"

There is a pervasive public misunderstanding as to the comparative strategic capabilities of the U.S. and the Soviet Union. This may well result in major part from the widespread practice—among some of the media and among others who minimize the need for national defense measures—of treating nuclear warheads as if they were fungible. This has sometimes been referred to as the "numbers game," namely, the mere counting of warheads without analysis of megatonnage, range, accuracy, survivability and reliability of delivery.

The typical presentation of comparative strength simply totals "the number of warheads deliverable by the U.S. and Soviet strategic systems." An example, which made first-page news, was a tabulation taken from The Strategic Survey showing the U.S. capable of delivering 4,235 nuclear warheads as against only 1,880 by the Soviet Union.[26] The tabulation apparently added together all ICBM's, SLBM's and each warhead which U.S. and Soviet bombers are capable of carrying. Thus, a single bomb or one air-to-ground missile on a B–52 was equated with a Soviet 25-megaton ICBM.[27] This simplistic type of comparison creates the illusion of abundant security, if not U.S. over-kill capability.

It would be difficult to conceive of a better way to mislead the public than to present—without precise definition and analysis—comparative figures of this kind. Those who present such distortions contribute to the confusion rather than enlightenment of our people.

If one wished to make a dramatic comparison indicating precisely the opposite result, the basis could be deliverable megatonnage rather than numbers of warheads. The 300 Soviet SS–9's, expected to be operational by the end of this year, will be capable of delivering 7,500 megatons with a destructive capability several times greater than the total warhead capacity of our entire ICBM and SLBM forces. While such a comparison would be far more meaningful than the "numbers game," it also would be an oversimplified presentation of vastly complex relationships and components of strategic military power.

Other weapons systems

There are, of course, aircraft carriers and other tactical means (by fighter bomber aircraft and short-range missiles) of delivering nuclear warheads. This is not the place to discuss or balance these out in details.[28] But analysis of the comparative numbers, types and probable employability of these weapons in a time of national or international peril is not reassuring.

The available tactical means of delivery do significantly augment the U.S. strategic forces. It must be remembered, however, that the Soviet and Warsaw Pact tactical forces deployed against NATO posses overall capabilities superior to those of NATO.[29]

This tactical superiority is fortified by the rarely mentioned Soviet intermediate range ballistic missile force (IRBM), a type of weapons system we no longer possess. The Soviet Union has deployed more than 700 IRBM's targeted against Allied and U.S. military forces and the cities of Western Europe. Following a preemptive first strike, with these and shorter range missiles, there would be little American or Allied retaliatory capability remaining there. Indeed, in view of the threat of certain destruction of much of Western Europe posed by Soviet IRBM's, one may question whether NATO would be willing to employ tactical nuclear weapons even against a Soviet attempt to overrun Western Europe with conventional forces.

In short, if the U.S. no longer possesses the strategic superiority which has been the ultimate "shield" protecting the European democracies, the tactical imbalance against the West could result in profound new military and political problems.

A Soviet first-strike capability

Our planners in the 60's assumed that if both super-powers had an adequate survivable retaliatory capability neither would risk a first strike. They further assumed that the Soviet leadership would be content with this "balance of deterrence," especially if—by freezing our own program—we permitted the Soviet Union to attain a rough parity of strength. Little consideration appears to have been given to the possibility that the Soviets would not "buy" such a rational program, but rather would seek a capability to neutralize the effectiveness of our retaliatory response.

It now appears that the Soviet Union is developing just such a capability. It is producing and deploying offensive nuclear weapons with the capability, when sufficient are deployed, to destroy the ICBM and bomber elements of our retaliatory forces. At the same time, the Soviet Union is pressing ahead with an anti-ballistic missile system designed to provide a strategic defense against such U.S. retaliatory missiles as might survive a first strike.

It is to be remembered that, with the possible exception of our obsolete B–52 force, our strategic weapons are designed primarily for retaliation against enemy centers of population. They are not designed as counter-force weapons and with their limited warheads are not an effective weapon for destroying Soviet ICBM's in hardened silos. This is in accord with America's irreversible commitment never to make a first strike, and to rely—as a deterrent—on having enough operational missiles *after* an enemy strike to destroy its population centers.

This entire theory becomes untenable if the enemy develops (i) an offensive first-strike capability against our means of delivering retaliatory missiles and (ii) a defensive capability of protecting much of its heartland from such U.S. missiles (e.g. Polaris) as survive the preemptive strike.

The evidence is reasonably conclusive that the Soviet Union is planning precisely these capabilities. This is not to say that a preemptive first strike is intended, but rather that weapons systems which are needed *only* for such a purpose are being deployed:

SS–9 missiles. These missiles, with 25-megaton warheads capable of destroying American ICBM's in hardened silos, are de-

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signed as a counter-force, preemptive strike weapon. Warheads of this size are not needed for retaliation against even the largest city. The Soviets are continuing to produce and deploy these monster missiles.

SS–9 with MRV. This multiple reentry vehicle contains a cluster of three warheads each capable of delivering five megatons. Our MIRV warheads for Minuteman III are pigmies by comparison, delivering only 200 kilotons, and are designed—not as counter-force weapons—but to penetrate ABM defenses of enemy cities.[30]

SS–11's buildup. The Soviets also are continuing to produce and deploy SS–11's, despite having attained missile superiority over the static U.S. force. They have now tested what appears to be a MIRV system for their SS–11's, which—when deployed—will escalate the ratio of superiority.

Soviet ABM deployment. The Soviet Union is committing large resources to strategic defense systems, both against missiles and bombers.[31] The Moscow population and industrial area are already protected by the Galosh system, with 67 launchers for multistage missiles with megaton warheads.[32] The Soviets are also deploying at about half-a-dozen points around the Soviet Union giant "Henhouse" radars for ballistic missile defense acquisition and tracking. As the radar installation is the long lead time component, it is possible that the Soviets are extending their Galosh ABM system to protect many other areas. They are some five years ahead of the United States in this vital element of strategic power.[33] To the extent that Soviet cities and industrial areas are protected (while ours remain unprotected), the credibility of our retaliatory threat diminishes.

FOBS. The Soviets are developing a fractional orbital nuclear weapons system designed to minimize warning time.[34] This weapon is consistent with a first-strike strategy, as it virtually precludes the possibility of enough warning to fire our missiles or get our bombers off the ground.

Soviet SLBM's. The Y-class submarines described above will have the capability of eliminating most of our B–52 bomber force.[35] Also these SLBM's will constitute a grave threat to Washington, D.C., and to our national command centers.

It is clear from the foregoing and other evidence that the Soviets never have accepted the assumption upon which American strategic planning has been based. The structure of both their offensive and defensive forces strongly indicates that they have planned—and are moving to achieve—a first-strike capability of destroying our urban centers *and* neutralizing our retaliatory weapons except such Polaris submarines as happen to be on station.[36]

In contemplating what risks responsible officials and members of Congress are willing to assume on behalf of the American people, it is well to remember that we have no defense whatever against Soviet ICBM's and SLBM's which now have the capability of killing perhaps half of our population—more than 100 million people—by a surprise first strike.

Soviet "blue water" Navy

The weapons described above relate to the Soviet Union's strategic nuclear capability. The growing Soviet Navy is a threat of a different kind, and yet it confirms Soviet intentions to be the world's dominant military power.

For centuries, both under the Czars and more recently under Communist rule, Russia was a land power with limited capability at sea. Virtually landlocked, it was not a maritime power in a "blue water" sense. This has changed strikingly in recent years, as the Soviet Union has now achieved a challenging naval capability. It has the largest conventional submarine fleet; it is moving rapidly to overtake the U.S. in ballistic missile submarines; it has by far the strongest force of surface-to-surface missile-launching ships; and it leads the U.S. in numbers of cruisers, destroyer escorts and patrol boats. Only in aircraft carriers—presumably considered by the Soviets to be vulnerable to missile-launching vessels and aircraft—has the Soviet navy failed to challenge the U.S.

More important than numbers is the quality of the vessels. Although our carrier force is formidable indeed, the U.S. has failed to maintain a balanced navy of modern surface ships. The majority of our fleet vessels are more than 20 years old, many with obsolescing weapons and equipment. By contrast, most of the Soviet fleet is relatively new and modern,[37] often with vessels of greater speed, fire power and more advanced electronics than comparable vessels in the U.S. fleet.[38]

The Soviet naval buildup, like its strategic missile deployment, is a major element in the shifting balance of military power. Although not itself a direct threat to the continental United States (except the submarines), the new and growing Soviet naval strength affects adversely the diplomatic and economic position of the United States throughout much of the world. It also threatens an historic American policy, namely, freedom of the seas.

The U.S., traditionally a sea power, has extensive worldwide commitments. These range from the defense of U.S. states (Hawaii and Alaska), and its territories and bases, to the protection of American citizens and investments in scores of countries. These commitments also include treaty obligations to our allies, and the supplying of U.S. Armed Forces abroad. Our extensive international trade is essential to the continued prosperity of our people. U.S. commitments in all of these respects can be fulfilled only by maintaining control of the seas, now being increasingly challenged by Soviet naval power.

For some three centuries the British navy preserved freedom of the seas and fostered international trade. There were also other naval powers, including the U.S., Japan, Germany, France and Italy. All of this has changed beyond recognition in a dramatic shift of sea power. All of these navies (except that of the U.S.) have ceased to exist as blue water fleets. England has dismantled its great bases around the world, and the vacuum thus created is being filled by the Soviet Union. The Indian Ocean and the Mediterranean east of Malta are already dominated by Soviet naval power. There are no limits to the seas in which the Soviet navy now operates, as demonstrated by its naval maneuvers.[39]

In the new era—in which a Soviet world order is envisioned by its Communist rulers—this navy will increasingly endanger the most vital diplomatic, military and economic interests of the U.S.

Retreat from the threat

The situation which our country faces is without precedent. For a few years following World War II our national security was complete and unchallenged. In the early 50's the Soviet Union became a nuclear power and, with gradual but increasing momentum, it undertook to challenge American superiority. But we enjoyed market advantages in our industrial base, our technology, and in the sheer number and quality of strategic weapons. In the 60's our complacency in this respect became so great, and our preoccupation with the Vietnam war so distracting, that we neglected our strategic posture.

As a result, we enter the 70's confronted by (i) a superior Soviet offensive missile capability, (ii) a marked Soviet advantage in defensive missile capability, (iii) a menacing Soviet fleet, and (iv) with respect to all of these, a Soviet commitment and momentum which is quite unmatched in this country. We are also confronted, as Red China orbits its first satellite, with the certainty of a new and growing ICBMN capability from that irrationally hostile nation.

Within a span of less than two decades we have moved from complete security to perilous insecurity.

Yet, the response of the public generally, much of the media and many political leaders ranges from apathy and complacency to affirmative hostility—not against the potential enemies which threaten us—but toward our own military establishment and the very concept of providing defense capabilities adequate to protect this country and its vital interests. The state of public opinion is such that some responsible leaders, fully familiar with the threat, believe it is futile to seek adequate defense funding. Thus, we respond as a nation—not by appropriate measures to strengthen our defenses, but by significant curtailments which widen the gap.

In short, the mood of the people and much of the Congress is almost one of precipitous retreat from the challenge. This paradox in response to possible national peril is without precedent in the history of this country.

THE CUTBACK IN DEFENSE SPENDING

It is in this mixed climate of euphoria and retreat that a major retrenchment in America's defense effort has been deemed necessary. The defense budget proposed for FY 1971, totaling $71.8 billion in proposed expenditures, reflects the largest single cutback in defense spending since the Korean War.[40] Yet a significant portion of our political and intellectual leadership is demanding even more drastic reduction.

Difficult budgetary decisions

In addition to the public malasie, it must be recognized that the Administration and the Congress are confronted with extremely difficult budgetary decisions. The problems include (i) pressing and escalating domestic needs, (ii) inflationary costs, (iii) the continuous drain of the Vietnamese war, and (iv) the imperative necessity of a budget more nearly in balance after years of deficits.

Quite apart from public and political pressures, there is an obvious need for some restructuring of national priorities as well as the effecting of all possible economies. The impact of all of these pressures centered on the defense budget, which the Secretary of Defense describes as a "bare bones" one. It is also recognized as "transitional," pending to some extent the outcome of the SALT talks and affording time for a more penetrating analysis by the new administration of defense needs, options and priorities.

Inadequate funding

As understandable as the resulting budget may be, it entails the assumption of defense risks which seem unjustified.[41] The $71.8 billion dollars proposed for FY 1971 is $9.8 billion below the Johnson administration budget proposal for FY 1970, and constitutes 7% of estimated gross national product—the lowest percentage since FY 1951. This proposed funding would constitute 34.6% of the total federal budget, the lowest commitment to defense since FY 1950.[42]

Greater Soviet effort

There has been no comparable restraint exercised by the Soviet Union either with respect to overall defense spending or the funding of its strategic programs. On the contrary, the trend of Soviet defense spending continues steadily upward. Its total military funding about equals that of the U.S., although its gross national product (GNP) is barely half that of this country. If expenditures on the Vietnam war are excluded, the total Soviet effort substantially exceeds that of the U.S. But the mix of the spending is especially meaningful in view of its effect upon the strategic balance of power. The Soviet Union is spending significantly more

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than the U.S. in the buildup of its strategic offensive and defensive weapons.[43]

The results of this greater Soviet effort are now reflected in their dramatic gains in ICBM's, SLBM's and other advanced weapons systems. If we continue to permit the Soviet Union to outdistance the U.S. in defense effort, it is inevitable that the security of this country will be endangered. As Secretary Laird has warned:

"Time and again in our past history our nation has paid a heavy price for allowing its armed forces to dwindle to levels that proved to be too low to discourage or to counter aggression." [44]

In view of the crescendo of demands for further reductions in defense spending, we may be well along the road to reliving this past history.

THE THREAT TO TECHNOLOGICAL SUPERIORITY

There are three disturbing trends in defense funding: (i) the magnitude of the overall reduction, (ii) the unfavorable balance between Soviet spending on strategic forces as compared to our effort, and (iii) a similar unfavorable balance in the critical area of research and development (R&D). Of these, perhaps the last is the cause for greatest concern.

Soviet challenge to U.S. technology

The U.S. has enjoyed a clear technological superiority over the Soviet Union and all other countries until recently. It has been this qualitative superiority, rather than the size of forces or numbers of weapons, which has enabled America to deter major war and protect the Free World during the past quarter of a century. This superiority is today being successfully challenged by the Soviet Union.[45]

In addition to talented leadership and the necessary industrial base, the essential ingredients of a vital and competitive technology are skilled manpower and adequate R&D funding.[46] The U.S. is falling behind the Soviet Union in both of these respects.

More graduate engineers

As of 1969, the Soviet Union was believed to have about 550,000 full-time R&D scientists and engineers, as compared with about 540,000 in the U.S. But the Soviet Union is graduating annually a substantially greater number of engineers than the U.S., and its technically trained manpower base is projected steadily to outdistance that of the U.S.[47]

Greater funding of R. & D.

Comparative funding data for military-related R&D (including space/atomic energy) in the Soviet Union and the U.S. reflects a similar disparity. Soviet annual funding for this purpose is now estimated at about $16 to $17 billion as compared with U.S. funding of about $13 to $15 billion. Again, the trend is also adverse as the Soviet military R&D effort during the 1960's increased by about 60% while that of the U.S. increased 30%.[48]

Secretary Laird has pointed out that "the Soviet Union is devoting more effort to military-related R&D than is the U.S.," with its rate of such expenditures increasing "about 10–13% annually" while comparable U.S. expenditures "remain relatively constant." [49]

Threat to Minuteman

In relating our need for the most advanced technology to the Soviet threat, Dr. Foster has testified that by early 1974 the Soviet Union, if it continues its ICBM production and deployment, will be able "completely to overwhelm the present Minuteman portion of our deterrent." [50] He stated that the Safeguard program (ABM) should improve the survivability to a significant fraction of the U.S. land-based missiles. But the long-range survivability of an adequate number of our ICBM's cannot be assured without a more extensive and effective ABM system than has been proposed. The critical necessity of providing alternative measures is now a priority task of R&D.[51] Dr. Foster cited this problem as one example of the frightening way in which advancing technology obsolesces both offensive and defensive weapons and even entire weapons systems. Indeed, he states a "major restructuring of our strategic forces may be necessary to insure survivability." [52]

Leadtime—A free society handicap

The problem of "lead time" in weapons development is particularly acute in competition between an open and a closed society. The time span between initial R&D and deployment may range from five to fifteen years, depending upon complexity and rapidity of new developments requiring changes or redesigning. In a Communist state, where secrecy is both an obsession and a way of life, the development of a new weapon may be concealed—even from our most intensive intelligence efforts—until testing begins or often until the completed weapon is displayed in Red Square. This gives the Soviet Union and Red China at least a five-year time advantage in developing new weapons systems. If a major technological breakthrough should catch us by surprise the results could be catastrophic.[53]

Hope of survival—Technological superiority

There is no way completely to guard against the possibility of some dramatic and concealed technological advance in weaponry. But this risk is minimized directly in proportion to the extent we maintain an overall superior technological base and a more effective R&D effort than any other nation.

It is precisely here that recent trends create serious doubts as to the future security of this country. The United States can never match its potential enemies in land armies or in numbers of tactical weapons. Our only hope of survival is to maintain clear weapons superiority. This simply cannot be achieved by permitting our industrial and technological manpower bases to erode and by inadequate emphasis on R&D.

No subject in the entire spectrum of defense problems deserves a higher priority of thought and urgent attention.[54]

NEGOTIATIONS—TRAP OR OPPORTUNITY

One of the reasons assigned for the "transitional" budget proposed for FY 1971 is the hope that the present Strategic Arms Limitation Talks (SALT) will be fruitful. Some political leaders have urged even greater restraint than that reflected in the reduced budget, arguing—despite all experience to the contrary—that the Soviets might be influenced favorably by our example.

The object of SALT

There are obvious reasons for seeking to halt the escalation of nuclear weapons. The logic of the situation—at least on the surface—calls for a "freeze," which seems such a facile and popular solution. In simplest terms, the object of SALT is to agree upon a limitation—and perhaps a gradual reduction—of strategic nuclear weapons. An effective agreement to this end which does not leave either side at the mercy of the other, which does not in itself alter the balance of power, and with procedures to assure compliance, would be welcomed by most of the world. SALT therefore deserves the most careful attention, as all avenues toward a more peaceful world must be explored.

Disarmament talks—Record of failure

But whatever the hopes and opportunities of SALT may be, there is no precedent in history of effective disarmament being accomplished by agreement between major powers with divergent national interests. Nor has U.S. experience been reassuring. There is nothing new about our seeking disarmament through negotiation. This has been the most consistent element in American foreign policy since the beginning of the nuclear age. Few seem now to remember the U.S. offer to prevent an atomic arms race by delivering its stockpile to the United Nations—an offer rejected by the USSR. Periodically since then various efforts to slow or halt the arms race by negotiation have been frustrated in every instance by the intransigency of the Soviet Union.

It is true that three negotiations have been successful in the sense that limited agreements were reached on important issues. Yet none of these agreements has slowed the pace of the Soviet armaments or its manifest quest for superiority. Indeed, we may have magnified and perhaps even misconstrued the significance of such agreements.[55]

Communist concept of negotiation

All Americans would like to think—despite the absence of convincing evidence—that the Cold War is over and that we have indeed entered a new era of negotiation. Our desire for peace is so strong and our national inclination to assume reciprocal friendliness and rationality so genuine, there is danger that we may assume without justification a similar spirit on the part of the Soviet leaders.[56]

But is is prudent to remember that the Communist concept of negotiation is radically different from ours. They view it as a component of conflict, with the objective of gaining an advantage without conceding anything. The classic description of the Soviet approach is as follows:

"Soviet officials do not converse with foreigners: they compete. There is no searching for understanding in conversation as we understand it in the West, no effort at accommodation of the mind, not even the slightest hint or suggestion that the Soviet Union has ever done anything that was in anyway wrong or even unwise, imprudent or intolerable. Their idea of give and take in a talk is simple: You give, they take." [57]

Few American diplomats have had greater experience in attempting to negotiate with Communists than Dean Acheson. Writing his autobiography with the sober perspective of time, he said:

"What one must learn (from our experiences) is that the Soviet authorities are not moved to agreement by negotiation—that is, by a series of mutual concessions calculated to move parties desiring an agreement closer to an acceptable one." [58]

Humiliation and futility

The dreary and frustrating record of negotiating with Communists abundantly documents the foregoing views.[59] One need not go back to the disillusionments of Yalta and Potsdam, to the exasperating negotiations over Berlin, or to the recurrent disarmament talks which have foundered on the Soviet determination to take all and give nothing. The past failures are legion and recent experience affords little basis to expect anything different. Seventeen years of humiliating effort have failed to produce a negotiated settlement of the Korean War, and the mockery in Paris has now continued for nearly two and one-half years. It will be said that the Soviet Union has not been a direct party to the Panmunjon and Paris talks. Yet no one familiar with the realities of world power and politics doubts that the Soviets could make these discussions meaningful whenever they so desire.[60] Rather, they continue to support the aggression in Southeast Asia and the threat of aggression in Korea, while the "peace" talks are exploited for Communist propaganda.

The most recent example of the unwisdom of relying upon USSR assurances is its role in sabotaging the Middle East cease fire by

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supporting, if not participating in, the violation thereof by the UAR.[61]

Trap for the unwary?

This is the historical framework in which all negotiations with Communist powers should be viewed. We must continue to hope and to strive for a genuine change of attitude and for some constructive results. In the nuclear age, every opportunity to negotiate and to improve channels of communications must be pursued. But there is always the danger of fatal concessions or even of a deliberate trap.

The Soviet Union has been an unpredictable and aggressive power, certainly for the past 30 years.[62] It has acted with stealth, surprise and ruthlessness—when it attacked Poland in concert with Nazi Germany; when it subjugated its allies, Hungary and Czechoslovakia; and when it moved to deploy missiles in Cuba.

The Soviet Union has been making a massive effort, out of all proportion to its own resources or any external threat, to acquire and extend strategic nuclear superiority over the U.S. Its record of feverish military preparation is unequaled since Hitler—determined upon conquest—structured his Wehrmacht for World War II. The Soviet Union has shown an almost paranoiac hostility toward America and "capitalist imperialism," as evidenced by its consistently hostile conduct in every arena of international affairs and by its pervasive anti-American propaganda for a quarter of a century.

Only the reckless or the naive would negotiate with such an adversary except with the greatest caution and skepticism. Likewise, we would indeed risk the security of our country if defense planning and funding are predicated on assumptions or hopes as to the willingness of the Soviet Union to agree to mutually fair and enforceable disarmament.

As President Nixon well said, "we cannot trust our future to the self restraint of countries that have not hesitated to use their power even against their allies."[63]

Strategic implications of a "freeze"

It is possible that the Soviet Union sees SALT as an opportunity to assure indefinitely for itself, by agreement, a position of military superiority. This would be accomplished if we were foolhardy enough to agree to an arms limitation which left the U.S. vulnerable to a Soviet first-strike capability or which otherwise undermines the credibility of our capacity effectively to retaliate. But one many assume that U.S. negotiators will not commit such egregious folly.

There may be a less visible danger. This Soviet Union could strengthen its overall military and political position by an agreement which freezes strategic capabilities at some level of specified parity. Even if it be assumed that the result would be genuine strategic parity[64]—rather than the freezing of the present Soviet advantages—the consequences could still be profound in terms of total military power and diplomatic influence.

The Soviet Union is appreciably stronger than the U.S. in tactical forces and weapons. Moreover, the Soviet Union has some 700 IRBM's deployed within convenient range of defenseless Western European cities and NATO forces. The Soviet tactical forces—capable of overrunning much of the land mass of Europe, Asia, and Asia Minor—have been restrained for the past quarter century by the "shield" of the U.S. superior strategic nuclear forces. If this shield is neutralized by agreement, what restraints will then exist against Communist non-nuclear aggressions?

If such a neutralization occurs, the implications are disturbing and far reaching. Will the Soviet Union be emboldened to employ its superior tactical capabilities, secure in the knowledge of an agreed strategic standoff? Will the posture of NATO forces thereby become so untenable that the countries of Western Europe deem it prudent to move into the orbit of Soviet influence? Or, to forestall such an unwelcome move, will the U.S. find it necessary substantially to augment our NATO tactical forces? What will be the effect upon U.S. influence and interests in other friendly countries around the world?

These and related questions bring the SALT negotiations into sobering perspective. One may doubt, without in any way denigrating the importance of SALT, whether such questions have received the public discussion and scrutiny which they so manifestly deserve.

THE HOSTILITY TOWARD THE MILITARY

One of the trends in this country—perhaps the most fundamental one—which causes concern is the increasing public hostility toward "the military." This is not the place for a full discussion of this gravely disquieting problem. Some aspects of it are alluded to in the body of the Panel Report, and a brief reference is made above to the effect on defense funding. But the consequences of a largely hostile or even an apathetic public are not limited to reduced military spending. The entire structure of our defense edifice suffers when there is inadequate public understanding and support. It may be fatally undermined where public opinion is not merely negative but aggressively hostile.

Revolution on the campus

Already this level of hostility exists on the college campus and the virus is spreading. There is a widespread revulsion to the Vietnamese war and resentment of the draft, with its disruption of life plans. It is understandable, and in accord with our best traditions, that the young people who are asked to serve in the military forces should be concerned and skeptical. They have every right to ask why, to debate the assumptions and judgments with respect to defense needs, and to disagree with them. This right is acknowledged and should be jealously defended.

But there are militant and revolutionary minorities on many campuses who abuse this and other rights in their desire to destroy American institutions. A favorite tactic is forcibly to deny free speech to all who entertain different views, relying not on reason and rational discussion but on coercion and violence. Examples of this fascist-minded conduct are legion. They have demeaned the life and quality of education on some of most prestigious campuses of this country.[65]

The hostility gains support

The greatest cause for concern is not that a few thousand New Leftist revolutionaries are on the move. Rather it is that they—and their lawless conduct—are tolerated and often supported by a broad base of otherwise responsible students, faculty and even college administrators and trustees.[66] Many of the tactical "causes" of the New Left have acquired a broad appeal. Foremost among these is a crusade against the Armed Services, the Defense Department and—the favorite whipping boy of all—the "military-industrial complex."[67]

We have witnessed all too frequently the disheartening spectacle of avowed revolutionaries being accorded respectability by many fellow students and faculty members as well as by the national publicity so generously provided by the media. Among the most popular campus speakers are these leftists whose goal—in accord with Communist objectives—is to disarm America.

A movement of this magnitude does not remain confined to the campus. It has widened rapidly to engulf a significant segment of opinion makers in this country. Most of those who now participate in the criticism certainly do not go as far as the leftist extremists. Many remain well within the limits of legitimate comment and criticism. But the outcry against "the military" is now orchestrated with frightening unanimity—not only on the campus but by much of the media, in the theater and arts, and widely among some politicians. We may have reached what amounts to a subtle form of censorship by consensus. Few are willing to speak out in defense of the military, and even fewer in support of increased defense funding. The public figures who have the courage to present a "different" viewpoint are predictably assailed as "warmongers" and "jingoists."

One has to go back to the days of McCarthyism to find such intolerance and repression of rational discussion of issues of the gravest national import.[68]

The consequences

The short-range consequences already are becoming apparent. Marked success has been attained in slandering the ROTC, in driving military recruiters from the campus, in denying recruiting opportunities to defense-related industries, and in some curtailment of university-based military-related research and development. The number of draft dodgers and deserters, encouraged not merely by revolutionaries but by many who consider themselves respectable citizens, is a cause for increasing concern.[69]

Other predictable consequences of this hostility include the adverse effect (i) on the general recruiting and retention of military personnel; (ii) the number and quality of applicants for the service academies; and (iii) on the morale and espirit of the Armed Services of our country, both at home and abroad.

There also will be an inevitable weakening of the American concept of civilian orientation of the military. Some of the institutions and practices which are prime targets of the New Leftists tend significantly to perpetuate educated civilian influence on our military affairs and establishment. One would have thought that those who distrust "the military" would be zealous to strengthen—rather than undermine—this wholesome influence.

In its broadest scope, the result of the widening public alienation from the military will be the weakening of the defense of our country and freedom everywhere. This is precisely the end desired by the revolutionaries.

The role of responsible dissent

It should be made clear at this point that no thoughtful person suggests that the military, or any aspect of national defense, is above criticism. The role of responsible criticism and dissent is vital to the health of a democracy, and for the reasons pointed out by President Eisenhower there must ever be a vigilant public overseeing of the defense establishment. This is necessary to assure the civilian control prescribed by law. It is also necessary because, in a troubled world with nuclear weapons and huge defense requirements, national security is too important to leave to the military, to Congress, to the Executive Branch or indeed to any single segment of our society. An appropriate national defense posture, adequate but not excessive, is a matter of the most urgent national concern, and every aspect of it should be subjected to the widest and most thoughtful scrutiny and inquiry.

But it is one thing to exercise responsibly these attributes of democracy. It is quite something else—by resort to irrational abuse and indiscriminate criticism—to destroy the effectiveness of the only instrumentality which protects from foreign aggression the freedoms we all cherish.

A VIABLE NATIONAL STRATEGY

Unless the American people wish to accept the status of a second-rate power—with all of the probable consequences—the only via-

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ble national strategy is to regain and retain a clearly superior strategic capability. This can be accomplished by reversing the trends identified above, and by eschewing agreements which freeze the U.S. into a second-rate status. The margin of our overall strategic strength must be sufficient to convince the most reckless aggressor that, even after a surprise first strike, the capability to retaliate will in fact survive and be adequate to impose unacceptable destruction on the aggressor nation. This course of action is not incompatible with continued negotiations for arms limitations. Indeed, it will significantly enhance the chances of negotiations being genuinely fruitful without constituting a trap.

The requisite resources

It will be said that domestic needs should have priority and that we cannot afford to continue an "arms race" with the Soviet Union. The truth is that this country can and must meet both its domestic and defense requirements. If we fail in either, there is little future for America as we know it or for our cherished freedoms.[10]

The U.S. has all of the requisite resources, except perhaps the will. The Soviet Union has a gross national product only half that of this country. It lacks a comparable industrial and technological base, and it has a backlog of domestic demands which—suppressed as they may be—vastly exceed those of this country. Indeed, in terms of consumer goods and standards of living the Soviet Union is at least a half century behind the U.S. In any contest to establish and maintain a superior military capability, we have an overwhelming advantage in the necessary resources.

Need for public understanding

But in our free democracy, as contrasted with a totalitarian regime, the ultimate defense posture is determined by the will of the people. It is here we suffer a serious disadvantage, especially at a time of disillusionment with international responsibilities and a greater concern with pressing domestic needs. The only hope of minimizing this disadvantage is to assure a wider public knowledge of the facts and an understanding of the probable consequences of second-rate military status.

THE CONSEQUENCES OF SECOND-RATE STATUS

The American people must be reminded that basic Communist dogma contemplates the employment—over such time span as may be necessary—of the entire arsenal of pressures against the U.S. as the strongest democratic power. Despite discord among Communist states, there has been no amelioration of this doctrinal goal. Throughout the past quarter century, when the Soviet Union was relatively weak strategically, it precipitated or supported crisis after crisis—directly or through puppets and satellites—designed to extend its influence and to create disarray within the U.S. and the Free World. Throughout this time it waged, as did Red China, massive political warfare against the United States, including subversion and propaganda as well as economic and diplomatic pressures. Nor did the Soviet Union hesitate to employ techniques of military blackmail.

It is irrational to think, with the balance of military power now shifting dramatically in its favor, that the policies of the Soviet hierarchy will be less hostile, disruptive and imperialistic.

A recent study of Kremlin policy noted the Soviet effort to achieve nuclear superiority, and commented:

"Presenting the world with a clear cut superiority in numbers of nuclear weapons may appear to some leaders in the Kremlin a feasible political means for consolidating its own alliances and disintegrating the opposing forces. Such a major shift in the world-wide balance of power may also heighten the risk of confrontation, with vast costs in the present and unforeseeable dangers in the future." [11]

As our country ponders its future course, drifting as we are into a position of inferiority or possibly even freezing that status by agreement, our people—as well as responsible officials—should consider the capability of the U.S. to respond in the types of situations which are likely to arise in the 70's and beyond, and which may include: (i) a Soviet-inspired and supported war against Israel; (ii) some other form of Soviet takeover of the Middle East, with its coveted oil reserves; (iii) a new confrontation over the status of Berlin; (iv) extension of the Brezhnev doctrine to selected non-Communist countries; (v) another Cuban-type crisis, perhaps in Latin or South America if not again in Cuba; (vi) nuclear blackmail over issues affecting our vital interests; (vii) the disruption, by force or other sanctions, of the international trade upon which the economic well being of our people depend; (viii) intensified levels of subversion to the point of threatening our internal security; and (ix) outright aggression against allies—in Western Europe or elsewhere—whom we are committed to defend.

It is difficult to believe that the proud and responsible people of this country would knowingly tolerate a national strategy which could invite these types of situations, leaving us virtually helpless to respond effectively. Certainly there would be no conscious toleration by a majority of our people of defense weakness which threatens national security and freedom itself.

WEAKNESS—THE GRAVEST THREAT TO PEACE

The most ominous danger of being second rate in the nuclear age is that it multiplies the chances—not of peace—but of nuclear war. Soviet or Red Chinese overconfidence or miscalculation in the employment of, or threat to use, their power may trigger such a war inadvertently or place the United States in a posture from which there could be no retreat.

The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive.

Weakness of the U.S.—of its military capability and its will—would be the gravest threat to the peace of the world.

FOOTNOTES

*This Summary is necessarily incomplete and reference should be made to the full Statement for the views of the authors.

**The principal threat to U.S. security for the 70's is the Soviet Union, and this paper is addressed primarily to that threat. By the late 70's and beyond, the most menacing country in the world may be Red China.

[1] U.S. Foreign Policy for the 1970's, Report to the Congress by President Nixon, Feb. 18, 1970, p. 122. (Referred to herein as the President's Report.)

[2] Defense Report for Fiscal Year 1971, by Secretary Laird before the House Subcommittee on Defense Appropriations, Feb. 25, 1970, p. 1. (Referred to herein as the Laird Report.)

[3] It should be remembered here that in recent years intelligence projections frequently have understated these capabilities. Laird Report, *supra*, pp. 34, 101.

[4] The folly of relying on assumptions as to intentions, rather than upon known capabilities, is documented by countless military surprises down through history. Pearl Harbor is a classic example. More recent examples involving the Soviet Union include the Cuban Missile Crisis and Czechoslovakia. See Senator Henry M. Jackson, Senate Speech, July 9, 1969.

[5] Plans to withdraw 20,000 American troops are opposed by the South Korean government. As indicated in a recent on the scene report "there is no real peace in Korea today." N.Y. Times, article by Philip Shabecoff, June 24, 1970.

[6] Mao Tse-tung recently issued a fresh indictment against the U.S., calling for a "protracted peoples' war" against American "imperialism," and concluding: "People of the world, unite and defeat the U.S. aggressors and all of their running dogs!", N.Y. Times, May 21, 1970.

[7] The Suez Canal has other strategic significance. The Soviet Union continues to supply North Vietnam by sea. Soviet ships from Black Sea ports now require nearly 40 days to reach Vietnam by sailing around Africa.

[8] See The Military Balance 1970–71, The Institute for Strategic Studies, London, p. 45.

[9] See editorial comment, The New York Times, September 20, 1970. The Soviet Union also shared responsibility for Syria's brief but dangerous intervention in Jordan's September 1970 civil war.

[10] The recent Soviet-West German non-aggression pact may result in some surface lessening of tension, but as long as Soviet ground, air and missile forces are maintained in Eastern Europe, with the capability of overrunning and destroying Western Europe, there can be no assurance of peace and freedom.

[11] The Brezhnev doctrine, announced as justification of the invasion of Czechoslovakia. In commenting on this proclaimed right of aggression, the New York Times said: "This reliance on force and contempt for law must raise fears that some day Moscow will decide that the sovereignty and territorial integrity of non-Communist nations is also being interpreted" in a way which justifies Soviet intervention. New York Times editorial, Sept. 28, 1968.

[12] Only U.S. superior military strength frustrated the Soviet plan to install strategic missiles in Cuba, although history may record that U.S. concessions assured an unmolested Communist regime and base in Cuba.

[13] C. L. Sulzberger, foreign correspondent of The New York Times, recently commented on the "neo-isolationism" in this country, and noted that "U.S. influence is being slowly squeezed out" of Western Europe, the Middle East and Southeast Asia. New York Times Service, Richmond Times-Dispatch, July 24, 1970.

[14] This paper addresses primarily the Soviet threat which is clearly paramount for the 1970's. There is no thought of minimizing the threat of Red China, the leadership of which is so implacably hostile to the U.S. and to a lesser extent the Soviet Union. It is possible that in the long run Red China is more likely to rupture peace than any other nation.

[15] See also Mr. Laird's address of April 20, 1970, at the Annual Luncheon of the Associated Press, N.Y. Times, April 21, 1970; and data reported in *The Military Balance* 1970–1971, published by The Institute for Strategic Studies, London, 1970.

[16] President's Report, p. 120 and Secretary Laird's Report, p. 35. See *The Military Balance, supra*, p. 6, which reports about 1300 operational ICBM's in July 1970. Intelligence estimates of the number of ICBM's actually deployed are extremely accurate. But estimates of production rates (and hence future operational strength) have consistently erred on the low side. See Laird Report, p. 34.

[17] Secretary Laird's Report, p. 35. The Soviets are continuing to produce SS–9's at a rate of about 50 per year, and will have some 300 by the end of this year. See Laird, Address of April 20, 1970, *supra*. The Institute for Strategic Studies, based in London, publishes annually *The Military Balance* (cited

supra) and a complementary publication entitled *The Strategic Survey*. Although there are variations in detail as to types and numbers of weapons, the data published by The Institute for Strategic Studies generally corroborates the unclassified information of the U.S. Defense Department.

[18] See *The Military Balance, supra*, p. 6, which credits the Soviet Union with 800 SS–11's, with deployment continuing.

[19] The distinction between MRV and MIRV is that in the former the multiple separate warheads are not independently guided to targets.

[20] Secretary Laird estimated last February that if the Soviets follow a "High Force-High Technology" approach they will probably have their first "MIRV's by mid-1971 and a very formidable hard target kill capability (by MIRV's) by the mid-1970's." Laird Report, p. 104. The recent Pacific testing of multiple reentry vehicles on improved SS–11 missiles indicates the Soviets are significantly ahead of this schedule.

[21] See Laird Report, p. 103. Secretary Laird recognized that this cannot be a firm estimate at this time.

[22] See Dr. John S. Foster, Director of Defense Research and Engineering, Statement before Subcommittee of House Armed Services Committee, March 9, 1970, p. 9 *et seq.*; Laird Report, pp. 48, 49, 103, 104. See also The Strategic Survey of 1969, *supra*, pp. 30, 31 where the "new and more accurate guidance systems" are discussed, and the conclusion reached: "The whole future of land-based ICBM's has been called into question (by this improved accuracy), since it begins to seem possible that no amount of protection for ICBM silos can compensate for the improvements in accuracy now in prospect." This judgment by The Strategic Survey applies primarily to the vulnerability of U.S. missiles.

[23] See Secretary Laird's Report, pp. 39, 40 and 50.

[24] A technological breakthrough in the underwater detection and tracking of submarines could give the first nation to achieve it a decisive advantage. See Interview with Dr. John S. Foster, Jr., Air Force/Space Digest, July 1970, pp. 31, 35. It has been suggested that such a technological breakthrough may be achieved by "sensing devices that could reveal every submarine in the oceans to detection." See news report on a Pre-Pugwash Conference on New Technology and the Arms Race, Racine, Wisconsin. The Washington Post, Sept. 9, 1970, p. A–3.

[25] The U.S. has plans for a test model of a new supersonic bomber (B–1). A force of such bombers capable of long distance air-to-ground launches would add flexibility and diversity to our deterrent capability, and also would be useful in limited, non-nuclear confrontations. Such bombers must be designed, however, to operate from numerous smaller and dispersed airfields to minimize vulnerability from ICBM's and SLBM's.

[26] The Strategic Survey of 1969, *supra*, p. 28. It is not suggested that the Survey itself was misleading. The tabulation which received the wide press publicity was *only one* of many tables in the Survey, which also included a great deal of relevant data on megatonnage, accuracy and survivability.

[27] Of the total warheads assigned to the U.S. 1,853 represent the optimum load of our B–52 force, while 450 were assigned to Soviet strategic bombers. A similar distortion of SLBM's apparently was included in the tabulation, assigning 1,328 warheads to Polaris submarines.

[28] This Statement addresses broadly the strategic balance of power and does not discuss comparative tactical or general force capabilities. Secretary Laird's Report, and especially the appendices, indicate the superiority of the Communist powers in non-nuclear military power. See also the publications of The Institute of Strategic Studies, *supra*.

[29] Gen. Andrew J. Goodpaster, Supreme Allied Commander in Europe, has warned that "the balance of security there is shifting in favor of the Soviet bloc." He stated that the Warsaw Pact forces "form a concentration of military power that exceeds anything the world has previously seen. These Soviet forces far exceed anything that is required solely for defense." Richmond Times-Dispatch, September 16, 1970.

[30] William Beecher, writing in the N.Y. Times, Oct. 28, 1969, assumes a 100 kiloton warhead on our MIRV, and states that the Soviet MRV warhead is *50 times* more powerful than our MIRV. The Strategic Survey for 1969, *supra*, p. 29, assumes a 200 kiloton warhead on MIRV's. See also Laird Report, p. 102, as to Soviet MIRV.

[31] As a part of this protection, the USSR has deployed the most elaborate radar warning and counter-measure systems. It also has devoted a greater effort than the U.S. to advanced fighter interceptor aircraft (the Foxbat, for example) and to ground-to-air missiles, with larger defense forces in these categories than the U.S.

[32] *The Military Balance* 1970–71, *supra*, p. 7.

[33] Although critics in this country doubt the feasibility of an ABM system, one must assume the Soviets would not be spending billions on such a system unless they had full confidence in its effectiveness. Dr. John S. Foster, Jr., and many qualified U.S. scientists, have no doubt that an effective ABM system is within the competency of existing technology. See interview with Dr. Foster, published in Air Force/Space Digest, July 1970, p. 31 *et seq.* See evidence marshalled by Sen. Henry M. Jackson in his ABM debate speeches to the Senate on Aug. 6 and 11, 1970. A major component of the ABM system, the Spartan missile, successfully intercepted an ICBM over the Pacific in a test on August 28, 1970.

[34] President Nixon's Report, *supra*, p. 125.

[35] Secretary Laird has stated that by the mid-70's the Soviets will probably have "a submarine force capable of destroying most of our alert bomber and tanker force before it can be airborne." Secretary Laird's Statement, pp. 50, 105. The Defense Department confirmed for the first time on April 23, 1970 that Y-class Soviet submarines, with 16 nuclear missiles are patrolling our Atlantic Seaboard. N.Y. Times, April 24, 1970. Secretary Laird reports that as of April 1970 the Soviets had over 200 operational launchers on nuclear submarines for submerged launch SLBM's, plus 70 launchers on diesel submarines, Laird's address, *supra* p. 11.

[36] Senator Jackson recently informed the Senate that "there is no doubt that their (the Soviet's) program, if continued, will produce a first-strike capability unless the U.S. takes appropriate counter measures." Senate Speech, Aug 5, 1970.

[37] The Soviets have been more innovative than the U.S., having pioneered in gas turbine propulsion, in developing a variety of surface-to-surface missile-launching ships, and possibly in new techniques of ASW.

[38] Nor have the Soviets neglected the support elements for world-wide naval operations. They have tankers, supply and maintenance vessels, supported by an impressive merchant marine fleet. They also have emphasized, more than any other nation, oceanographic studies and surveys. Their trawlers—used extensively for intelligence purposes—regularly patrol our coasts.

[39] In April 1970 Soviet maneuvers, described by U.S. Navy spokesmen as the "biggest in history," involved some 200 warships. Associated Press story, April 23, 1970.

[40] Laird Report, *supra*, p. 21.

[41] Secretary Laird warned that in defense funding and in the deferral of decisions on vital defense measures "we are literally at the edge of prudent risk." Address of April 20, *supra*, p .5.

[42] Laird Report, *supra*, p. 22. The detailed facts and figures are set forth in the Reports of the President and the Secretary of Defense mentioned above. These include a comparison which indicates the neglect of strategic funding (after adjusting for inflation) since the beginning of the Vietnamese war. The FY 1971 defense funding is only $3.8 billion, or 7% above the 1964 level of defense spending *prior* to the Vietnamese war. As the cost of that war has been running at more than $25 billion per annum, it is evident that strategic spending—for the defense of the country—has been curtailed sharply.

[43] It is difficult to know exactly what the Soviet Union is spending on defense. The statements above reflect estimates published by various sources. See Department of Defense Posture Statements, Jan. 15, 1969; Library of Congress studies; and Standford Research Institute Studies. Mr. Laird has said that "the Soviet Union, as far as offensive strategic weapons systems, is outspending the U.S. in the ratio of three to two converted to dollars." Press conference, Feb. 18, 1969. See also address of Sen. Henry Jackson, U.S. Senate, Aug. 6, 1970.

[44] Laird Report, *supra*, p. 33.

[45] Testimony of Dr. John S. Foster, Jr., Director of Defense Research and Engineering, before a subcommittee of the House Armed Services Committee, 91st Congress, March 9, 1970. See also the Reports of the President and the Secretary of Defense, *supra*.

[46] Other essentials to the development and deployment of advanced weapons systems relate to procurement and defense planning, contracting and testing. These and related matters are discussed in the body of the Panel's Report.

[47] See Foster, *supra*, p. 28.

[48] See Foster, *supra*, p. 30 *et seq*. Dr. Foster points out that total R&D spending, both civilian and military, is still greater in the United States, but the trend is unfavorable even with the addition of our non-military, related effort.

[49] See Laird's Report, *supra* p. 66.

[50] Foster, *supra*, pp. 9, 10.

[51] Alternative systems under consideration include (i) the mobile, basing of Minuteman-type missiles, and (ii) an undersea long-range missile system (ULMS's) with submarines capable of launching missiles of ICBM range. Dr. Foster, *supra*, p. 12. Secretary Laird's Statement, pp. 48, 49. The Soviets may already be well ahead of the U.S. in developing a mobile ICBM. The Strategic Survey for 1969, *supra*, at p. 29, states: "A mobile ICBM has certainly been under development for some time, and the Soviet Union has claimed that it is already operational."

[52] Foster, *supra*, p. 14; Laird Report, *supra*, p. 49.

[53] Science and Technology, Tools for Progress, report of the President's Task Force on Science Policy, April 1970, p. 38: "Technology will not stand still; on the contrary it will likely move more rapidly. The penalty for technological surprise can be enormous."

[54] Other problems related to technology and R&D have been identified in the main body of the Panel's Report.

[55] The first of these, the Test Ban Treaty of 1963, halted nuclear testing in the atmosphere. The Soviets only agreed to this at a time when their test program, involving high-yield weapons with both offensive and defensive (ABM) capabilities, was well ahead of America's. We had previously been duped during the late 50's into the cessation of testing similar weapons on the specious theory that the Soviets might follow a good example. The second agreement was the United Nations' ban on the use of outer space for military purposes, an agreement which the Soviet Union appears already to have violated in spirit. The third of these limited agreements is the Nonproliferation Treaty, recently ap-

proved, which leaves a number of non-signing nations free to develop nuclear weapons.

[56] One may recall the disillusionment after the hopes engendered by the "spirit of Geneva" and "the spirit of Camp David" were dashed by Soviet duplicity.

[57] James Reston, New York Times, Dec. 8, 1960, p. 46.

[58] Acheson, *Present at the Creation*, W. W. Norton & Co., N.Y., 1969, p. 729.

[59] Past negotiations have occurred when the overwhelming weight of bargaining power lay on our side of the table. Now, when the U.S. is relatively weaker, and when the issue is the future security of our country, it is prudent to be skeptical as to the genuine mutuability of any agreement acceptable to the Soviet Union.

[60] The competition between the Soviet Union and Red Cross for dominant influence in smaller Communist countries does complicate the situation, making it less likely that either will take the lead in exercising an ameliorating influence.

[61] Although the full extent of Soviet participation in this violation may not yet be known, press reports and commentators indicate that "the Kremlin broke its word, lied to the United States and double crossed the developing peace." See, for example, Roscoe and Geoffrey Drummond, Richmond Times-Dispatch, Sept. 10, 1970; Joseph Alsop, The Washington Post, Sept. 21, 1970; and Evans and Novak, The Washington Post, Sept. 21, 1970.

[62] In addressing the Senate on July 9, 1969, Sen. Henry M. Jackson said that "an increasing number of informed western analysts assess the Soviet Union (today) as a dangerous and unpredictable opponent."

[63] The President's Report, p. 111.

[64] "Parity" is inherently a theoretical—not a realistic—concept, as there are too many variables both as to the quality and characteristics of various weapons and the circumstances under which they might be employed.

[65] The New York Times described the New Leftist revolutionaries as "the new Fascists of our generation." Editorial, Dec. 17, 1969. See also New York Times editorial of June 10, 1970. Stewart Alsop has observed that the campus "is in danger of becoming intellectually a closed society." Newsweek, May 18, 1970.

[66] Alexander M. Bickel, *The Toleration of Violence on the Campus*, The New Republic, June 13, 1970, p. 15 *et seq.* Fred M. Hechinger, Education Editor of the New York Times has stated that: "The politicizing of the campus . . . has moved the universities to the brink of disaster." N.Y. Times, July 19, 1970. See also Dr. Nathan Pusey, *infra*.

[67] As indicated in the Panel's Report, corporations which depend in major part on defense contracts are among the least profitable of all corporations. Indeed, many corporations deliberately refuse or avoid defense business. See George E. Brekley, *The Myth of War Profiteering*, The New Republic, Dec. 20, 1969.

[68] President Nathan Pusey, Baccalaureate address at Harvard University, New York Times, June 10, 1970. See also Dr. Pusey's Annual Report for 1968–69.

[69] It is estimated that some 25,000 to 30,000 draft dodgers have sanctuary in Canada, with an elaborate organization for getting them there. Stewart Alsop, Newsweek, July 20, 1970. Already some politicians and advocates of "peace at any price" are urging amnesty for these draft dodgers.

[70] President Nixon has said: "If we are less stronge than necessary . . . there will be no domestic society to look after." The President's Report, Feb. 18, 1970, p. 10.

[71] *New Trends in Kremlin Policy*, Center for Strategic and International Studies, Georgetown University, Aug. 1970, p. vi.

MESSAGE FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BYRD of Virginia) laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, awaiting the call of the Chair, with the understanding that the recess not extend beyond 2 p.m. today.

The motion was agreed to; and (at 1 o'clock and 35 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 1:59 p.m., when called to order by the Presiding Officer (Mr. BYRD of Virginia in the Chair).

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 12:15 p.m. today.

The motion was agreed to; and (at 2 o'clock p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 2:15 p.m., when called to order by the Presiding Officer (Mr. BELLMON).

QUORUM CALL

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

The PRESIDING OFFICER (Mr. BELLMON). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

ORDER FOR RECESS TO 9 A.M. ON MONDAY, MAY 17, 1971

Mr. BYRD of West Virginia. Mr. President, I have been authorized by the distinguished majority leader to propound the following series of unanimous-consent requests.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Monday next, with the understanding that Senators who have made speeches today may on Monday make additional speeches on the unfinished business without having speeches from today charged against them as first speeches.

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

ORDER FOR ADJOURNMENT FROM MONDAY TO 10 A.M. TUESDAY, MAY 18, 1971

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that when the Senate completes its business on Monday next, it stand in adjournment until 10 a.m. on Tuesday next.

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

ORDER FOR RECESS FROM TUESDAY NEXT TO 10 A.M. WEDNESDAY, MAY 19, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next it stand in recess until 10 a.m. Wednesday morning next with the understanding that the resumption of speeches on the unfinished business by Senators on Wednesday next not be counted as second speeches by virtue of the fact that the same Senators may have spoken on the unfinished business on Tuesday next.

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

ORDER FOR RECOGNITION OF SENATORS BELLMON, MATHIAS, AND GRAVEL; FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS; AND THE CONSIDERATION OF H.R. 8190 ON MONDAY NEXT; UNANIMOUS CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that on Monday next, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 15 minutes; to be followed by the distinguished Senator from Maryland (Mr. MATHIAS) for not to exceed 15 minutes; to be followed by the distinguished Senator from Alaska (Mr. GRAVEL) for not to exceed 15 minutes; to be followed by a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period for the transaction of routine morning business, not to extend beyond 10 a.m.; provided further, that at 10 a.m. on Monday

next the Chair lay before the Senate H.R. 8190, the Supplemental Appropriations Act for Fiscal Year 1971; that debate on the second supplemental appropriations bill be limited to 5 hours on Monday next, to be equally divided between the managers of the bill, the senior Senator from Louisiana (Mr. ELLENDER), and the minority leader or his designee, and that either of such Senators may, from the time under his control, yield additional time to other Senators on any amendment, motion, or appeal; that there be a limitation of 1 hour on each amendment, motion, or appeal, with the exception of a motion to lay on the table, the time on any such amendment, motion, or appeal to be equally divided between the mover thereof and the manager of the bill, the senior Senator from Louisiana (Mr. ELLENDER); provided additionally, that if there be any rollcall votes ordered on such amendments the rollcalls be delayed until Wednesday next following the vote on the amendment affecting the SST.

Ordered further, Mr. President, that at 3 p.m. on Monday next, the unfinished business, H.R. 6531, be laid before the Senate.

Ordered further, Mr. President, that on Wednesday next, immediately following the vote on amendment No. 86 introduced by the Senator from Montana (Mr. MANSFIELD), which under the previous order will not occur prior to 5 p.m., amendment No. 76, introduced by the Senator from Pennsylvania (Mr. SCHWEIKER), become the pending business as agreed under the previous order; at that point—immediately following the vote on the Mansfield amendment No. 86, and the laying before the Senate of the Schweiker amendment—the Schweiker amendment be temporarily laid aside and the vote then occur on the SST, to be followed by rollcall votes on any amendments to the second supplemental appropriation bill which may have been discussed and rollcalls ordered thereon under the 1-hour limitation on Monday next; and that following the vote on the SST and any other amendments to the supplemental appropriation bill, the Schweiker amendment No. 76 then resume its proper place as the pending business.

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

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. I see a few things that may need to be dealt with. I have no desire to object, of course.

First, normally we look after amendments to amendments. On the supplemental I did not hear that mentioned. Could the Senator look after that and provide a 10-minute limitation, 5 minutes to a side?

Mr. BYRD of West Virginia. Mr. President, if we may have the attention of all Senators, the Senator from New York asks what provision may have been made for amendments to amendments.

Under the request as presented there will be 1 hour on amendments to amendments.

Mr. JAVITS. Yes.

Mr. BYRD of West Virginia. Unless the Senator would like to suggest a modification.

Mr. JAVITS. No; that is fine.

As I understand the provision for the 5 p.m. voting, the vote is to come not earlier than 5 p.m.

I understood there was a possibility—no one ever knows about these things—such amendments might be presented so that we might not wish to or be able to vote Wednesday night before midnight if we stay that late.

Therefore, I ask the Senator if the unanimous-consent request should not be phrased in terms of sequence of events rather than tied to a given time frame, to wit, on Wednesday, if that time frame were agreed to and if it were exceeded, the unanimous consent obtained might no longer obtain.

Mr. BYRD of West Virginia. Mr. President, I concede that in a hypothetical situation such might be the case. In the situation as I think it will evolve, I doubt we will be confronted with that problem.

Mr. JAVITS. So in other words, the Senator would prefer not to include that. In other words, the Senator's unanimous consent would end at midnight Wednesday, and assuming that anything were left it would be free of any unanimous consent.

Mr. BYRD of West Virginia. The unanimous consent would not end at midnight on Wednesday. The Senate might very well continue in session beyond midnight.

Mr. JAVITS. I see. So long as the Senate remained in continuous session or recess this unanimous consent agreement would control. Is that correct?

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. That gives you flexibility.

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. That is what I was concerned about.

The PRESIDING OFFICER (Mr. BROCK). Is there objection?

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

Mr. GRIFFIN. Mr. President, reserving the right to object.

Mr. BYRD of West Virginia. I yield to the Senator from Nebraska.

Mr. HRUSKA. Is it correct to say that the request for unanimous consent does not contemplate any limitation on the debate that might occur on the supplemental bill proper?

Mr. BYRD of West Virginia. Only in that the unanimous-consent request will provide for debate on the supplemental appropriation bill during the 5 hours extending from 10 a.m. on Monday morning until 3 p.m. in the afternoon on Monday. Nothing more.

Mr. HRUSKA. Then, there would be contemplated a vote on amendments to the supplemental bill and those votes would occur after the vote had occurred on the Mansfield amendment.

Mr. BYRD of West Virginia. That is correct with respect to yea and nay rollcall votes.

Mr. HRUSKA. I am speaking of yea and nay rollcall votes.

Mr. BYRD of West Virginia. Yes.

Mr. HRUSKA. Assuming there will be some amendments agreed to and others will be rejected to the supplemental bill, at that point will there be any limitation of debate on the supplemental bill for final passage as contemplated by the present request?

Mr. BYRD of West Virginia. Mr. President, the unanimous-consent request as presented makes no provision for final passage of the second supplemental.

Mr. HRUSKA. Nor does it undertake to limit debate thereon.

Mr. BYRD of West Virginia. It does not. We expect to cross that gap when we come to it.

Mr. HRUSKA. The inquiry is now made whether that would include a motion to recommit the supplemental bill.

Mr. BYRD of West Virginia. Such a motion to recommit the second supplemental appropriation bill would not be precluded under the unanimous-consent agreement.

Incidentally, Mr. President, I include in my unanimous-consent request, if the Senator will allow me to proceed at this point, a provision reserving the rights of Senators with respect to motions to table amendments on the second supplemental appropriation bill.

The PRESIDING OFFICER. Does the Senator request that those requests be included in the unanimous-consent agreement?

Mr. BYRD of West Virginia. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. Mr. President, to recapitulate, there is no limitation on debate on the final passage of the supplemental bill as it may or may not be amended, following the vote on the Mansfield amendment.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not, this agreement comes after a great deal of deliberation and contacting as many Senators as possible. I am sure it is not completely satisfactory to everyone concerned, but it is the best the leadership can do in a difficult situation.

Mr. BYRD of West Virginia. Mr. President, may we have a little better order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRIFFIN. It is the best the leadership can do in a difficult situation in order that we can get on with the business of the Senate. So I associate myself with the request and do not object.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from West Virginia?

The Chair hears none and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That, effective on Monday, May 17, 1971, at 10:00 a.m. during the further consideration of the bill, H.R. 8190, making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to one hour to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill (Mr. ELLENDER): *Provided,* That in the event the manager of the bill (Mr. Ellender) is in favor of any such amendment or motion the time in opposition thereto shall

be controlled by the Minority Leader or some Senator designated by him.

Ordered further, That, debate on the bill on Monday shall be limited to not to exceed 5 hours to be equally divided and controlled, respectively, by the manager of the bill (Mr. Ellender) and the Minority Leader, or his designee: *Provided,* That, the said persons, or either of them, may from the time under their control on the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Ordered further, That, at 3:00 o'clock on Monday, May 17, 1971, the Senate will return to further consideration of the unfinished business (H.R. 6531).

Ordered further, That, on Wednesday, May 19, 1971, after the vote on the Mansfield amendment, numbered 86, and laying before the Senate the amendment by the Senator from Pennsylvania (Mr. Schweiker) Numbered 76, the unfinished business will be laid aside and the Senate will proceed to vote on the amendment on the SST to H.R. 8190, following which, a vote will be taken on any other amendment to H.R. 8190, on which the Yeas and Nays had been ordered, but on which no vote had been taken, since under the agreement any amendment on which the Yeas and Nays had been ordered will be put over until Wednesday evening. Provided that, the right to move to table any amendment to H.R. 8190 is not lost hereby at any time.

VISIT BY DISTINGUISHED MEMBERS OF THE HOUSE OF COMMONS OF CANADA

Mr. CHURCH. Mr. President, we are very much honored today to have with us a group of parliamentarians from Canada who have been here to witness procedures in committee and the way that committee action in the Senate is publicized.

They have been with us for lunch. We have enjoyed a very interesting conversation with them. Of course, we are delighted to have them as our guests.

I would like at this time to introduce them to the Senate on behalf of the Senator from Vermont (Mr. AIKEN) and myself:

First of all, the chairman of the group, D. Gordon Blair, and the vice chairman, Marcel Lambert, and the following members of the Canadian House of Commons: Robert Coates, Grant Deachman, Rosaire Gendron, Robert Kaplan, Ambrose Peddle, Arnold Peters, Jerry Pringle, John Reid, Jacques L. Trudel, Michael B. Kirby, and Robert Jackson.

(Applause, Senators rising.)

Mr. AIKEN. Mr. President, I would like to say a word. We are always glad to have our neighbors from Canada visit us. Canada is the best neighbor any country could have. No one has ever been able to think of any other which we would prefer. They are very much like us in many ways. They get a little disappointed with us sometimes. They get a little disappointed with each other, just as we do.

I am always glad to meet them. They talk very openly. They point out our faults. We do the same for them, if they have any that are current.

Certainly I want to take part in welcoming these Members of the Canadian Parliament here today. I told them they would be in the majority when they got here on the floor, and if they wanted to outvote us, they could.

That is all I have to say, except we are delighted to have them here.

Mr. GRIFFIN. Mr. President, I want to associate myself with the remarks of our distinguished dean on this side of the aisle.

RECESS

Mr. GRIFFIN. Mr. President, in order that Senators who are in the Chamber may have an opportunity to meet our friends from Canada and shake hands with them, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, for a period not to exceed 10 minutes.

There being no objection, at 2:32 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 2:39 p.m., when called to order by the Presiding Officer (Mr. BROCK).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, to put the cloakrooms on notice that this is the final quorum call, 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.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 9 o'clock a.m., following a recess.

Immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Oklahoma (Mr. BELLMON), the distinguished Senator from Maryland (Mr. MATHIAS), and the distinguished Senator from Alaska (Mr. GRAVEL) will each be recognized for not to exceed 15 minutes, and in the order named.

Following the recognition of the aforementioned Senators under the orders previously entered, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 10 a.m.

At 10 a.m., the second supplemental appropriation bill, H.R. 8190, will be laid before the Senate. There will be 5 hours of debate on the bill and/or on amendments thereto, the 5 hours to conclude at 3 p.m., and time on any amendment will be limited to 1 hour. There may be voice votes or division votes Monday on amendments offered to the second supplemental appropriation bill. Any rollcall votes thereon will be carried over until Wednesday next.

At 3 o'clock p.m. on Monday, the unfinished business, H.R. 6531, will again be laid before the Senate, and debate will continue thereon.

It is the understanding of the leadership that the pending amendment, which is the Mathias amendment, will not be laid aside for consideration of any other amendments on Monday. Consequently, no rollcalls are expected on Monday next.

When the Senate completes its business on Monday, it will stand in adjournment until 10 o'clock a.m. on Tuesday next.

Mr. President, for the information of the Senate, no rollcall votes are anticipated on Monday or Tuesday, but there will be a number of rollcall votes which will occur on Wednesday next, under the orders entered. The vote on the Mansfield amendment will occur on Wednesday no earlier than 5 p.m., but the vote on the Mathias amendment will be prior to the vote on the Mansfield amendment.

RECESS UNTIL 9 A.M. ON MONDAY, MAY 17, 1971

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 recess until 9 a.m. on Monday next.

The motion was agreed to; and (at 2 o'clock and 44 minutes p.m.) the Senate took a recess until Monday, May 17, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 14, 1971:

U.S. MINT

Jack Herbert Keller, of Pennsylvania, to be Assayer of the Mint of the United States at Philadelphia, Pa., vice Hyman A. Friedman, resigned.

DEPARTMENT OF JUSTICE

Joel D. Sacks, of the Virgin Islands, to be U.S. attorney for the Virgin Islands for the term of 4 years, vice Robert McShane Carney, resigning.

James R. Laffoon, of California, to be U.S. marshal for the southern district of California for the term of 4 years, vice Donald B. Hill, resigned.

IN THE AIR FORCE

Maj. Gen. Gordon T. Gould, Jr., [redacted] FR, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general under the provisions of section 8066, title 10 of the United States Code.

IN THE ARMY

The following-named officers for promotion in Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be lieutenant colonel

Bostad, Allen B., [redacted].
Cannon, Morris C., [redacted].
Hagan, Willard D., [redacted].

ARMY PROMOTION LIST

To be major

Abbott, Rudolph E., [redacted].
Ackerman, Donald C., [redacted].
Acuff, Gerald R., [redacted].
Adamcik, Merrill T., [redacted].
Adams, Allen D., Jr., [redacted].
Adams, Donald D., [redacted].
Adams, Eural E. E., Jr., [redacted].
Adams, James G., [redacted].
Adams, Louis W., [redacted].
Adamski, Richard G., [redacted].
Addy, Buford W., Jr., [redacted].
Adkins, Donald V., [redacted].
Adler, James M., [redacted].
Agostini, Victor M., [redacted].
Akam, George R., [redacted].
Alden, John H., [redacted].

Aldrich, Robert J. K., xxx-xx-xxxx.
Alexander, Walter D., xxx-xx-xxxx.
Allen, Carl J., xxx-xx-xxxx.
Allen, David J., xxx-xx-xxxx.
Allen, William L., xxx-xx-xxxx.
Alvadj, Gordon S., xxx-xx-xxxx.
Amaral, David J., xxx-xx-xxxx.
Amazeen, Charles P., xxx-xx-xxxx.
Ambrosino, Richard, xxx-xx-xxxx.
Ament, Robert L., xxx-xx-xxxx.
Anderson, John C., xxx-xx-xxxx.
Anderson, John L., xxx-xx-xxxx.
Anderson, Leon L., xxx-xx-xxxx.
Andreson, Ronald K., xxx-xx-xxxx.
Anglin, Richard C., xxx-xx-xxxx.
Ankenman, Harold D., xxx-xx-xxxx.
Antaya, Michel R., xxx-xx-xxxx.
Antross, Richard C., xxx-xx-xxxx.
Appling, David A., xxx-xx-xxxx.
Arcari, Joseph J., xxx-xx-xxxx.
Archer, Caleb J., xxx-xx-xxxx.
Arnold, Bruce D., xxx-xx-xxxx.
Arnold, John M., xxx-xx-xxxx.
Aschliman, Edward L., xxx-xx-xxxx.
Ashley, Alvie O., xxx-xx-xxxx.
Askelson, Dennis L., xxx-xx-xxxx.
Ault, James W., Jr., xxx-xx-xxxx.
Avera, Graham J., xxx-xx-xxxx.
Avera, John B., Jr., xxx-xx-xxxx.
Aylward, James J., Jr., xxx-xx-xxxx.
Bacon, Stanley, Jr., xxx-xx-xxxx.
Bagdanov, James L., xxx-xx-xxxx.
Bagozzi, Donald F., xxx-xx-xxxx.
Bahnsen, Peter F., xxx-xx-xxxx.
Bailey, Clark J., II, xxx-xx-xxxx.
Baillie, Donald A., xxx-xx-xxxx.
Baker, John P., Jr., xxx-xx-xxxx.
Baker, Robert M., Sr., xxx-xx-xxxx.
Baker, William, xxx-xx-xxxx.
Balda, Edward J., Jr., xxx-xx-xxxx.
Balish, Warren N., xxx-xx-xxxx.
Ballew, Bobby G., xxx-xx-xxxx.
Barge, Walter S., xxx-xx-xxxx.
Barham, Thomas J., xxx-xx-xxxx.
Barker, Bob L., xxx-xx-xxxx.
Barnebey, Hoyt W., xxx-xx-xxxx.
Barnes, James M., xxx-xx-xxxx.
Barrett, Robert C., Jr., xxx-xx-xxxx.
Barrett, William I., xxx-xx-xxxx.
Barry, Joseph A., III, xxx-xx-xxxx.
Barta, V. William, xxx-xx-xxxx.
Bartlett, William E., xxx-xx-xxxx.
Bartlett, William G., xxx-xx-xxxx.
Bauchspies, Richard, xxx-xx-xxxx.
Bauer, Anthony G., xxx-xx-xxxx.
Baxter, Wayne H., xxx-xx-xxxx.
Bay, Charles H., xxx-xx-xxxx.
Beach, Ernest E., xxx-xx-xxxx.
Beatty, Robert C., xxx-xx-xxxx.
Beckman, Charles H., xxx-xx-xxxx.
Behm, Peter S., xxx-xx-xxxx.
Behrens, Helmer H., xxx-xx-xxxx.
Bell, Major H., xxx-xx-xxxx.
Bellows, Ronald L., xxx-xx-xxxx.
Bennett, Edward L., xxx-xx-xxxx.
Benoit, Peter B., xxx-xx-xxxx.
Beran, Joseph J., xxx-xx-xxxx.
Berdux, Sylvester C., xxx-xx-xxxx.
Bernstein, Donald I., xxx-xx-xxxx.
Berry, Joe D., xxx-xx-xxxx.
Berry, Louie G., xxx-xx-xxxx.
Berry, Tommie J., xxx-xx-xxxx.
Best, Darrell E., xxx-xx-xxxx.
Betke, Herman R., xxx-xx-xxxx.
Betters, Richard B., xxx-xx-xxxx.
Betts, Jerry W., xxx-xx-xxxx.
Biesenbach, Donald, xxx-xx-xxxx.
Bisch, Frederick R., xxx-xx-xxxx.
Bivings, Donald E., xxx-xx-xxxx.
Black, Calvin D., xxx-xx-xxxx.
Black, Clinton H., xxx-xx-xxxx.
Blackham, Richard G., xxx-xx-xxxx.
Blackwell, Cedric L., xxx-xx-xxxx.
Blahna, Gary L., xxx-xx-xxxx.
Blair, John C., xxx-xx-xxxx.
Blazes, Peter J., xxx-xx-xxxx.
Block, Thomas R., xxx-xx-xxxx.
Bloedorn, Gary W., xxx-xx-xxxx.
Blume, Geoffrey E., xxx-xx-xxxx.
Boddie, Raymond B., xxx-xx-xxxx.
Bond, Nelson B., xxx-xx-xxxx.
Bongiardina, Joseph, XXXX.
Bons, Paul M., xxx-xx-xxxx.
Boone, Howard, xxx-xx-xxxx.
Boose, Howard R., III, xxx-xx-xxxx.
Borneman, Frederick, xxx-xx-xxxx.
Boroski, Marvin, xxx-xx-xxxx.
Bosway, Stephen G., xxx-xx-xxxx.
Bowles, Gary W., xxx-xx-xxxx.
Boyd, Eugene T., Sr., xxx-xx-xxxx.
Boyd, Leo S., xxx-xx-xxxx.
Boyd, Richard F., xxx-xx-xxxx.
Bozeman, Paul, xxx-xx-xxxx.
Brackett, John R., xxx-xx-xxxx.
Bradley, John H., xxx-xx-xxxx.
Bradner, James W., II, xxx-xx-xxxx.
Bradshaw, Charles W., xxx-xx-xxxx.
Bradshaw, Jack O., xxx-xx-xxxx.
Brandl, Joseph W., xxx-xx-xxxx.
Brantley, Danon L., xxx-xx-xxxx.
Brantley, John T., xxx-xx-xxxx.
Braspenninck, X. Harold, xxx-xx-xxxx.
Brassfield, Bobbie, xxx-xx-xxxx.
Bratcher, Dewey F., xxx-xx-xxxx.
Brazeale, Charles R., xxx-xx-xxxx.
Brewer, James A., xxx-xx-xxxx.
Bridgwater, Tom W., xxx-xx-xxxx.
Briggs, Bobby G., xxx-xx-xxxx.
Brill, Ronald R., xxx-xx-xxxx.
Brintnall, Clarke M., xxx-xx-xxxx.
Broadus, James C., xxx-xx-xxxx.
Brockwell, Daniel P., xxx-xx-xxxx.
Brokaw, Francis L., xxx-xx-xxxx.
Brooks, Earl R., xxx-xx-xxxx.
Brooks, James R., Jr., xxx-xx-xxxx.
Brothers, David L., xxx-xx-xxxx.
Brown, Charles L., Jr., xxx-xx-xxxx.
Brown, Clyde O., Jr., xxx-xx-xxxx.
Brown, George P., xxx-xx-xxxx.
Brown, Glenn A., xxx-xx-xxxx.
Brown, Harold L., III, xxx-xx-xxxx.
Brown, Joe M., xxx-xx-xxxx.
Brown, John, Jr., xxx-xx-xxxx.
Brown, Joseph K., xxx-xx-xxxx.
Brown, Noel L., xxx-xx-xxxx.
Brown, Oreal L., xxx-xx-xxxx.
Brownfield, William, xxx-xx-xxxx.
Bruck, Harold A., Jr., xxx-xx-xxxx.
Brumbaugh, Larry W., xxx-xx-xxxx.
Bruzina, Dennis R., xxx-xx-xxxx.
Bubon, John J., xxx-xx-xxxx.
Buchanan, John C., xxx-xx-xxxx.
Buchly, William S., xxx-xx-xxxx.
Buckley, George M., xxx-xx-xxxx.
Budrich, Dudley J., xxx-xx-xxxx.
Bue, Paul A. J., xxx-xx-xxxx.
Bugay, Glenn L., xxx-xx-xxxx.
Bunker, David L., xxx-xx-xxxx.
Bunker, Robert M., xxx-xx-xxxx.
Bunn, Edward J., xxx-xx-xxxx.
Bunting, Roger C., xxx-xx-xxxx.
Burke, Allan R., xxx-xx-xxxx.
Burke, Edward J., Jr., xxx-xx-xxxx.
Burke, John C., xxx-xx-xxxx.
Burleson, Charles E., xxx-xx-xxxx.
Burns, George K., xxx-xx-xxxx.
Burrow, George D., xxx-xx-xxxx.
Butler, Robert W., xxx-xx-xxxx.
Byrom, Seymour, xxx-xx-xxxx.
Caddigan, James L., Jr., xxx-xx-xxxx.
Cahalane, Robert E., xxx-xx-xxxx.
Cain, Gene R., xxx-xx-xxxx.
Calderon-Couvertie, Jose, xxx-xx-xxxx.
Callahan, Donald, Jr., xxx-xx-xxxx.
Cameron, Thomas F., xxx-xx-xxxx.
Campbell, Donald M., xxx-xx-xxxx.
Campbell, Luther U., xxx-xx-xxxx.
Cancienne, Louis G., xxx-xx-xxxx.
Canfield, James D., xxx-xx-xxxx.
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Bell, Berdon M., Jr., xxx-xx-xxxx
Blunt, Kenneth L., xxx-xx-xxxx
Bowers, Curtis R., Jr., xxx-xx-xxxx
Boyce, David G., xxx-xx-xxxx
Chavvarry, Richard E., xxx-xx-xxxx
Cochran, Keric J., xxx-xx-xxxx

Crick, Robert D., xxx-xx-xxxx
David, Lawrence T., xxx-xx-xxxx
Dinkel, Emil L., xxx-xx-xxxx
Fung, Edmond, xxx-xx-xxxx
Gray, George H., xxx-xx-xxxx
Grenz, Clinton E., xxx-xx-xxxx
Grothe, Richard E., xxx-xx-xxxx
Hyde, Partick H., xxx-xx-xxxx
Kraak, Peter J., xxx-xx-xxxx
Kyle, Charles G., xxx-xx-xxxx
Prout, Gordon R., xxx-xx-xxxx
Reswik, George V., xxx-xx-xxxx
Rivers, Daniel L., xxx-xx-xxxx
Schmidt, Charles H., xxx-xx-xxxx
Silliman, Edwin T., xxx-xx-xxxx
Thomas, Everette J., xxx-xx-xxxx
Wilson, David L., xxx-xx-xxxx

WOMEN'S ARMY CORPS

To be major

Dial, Retta F., xxx-xx-xxxx
Jump, Janice G., xxx-xx-xxxx
Lane, Betty J., xxx-xx-xxxx
Oclaire, Joyce W., xxx-xx-xxxx
Thompson, Flora G., xxx-xx-xxxx
Wagner, Lillian N., xxx-xx-xxxx

MEDICAL CORPS

To be major

Ahearn, Arthur M., xxx-xx-xxxx
Albright, John D., xxx-xx-xxxx
Anderson, Paul D., xxx-xx-xxxx
Bacon, William L., xxx-xx-xxxx
Baker, Dudley P., xxx-xx-xxxx
Barnes, Sam T., xxx-xx-xxxx
Baumann, Billy B., xxx-xx-xxxx
Berman, Howard H., xxx-xx-xxxx
Binion, Gerald R., xxx-xx-xxxx
Blight, Edward M., Jr., xxx-xx-xxxx
Bowers, Mirion P., xxx-xx-xxxx
Brewer, Gerard F., xxx-xx-xxxx
Burr, Donald C., xxx-xx-xxxx
Calamita, Frank T., Jr., xxx-xx-xxxx
Campbell, Peter M., xxx-xx-xxxx
Caput, William G., xxx-xx-xxxx
Casper, Edmund, xxx-xx-xxxx
Clarke, David A., xxx-xx-xxxx
Clingan, Robert C., xxx-xx-xxxx
Cofer, Hershel F., xxx-xx-xxxx
Coggin, Julian T., xxx-xx-xxxx
Colwell, Edward J., xxx-xx-xxxx
Davia, James E., xxx-xx-xxxx
De Los, Santos, Manuel, xxx-xx-xxxx
Di Lallo, Chester A., xxx-xx-xxxx
Dierdorff, Edwin P., xxx-xx-xxxx
Dishman, Jess M., Jr., xxx-xx-xxxx
Edwards, Henry E., xxx-xx-xxxx
Eisenbaum, Sidney L., xxx-xx-xxxx
Flair, Robert C., xxx-xx-xxxx
Gardner, Richard L., xxx-xx-xxxx
Gerkin, David G., xxx-xx-xxxx
Grant, Robert N., xxx-xx-xxxx
Grossman, Richard A., xxx-xx-xxxx
Gugel, Lorenz W., xxx-xx-xxxx
Gunter, Charles A., xxx-xx-xxxx
Harkins, Paul D., xxx-xx-xxxx
Hays, Leonard L., xxx-xx-xxxx
Hedlund, Kenneth W., xxx-xx-xxxx
Henderson, Robert L., xxx-xx-xxxx
Hering, Herman D., xxx-xx-xxxx
Hinshaw, Arned L., xxx-xx-xxxx
Hirata, Richard M., xxx-xx-xxxx
Holman, Melvin R., xxx-xx-xxxx
Houston, Samuel D., xxx-xx-xxxx
Hunt, Keith K., Jr., xxx-xx-xxxx
Hutchison, James R., xxx-xx-xxxx
James, Edwin C., xxx-xx-xxxx
Jarstfer, Bruce S., xxx-xx-xxxx
Kaplan, Burton H., xxx-xx-xxxx
Kato, Ronald H., xxx-xx-xxxx
Keblish, Peter A., Jr., xxx-xx-xxxx
Kessler, David, xxx-xx-xxxx
Kimbrell, Robert A., xxx-xx-xxxx
King, Everett G., xxx-xx-xxxx
Knapp, Stanley C., Jr., xxx-xx-xxxx
La Piana, Francis G., xxx-xx-xxxx
Labiche, Henry M., Jr., xxx-xx-xxxx
Larson, Paul H., xxx-xx-xxxx
Levinson, Louis E., xxx-xx-xxxx
Levitt, Gilbert W., xxx-xx-xxxx
Lewis, Charles W., xxx-xx-xxxx
Lillie, Homer J., Jr., xxxx
Mack, David W., xxx-xx-xxxx
Madorsky, David D., xxx-xx-xxxx
Manuel, Wilbert J., xxx-xx-xxxx
Masi, Anthony V., xxx-xx-xxxx
Matthews, Marshall, xxx-xx-xxxx
McIver, William J., xxx-xx-xxxx
McMillin, Theodore, xxx-xx-xxxx
McNamee, Philip I., xxx-xx-xxxx
Miller, Franklin C., xxx-xx-xxxx
Moak, Wilson E., xxx-xx-xxxx
Morales-Cabranes, Manuel, xxx-xx-xxxx
Morita, Eugene T., xxx-xx-xxxx
Mulkerin, Lawrence, xxx-xx-xxxx
Navin, James J., xxx-xx-xxxx
Nilges, Thomas C., xxx-xx-xxxx
Norcott, Edward A., xxx-xx-xxxx
Pettyjohn, Frank S., xxx-xx-xxxx
Pozelnik, Louis S., xxx-xx-xxxx
Quinn, Frank M., xxx-xx-xxxx
Rakolta, George G., xxx-xx-xxxx
Reem, Richard C., xxx-xx-xxxx
Rich, John D., xxx-xx-xxxx
Ruymann, Frederick, xxx-xx-xxxx
Schatzman, Ronald C., xxx-xx-xxxx
Schultz, Boyd L., xxx-xx-xxxx
See, Donald H., xxx-xx-xxxx
Segal, Avrom C., xxx-xx-xxxx
Seitter, Girard, III, xxx-xx-xxxx
Severance, Richard, xxx-xx-xxxx
Seymour, Donald W., xxx-xx-xxxx
Slahorek, George J., xxx-xx-xxxx
Slaughter, Robert L., xxx-xx-xxxx
Slawson, Robert W., xxx-xx-xxxx
Smith, William A., Jr., xxx-xx-xxxx
Stebbing, George E., xxx-xx-xxxx
Stephenson, Jackie, xxx-xx-xxxx
Stoller, Jerry J., xxx-xx-xxxx
Stucker, Paul J., xxx-xx-xxxx
Tsoulos, Demetrios, xxx-xx-xxxx
Vavrin, Charles R., xxx-xx-xxxx
Ventry, Paul G., xxx-xx-xxxx
Vernick, Jerome J., xxx-xx-xxxx
Vichick, Donald A., xxx-xx-xxxx
Volpe, Joseph A., xxx-xx-xxxx
Wallner, Herman C., xxx-xx-xxxx
Warren, George III, xxx-xx-xxxx
Watson, Robert L., xxx-xx-xxxx
White, Richard S., xxx-xx-xxxx

DENTAL CORPS

To be major

Appleton, Isaac E., xxx-xx-xxxx
Axinn, Sherman, xxx-xx-xxxx
Belasco, John R., xxx-xx-xxxx
Cohen, Marvin W., xxx-xx-xxxx
Dayoub, Michael B., xxx-xx-xxxx
Eandiorio, Leo M., xxx-xx-xxxx
Eberhardt, John J., Jr., xxx-xx-xxxx
Foster, Richard A., xxx-xx-xxxx
Hansen, Carl A., xxx-xx-xxxx
Hawley, Charles E., xxx-xx-xxxx
Hennig, Guenther H., xxx-xx-xxxx
Hillis, Robert E., xxx-xx-xxxx
Hipp, Benny R., xxx-xx-xxxx
Hobaugh, Don C., xxx-xx-xxxx
Johnson, Baxter E., Jr., xxx-xx-xxxx
Kazlusky, Joseph B., xxx-xx-xxxx
Kirchoff, David A., xxx-xx-xxxx
Leslie, Donald B., xxx-xx-xxxx
Lewis, Marlin R., xxx-xx-xxxx
Lorio, Gary P., xxx-xx-xxxx
Luther, Wallace W., xxx-xx-xxxx
Martin, Robert L., xxx-xx-xxxx
Mayotte, Richard V., xxx-xx-xxxx
Metzger, Floyd D., xxx-xx-xxxx
Pare, Henri A., xxx-xx-xxxx
Parmer, Dennis E., xxx-xx-xxxx
Perez, Bienvenido, xxx-xx-xxxx
Pickett, Alan B., xxx-xx-xxxx
Pommert, Charles J., xxx-xx-xxxx
Pompura, John P., xxx-xx-xxxx
Reddin, James B., xxx-xx-xxxx
Seymour, Fred W., Jr., xxx-xx-xxxx
Simkins, Benjamin R., xxx-xx-xxxx
Suson, Morris A., xxx-xx-xxxx
Swintak, Edward F., xxx-xx-xxxx
Trawick, Jack S., xxx-xx-xxxx
Walker, Kahn K., xxx-xx-xxxx
Walowitz, Charles, xxx-xx-xxxx
Wentz, Clarence E., xxx-xx-xxxx

VETERINARY CORPS

To be major

Bellamy, Albert D., xxx-xx-xxxx
Blanchard, Decatur, xxx-xx-xxxx
Boucher, John H., xxx-xx-xxxx
Bratthauar, Robert, xxx-xx-xxxx
Clark, William H. H., xxx-xx-xxxx
Drolte, James A., xxx-xx-xxxx
Ferguson, James A., xxx-xx-xxxx
Hagberg, Mylo M., xxx-xx-xxxx
Kovatch, Robert M., xxx-xx-xxxx
Lindquist, Edwin W., xxx-xx-xxxx
Loizeaux, Peter S., xxx-xx-xxxx
McCallum, William, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

Adcock, Bobby R., xxx-xx-xxxx
Barden, Regginial R., xxx-xx-xxxx
Bateman, Jack N., xxx-xx-xxxx
Bates, Robert A., xxx-xx-xxxx
Belcher, Lillard F., xxx-xx-xxxx
Black, Edward J., Jr., xxx-xx-xxxx
Borth, Alfred G., xxx-xx-xxxx
Brand, Fred C., xxx-xx-xxxx
Brekhus, Dennis A., xxx-xx-xxxx
Broadfoot, Bobby E., xxx-xx-xxxx
Brooks, Benjamin A., xxx-xx-xxxx
Carper, Robert R., xxx-xx-xxxx
Casasanta, John J., xxx-xx-xxxx
Ciccone, Vincent J., xxx-xx-xxxx
Conklin, Robert D., xxx-xx-xxxx
Davis, John F., xxx-xx-xxxx
Dobson, Benjamin F., xxx-xx-xxxx
Dorrough, Earnest L., xxx-xx-xxxx
Dubiel, Joseph, Jr., xxx-xx-xxxx
Dunkelberg, Wilbur, xxx-xx-xxxx
Edwards, Lewis M., xxx-xx-xxxx
Edwards, Tom R., xxx-xx-xxxx
Emmons, Bobby B., xxx-xx-xxxx
Fields, Robert E., xxx-xx-xxxx
Folding, Joseph F., xxx-xx-xxxx
Fountain, Donald B., xxx-xx-xxxx
French, Ernest D., xxx-xx-xxxx
French, George R., xxx-xx-xxxx
Gaffney, John P., xxx-xx-xxxx
Gillespie, Ronald L., xxx-xx-xxxx
Green, Grant E., xxx-xx-xxxx
Harling, John T., xxx-xx-xxxx
Hawkins, Sanders F., xxx-xx-xxxx
Hayes, James H., xxx-xx-xxxx
Hembree, Calvin S., xxx-xx-xxxx
Herek, Robert L., xxx-xx-xxxx
Hobbs, Robert J., Jr., xxx-xx-xxxx
Hucks, John A., xxx-xx-xxxx
Johns, William C., xxx-xx-xxxx
Johnson, William H., xxx-xx-xxxx
Johnston, Jerry M., xxx-xx-xxxx
Jones, Donn C., xxx-xx-xxxx
Jung, Paul T., xxx-xx-xxxx
Kays, John M., xxx-xx-xxxx
Kisel, John G., xxx-xx-xxxx
Kleber, Robert E., xxx-xx-xxxx
Koch, Joseph L., xxx-xx-xxxx
Lafleur, George J., xxx-xx-xxxx
Lamb, William O., xxx-xx-xxxx
Leddy, John T., xxx-xx-xxxx
Leeder, Laird G., Jr., xxx-xx-xxxx
Lucci, Frank J., xxx-xx-xxxx
Martinka, Gerald R., xxx-xx-xxxx
McDermott, Frank E., xxx-xx-xxxx
McDowell, Frank, Jr., xxx-xx-xxxx
McGough, Sammy, xxx-xx-xxxx
McMahon, Robert P., xxx-xx-xxxx
Moody, Dan D., xxx-xx-xxxx
Ney, Leland E., xxx-xx-xxxx
Ockert, Carroll A., xxx-xx-xxxx
Ohaver, Donald R., xxx-xx-xxxx
Orbelo, William R., xxx-xx-xxxx
Oswalt, Harris G., xxx-xx-xxxx
Pannell, Robert F., xxx-xx-xxxx
Pascal, Harold S., xxx-xx-xxxx
Pitts, William P., xxx-xx-xxxx
Posey, William L., xxx-xx-xxxx
Reddy, John J., Jr., xxx-xx-xxxx
Redman, David E., xxx-xx-xxxx
Rehusch, Kenneth S., xxx-xx-xxxx
Reynolds, David G., xxx-xx-xxxx
Roper, Rex S., xxx-xx-xxxx

Simnacher, Bruce D., [redacted].
Souter, John R., [redacted].
Sperandio, John R., [redacted].
Stavish, Peter J., [redacted].
Tatam, William M., [redacted].
Trecartin, Edward G., [redacted].
Uemura, Edward H., [redacted].
Vann, Lawrence K., [redacted].
Wallace, Norman G., [redacted].
Waller, Donald A., [redacted].
Washington, Charles, [redacted].
Weaver, Joseph U., Jr., [redacted].
Webb, Charles L., [redacted].
Woodward, William E., [redacted].
Young, John W., Jr., [redacted].

ARMY NURSE CORPS

To be major

Burton, Robert W., [redacted].
Castleman, Glynna K., [redacted].
Conley, Everett W., [redacted].
Cruzen, Oran G., [redacted].
David, Erich W. P., [redacted].
Davis, Marion J., [redacted].
De Voss, Joan K., [redacted].
Diener, Dolores E., [redacted].
Duffy, Robert F., [redacted].
Ferry, Oswald A., [redacted].
Gorman, Carole A., [redacted].
Hauck, Leonard N., [redacted].
Hernandez, Nilza R., [redacted].
Jackson, Helen, [redacted].
Johnson, Calalera E., [redacted].
Jones, Addie B. L., [redacted].
Karwoski, Richard J., [redacted].
Koneck, Anna, [redacted].
Lassiter, Marion E., [redacted].
Lee, Linda, [redacted].
Lewis, Margaret A., [redacted].
Lyke, Elizabeth M., [redacted].
McIntosh, Hazel M., [redacted].
McLoughlin, Audrey, [redacted].
Michael, Marbeth G., [redacted].
Miller, Patricia M., [redacted].
Miller, Teryl R., [redacted].
Murray, John L., [redacted].
Myers, Charles L., Jr., [redacted].
Powell, Robert B., [redacted].
Romeo, James J., [redacted].
Rupp, Robert F., [redacted].
Sater, Corinne M., [redacted].
Shimerda, Joan L., [redacted].
Silvestre, Patricia, [redacted].
Slewitzke, Connie L., [redacted].
Small, Norma R., [redacted].
Smith, Georgia D., [redacted].
Storey, Billy M., [redacted].
Swenson, James W., [redacted].
Tracy, Joseph M., [redacted].
Trafford, Alfred F., [redacted].
Williams, Edith, [redacted].
Woods, Francis X., [redacted].
Youngman, Clifford, [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be major

Gronley, Joanne K., [redacted].
Hall, Mary S., [redacted].
Landen, Betty R., [redacted].
Ozburn, Mary S., [redacted].
Thompson, Margaret, [redacted].

ARMY PROMOTION LIST

To be captain

Buchanan, Samuel J., [redacted].
Grubbs, Judson B., II, [redacted].
Haag, Donald E., [redacted].
Hicks, Larry E., [redacted].
Jackson, Jerry F., [redacted].
Manning, James G., Jr., [redacted].
Martin, John T., III, [redacted].
Matthews, Merald L., [redacted].
Muhlethaler, Robert C., [redacted].
Norwood, Frank R., Jr., [redacted].
Ortiz, Luis R., [redacted].
Priest, Robert W., [redacted].
Renner, Stephen A., [redacted].
Rollins, Gordon C., [redacted].
Smith, Tommy R., [redacted].
Ward, Samuel R., Jr., [redacted].

CHAPLAIN

To be captain

McCarthy, Michael J., [redacted].

IN THE MARINE CORPS

The following named officers of the Marine Corps for permanent appointment to the grade of major:

Gerald G. Abel
Ronald M. Abshire
Billy H. Adams
Billy W. Adams
Joe C. Adams
Richard J. Ahlers
Thomas H. Aiken
Robert B. Alexander
Richard H. Alexander
Charles R. Alexander
Earl R. Allen
Rodney H. Alley, Jr.
Myrl W. Allinder, Jr.
Ray D. Ammon
Donald E. Andersen
Jesse E. Anderson, Jr.
Bobby G. Anthis
Reginald E. Armstrong
John P. Atherton
Randall W. Austin
James D. Avery
Ronald A. Ayers
Edward R. Bailey
Richard W. Bailey
Ross T. Bailey
Horace W. Baker
Robert M. Balch
Walter P. Barclay
William R. Barnard
Richard J. Barnes
Albert P. Barry
William A. Barry, Jr.
William D. Bauer
Harry L. Bauknight
Larned V. Bearce
Richard W. Beason
Lynn A. Behymer
William R. Belcher
Frank S. Bell
Gene E. Berbaum
Daniel F. Bergen
Alphonse A. Bernotas
Jay N. Bibler
Leroy A. Bickley
Balcolm T. Bird
Richard A. Bishop
Samuel E. Black
Dwight L. Bledsoe
Harper L. Bohr, Jr.
Bruce B. Bowman
Francis D. Booth
Gordon O. Booth
Gerald W. Boston
Dennis R. Bowen
Robert L. Bowersox
Ray W. Bowles
James T. Brackman II
George H. Braman, Jr.
James R. Brandon III
Glenn D. Bratcher
Roy G. Breitenbach
John V. Brennan
Robert V. Brennan
Billy R. Bridgewater
Arthur P. Brill, Jr.
Richard L. Brinegar
Edward C. Brinkley, Jr.
Oscar W. Britton
Bobbie K. Brodie
Donald C. Brodie
Paul W. Bronson
Bruce G. Brown
Herman C. Brown
James B. Brown
James R. Brown, Jr.
Jimmy L. Brown
Larry K. Brown
Mark T. Brown
Peter C. Brown
James J. Bruce
Charles G. Bryan
John H. Buchanan
Howard V. Bucknam
Nicholas M. Bunch
Vincent R. Burdelski
Joseph C. Burger, Jr.
Robert E. Burgess
John P. Burke
Arthur E. Burkhart
Eugene B. Burleson, Jr.
Leslie D. Burnett
Edmund B. Burns
John R. Burns, Jr.
William J. Burrows
Orlando L. Busby, Jr.
Edward W. Butchart
Bobby G. Butcher
Frank H. Butler
John H. Butler
David H. Calhoun
Paul F. Cameron, Jr.
John M. Campanelli
Frank L. Capin
Paul L. Carlson
Robert A. Carnes
Frederick A. Carolan
William R. Carroll
David L. Cartwright, Jr.
John J. Carty
Theodore V. Cassidy
Bradley F. Cate
George L. Cates
Matthew P. Caulfield
Dennis A. Cavagnaro
Ross C. Chaimson
Francis X. Chambers, Jr.
John C. Chambliss
John A. Chancey
Daniel B. Chapla
Robert S. Charles
Harold H. Clark
John T. Cline
Ralph L. Close
Leon Cohan, Jr.
Jean P. Cole
Carl G. Collins
Patrick G. Collins
Thomas M. Collins
Donald R. Comer
Anthony T. Common
Daniel B. Cone
Carey B. Connell, Jr.
James P. Connell, Jr.
Michael H. Conner
Matthew T. Cooper
Donald H. Cormack
Everett L. Cowley
George F. Cox
Herbert E. Craig
Donald S. Creal, Jr.
Jimmie A. Creech
Gerard P. Criscuolo
James P. Crowley
Warren A. Culpepper
Denns M. Cunningham
James H. Curd
James E. Dalberg
Thomas J. Dalzell
Bobby L. Daniels
Robert L. Daniels
Charles L. Daugherty, Jr.
Charles E. Davis III
Donald L. Davis
James P. Dawson
Bernard C. Day
Frank E. Deal
Bennett R. Dean
Gene A. Deegan
James C. Deemer
John C. Deibert III
Laurence Delmore III
Barrie O. Delp
Pasquale W. Demartino
Clifton L. Deornellas
John R. Dewan
Gerald L. Diffee
John H. Ditto
Albert K. Dixon II
Edward E. Dixon
Edward R. Doane
Shaun J. Doherty
Michael E. Dominguez
Gerald F. Dooley
Dale D. Dorman
Donald M. Douglas
George H. Douse
Billy H. Draffen
Terry C. Drew
Dave G. Drewelow
David S. Drum
Marcel J. Dube
J. R. Duckworth
Ellsworth M. Dunn, Jr.
John D. Durrant
Edgar G. Dyer
Edward J. Dyer, Jr.
Paul W. Dyer
Kenneth W. Earls
Herbert R. Edson
Robert F. Edwards
John M. Eichelberger
Henry L. Eisenson
Duane E. Eley
Jerry W. Elliott
Thomas L. Elser
Charles J. Eltringham
Philip C. English
Gerald A. Enos
Robert K. Ervi
William P. Eshelman
Robert J. Esposito
Leonard L. Etcho
William E. Everett
Chauncey R. Fairchild
Thomas J. Faleskie
Francis X. Farrington
James P. Faulkner
Philip J. Fehlen
William J. Feind
Angelo Fernandez
Donald Festa
Steven E. Field
Raymond F. Findlay, Jr.
Walter M. Fitts
Charles A. Felming
Billy M. Floyd
John G. Flynn
Joseph F. Flynn
Edward B. Foster
Anthony J. Fraioli
Jay A. Freeman
David J. Frie
John R. Fritsch
Ray A. Fugate
Robert A. Furtado
Vincent R. Gallery
Bryan A. Gallup
William H. Ganz
Louis C. Gapenski
John T. Garcia
Robert B. Gardner
James F. Gazzale
Royall W. Geis
Michael S. Gering
George Gibbs
Charles W. Gibson, Jr.
Jerrald E. Giles
William Gilfillan III
Alec Gillespie
James E. Givan
Richard H. Glass
Johnny B. Gobble, Jr.
Glen Golden
Leroy H. Gonzales
Charles J. Goode, Jr.
John K. Goodyear
Francis L. Gould
Robert J. Graham
Joseph M. Gratto
John T. Gray
Edward L. Green
Ronald R. Grega
Robert C. Gregor
George R. Griggs
John S. Grinalds
Larry K. Grissett
Roger A. Gurley
Robert L. Hagener
Harold W. Hale
William H. Hale, Jr.
Robert E. Hamilton
Ray L. Hanle, Jr.
Michael J. Hanley
Larry B. Hannah
Dawson P. Hansen
Thomas C. Hargrove
John E. Harms
John E. Harris
Graydon D. Hauff
John D. Haynes
Peter M. Heiman
Conrad W. Heinzerling, Jr.
John W. Hemingway
Horace F. Herlihy
James E. Herlocker
Donald F. Herman
Douglas P. Hibbs
John J. Hilgers
William P. Hillsman
Robert T. Himmerich
Philip M. Hinkle
Donald B. Hirsch
Francis A. Hocevar
Donald A. Hodgen
Pieter L. Hogaboom
Carroll G. Hollman
James A. Honse
William F. Horner
Samuel M. Horton
Edward L. House, Jr.
John J. Houtchens
David T. Howe
Norman W. Huddy, Jr.
Walter R. Huf
Edwin L. Huff
William H. Huffcut II
Donald R. Huffman
James L. Hughes
Lloyd W. Hyatt, Jr.
Jacob E. Iles
Robert E. Ilzhoefer
Harold E. Itchkawich
Earnest Jarvis
Jerry H. Jenkins
Stephen J. Jennings
Duane S. Jensen
Thomas R. Jensen
Charles M. Johnson
Poindexter M. Johnson
Robert E. Johnson
Clyde J. Johnston
Richard K. Joiner
Hugh S. Jolley
Paul G. Judkins
Warren D. Kalas
Charles W. Kappelman
Stephen H. Kaster
Ronald J. Kaye
Michael F. Keane, Jr.
Gordon W. Keiser
Charles R. Keith
Floyd H. Keller
Noel J. Keller
John D. Kelley
Reginald C. Kelley, Jr.
William R. Kelley
Glenn D. Kelly, Jr.
Glenn O. Kennedy, Jr.

Richard A. Kerr
Jerry L. Kershner
Paul C. Kerwin
Robert L. Kerzic
Denis J. Kiely, Jr.
John J. Kilday
Kenneth W. King, Jr.
Robert F. King
James H. Kirkham
Thomas P. Kirland
Arnold L. Klinkenberg
Robert E. Knapper
James R. Knight
Robert C. Knowles, Jr.
Kenneth P. Knuebel
Neil D. Koch
John T. Komar
Bert P. Krages
John F. Krebs
Robert C. Kropinack
Henry L. Kunkel
George A. Kupets
Gerald F. Kurth
Carroll M. Lacroix
Jack B. Lakes
Edward J. Land, Jr.
Robert E. Langton
John D. Lanigan
Gary M. Larson
George J. Lattimore
Joseph F. Lavin
Richard C. Lawe
Robert W. Layer
William F. Lee
Raymond G. Leidich
George T. Lengauer, Jr.
Francis J. Lennartz IV
James B. Leonard, Jr.
Rodney R. Letchworth
Rayton A. Lewis
Floyd C. Lewis
Harry A. Ling II
John D. Little
William E. Loftus
James S. Loop
Ronald M. Losee
Francis A. Losik
Jack R. Lousma
Thomas D. Love
William B. Ludwick
Donald O. Lyman
Perry D. Lyons, Jr.
John M. Mahoney
David W. Mailler
Robert A. Mallard
Charles H. Manazir
Gaetano Marino
James A. Marks
Eugene O. Marquette III
Richard W. Marsden
Franklin H. Marsh
John C. Marshall
Raymond H. Martin
Warren L. Martin
Shirley L. Mays
Thomas P. McBrien
John G. McCabe
Albert J. McCarthy, Jr.
Clifford L. McCraw, Jr.
Michael R. McDonough
Theodore R. McElroy
David L. McEvoy
William T. McFall
Robert C. McFarlane
Stanley M. McGeehan, Jr.
Robert W. McGowan
John J. McMenamin, Jr.
Jack D. McNamara
John F. McNelly
Curtis D. McRaney
Thomas F. Meehan
Ben A. Meharg
Robert H. Melville
Frederick H. Menning, Jr.
Emmett C. Merricks, Jr.
Ronald E. Merrihew
Ronald S. Merrill
Walter H. Metscher
William C. Miesch
Philip C. Mikkelson
Anthony D. Miller
Donald E. Miller
Joe E. Miller
Richard A. Miller
Frank E. Millner
Miles E. Mixson
James W. Mizell
Joseph F. Molineaux, Jr.
Neil Molsbee
Julian A. Moore, Jr.
Richard H. Moore
William S. Moriarty
Robert S. Morris, Jr.
Jesse G. Mulkey
Thomas E. Murley
John R. Murphy
Louis T. Nappi
George D. Navadel
Rudolf M. Nebel
Robert L. Neff
William J. Nevins, Jr.
Alton E. Nicol
Robert V. Nicoli
Edmund P. Noll
Wilton J. Norris, Jr.
Cledith E. Oakley
Leon E. Obehaus
John F. O'brien
Joseph J. O'brien
Robert E. Odare
Thomas R. O'Donnell
James J. O'Meara
Jack L. Omer
Michael G. O'Neill
Lyndell M. Orsburn
George A. Ostermann
Harold M. Owens
Victor E. Pacheco
John K. Palmer
Bennie L. Parks
Charles R. Patton
Richard N. Pegler
Richard J. Pereira
Gerald L. Peterson
Billy G. Phillips
Harry F. Philson
Francis L. Pieri, Jr.
Raiford L. Pittman
Larry J. Polk
Lloyd G. Pool
Donald A. Powell
Thomas J. Power
Thomas M. Pratt III
George S. Prescott
Robert C. Prewitt
John W. Quist
Richard C. Raines
Roger J. Ranta
John R. Rasavage
Allen B. Ray
Gerald F. Reczek
William G. Reddick
Roger L. Redelman
John H. Reece
Robert L. Reed
Lawrence E. Reid
James E. Reilly
Lawrence P. Reiman
William A. Renner
William H. Rever, Jr.
James C. Reynolds
Richard C. Reynolds
Eugene P. Richter, Jr.
James W. Rider
Jon A. Rindfleisch
Edward M. Ringley, Jr.
Carson N. Robinson
John A. Rohde
Lawrence A. Rolstad
John A. Rooke
John J. Rozman
Clifton L. Rushing, Jr.
Bobby G. Rutledge
Roger K. Ryman
Ramiro Saenz
Walter C. Sagebiel
Michael D. Salmon
Ralph J. Salvati
Robert B. Savage, Jr.
Michael W. Sayers
Frederick J. Schober
Daniel W. Schrader
Richard H. Schwartz
Richard B. Scibeck
Herbert L. Seay
William D. Seymour
James R. Shaffer
John K. Shannahan
James P. Shannon
Thomas H. Shannon
H. W. Shaw
James F. Sherry, Jr.
Robert D. Shoptaw
David K. Shroyer, Jr.
David V. Shuter
Thomas A. Silvear
James D. Simpson
George W. Sims, Jr.
Duan K. Sinclair, Jr.
William T. Sinnott
Ronald A. Smaldone
Jerry R. Smiley
Louis O. Smith
Malcolm E. Smith, Jr.
Walter G. Smith, Jr.
William J. Smith
Thomas J. Smyth
James E. Sniffen
Frederick J. Snyder
Leonard A. Sollberger, Jr.
Harry L. Solter, Jr.
Merle G. Sorensen
James P. Souders
John F. Spangler
Jack R. Spence
Charles B. Sperry
Henry C. Stackpole III
James E. Stanton
David L. Steele
William L. Stein
Samuel H. Stevenson
James L. Stewart
Robert E. Stoffey
James E. Strawn
Anthony W. Stremic
James D. Strickland, Jr.
Thomas A. Stumpf
James V. Sullivan
Robert A. Sutton
Smith Sweeney
Wayne R. Swenson
Orson G. Swindle III
Bruce C. Taylor
Theodore W. Taylor
Samuel E. Thames
Richard E. Theer
Anton E. Therriault
Dale R. Thibault
Richard E. Thomas
William L. Thomas
Amos D. Thompson, Jr.
Robert R. Thrasher
David T. Tierney
Michael W. Tierney
Dale L. Tinsley
James H. Tinsley
James E. Toth
Kenneth R. Town
William F. Tremper
Daniel F. Trenski
Anthony Trent
Paul B. Tubach
G. B. Tucker
Henry W. Tutterow, Jr.
James H. Tutterrow
John M. Tuttle
Leon D. Tyrrell
Robert J. Ulses
James L. Underwood
James M. Updyke
Charles R. Upshaw
James F. Vaillancourt
John H. Vanniman
Raymond Velasquez
David G. Vest
Joseph G. Vindich
Lewis D. Vogler
Robert L. Vogt
David E. Vowell
Melvin N. Wall
John V. Walsh
Roger D. Walters
Warren S. Walters
Sanford B. Wanner
Harold T. Ward, Jr.
Michael J. Wasko, Jr.
Thomas L. Watkins
Paul S. Weathers, Jr.
Edward M. Weber
Richard J. Weidner
Richard C. Wells
William C. Wessel, Jr.
Herman B. West, Jr.
Joel I. Westfall
Paul B. Westmiller
Marvin A. Westphal
Paul E. Westphal, Jr.
Robert G. Whaley
Joseph J. Wheeler
Oliver M. Whipple, Jr.
Joseph H. White
Michael L. Whitehouse, Jr.
Edward R. Whiting
Basil K. Wiederhold
William R. Wildprett
Donald E. Williams
John M. Willmarth
Kelton M. Wilson
Robert B. Wilson
Christopher M. Wogan
Robert J. Wolfenden
Charles J. Wolk, Jr.
Abraham W. Wolson
Howard C. Wood
David G. Workmon
Leonard A. Wunderlich
Grant L. Yenerall
Geoffrey A. York
Richard K. Young
Thornton L. Youngman
Michael J. Zachodni
Alfred Zeikus

The following named officers of the Marine Corps for permanent appointment to the grade of captain:

Paul R. Aadnesen
Michael C. Abajian
Charles K. Ables
Robert L. Adams
John H. Admire
Edmund P. Aldous, Jr.
John D. Alexander
Allan A. Algoso, Jr.
David P. Allen
George E. Allen, Jr.
Kenneth E. Allen
Larry W. Allen
Jose G. Alonzo
Richard S. Alvarez
Raymond H. Ambrose
Granville R. Amos
Richard H. Amos
George A. Ampagoomian
Robert V. Ande
Denis J. Anderson, Jr.
Michael W. Anderson
William G. Andersen
Lee H. Anderson
Terrence E. Anderson
Thomas M. Anderson
James W. Andrews
William R. Andrews, Jr.
Nickolas J. Angelo
James B. Archer
Clifford H. Armstrong
Joseph U. Arroyo
James O. Atkinson, Jr.
John P. Aymond
Ricard A. Bagby
Russell F. Bailes
James R. Bailey
Thomas C. Bailey, Jr.
Bradley R. Baird
James W. Baker
Theodore G. Balderree
Glen A. Ballenger
Lorenzo R. Bancells
Barry V. Banks
Richard D. Barba
William L. Barba
Andrew R. Barkovich
Gerald L. Barlow
Clarke C. Barnes
Charles E. Barnett
James B. Barr
Garold N. Batterman
Dan P. Beckner
Raymond H. Bednarsky
Robert A. Beeler
Walter C. Belcher
Michael C. Bell
Stanley L. Benson
Roy B. Bentson
Virgil M. Berdine
Rudy W. Bernard
Floyd A. Best
Leonard G. Bethards
Joseph A. Beyer
Mark A. Beymer
Spencer G. Bihler
John E. Bishop
Russell M. Black
Arthur C. Blades
William C. Blaha
Frank S. Blair III
Gary A. Blair
James T. Blake
Richard J. Blanchfield
William A. Blatter
Andrew J. Blenkle
Joseph H. Blichfeldt III
Edward L. Bloxom
Donald E. Bonsper
Norman P. Bourre
Thomas A. Bowditch
Charles W. Bowers
John T. Boyer
Charles J. Brennan
William M. Brink
Randolph H. Brinkley
John F. Brosnan, Jr.
Neil J. Bross
Carol W. Brown
Donald P. Brown
Edward C. Brown
Fred A. Brown
James C. Brown
William F. Brown
Roland J. Brunelle
Kenneth T. Brunsvold
John D. Buckelew
David N. Buckner
James C. Buffington
James M. Burch
Bernard V. Burchette
Charles O. Burke
John G. Burns
Raymond M. Burns
Edward B. Burrow, Jr.
Henry W. Buse III
Edward J. Bush, Jr.
Walter O. Bussey, Jr.
James H. Butler
Roland E. Butler
William L. Cadieux
David L. Caldon
Charles M. Calhoon
Columbus P. Calvert, Jr.
Wallace L. Campbell
Ray G. Canada
Michael D. Carey
Kenneth T. Carlisle
John R. Carswell
Thomas W. Carter
John J. Caskey
Henry I. Cates
Bernie N. Caviness
Russell E. Cazier
Robert P. Chambers
Johnny D. Chapman
Leonard F. Chapman III
Edward E. Chipman
Gene H. Christensen
Marvin E. Christians
John O. Christiansen, Jr.
Charles W. Christy
Michael J. Chumer
John A. Cirie
Edward T. Clark III
David W. Cleeland
David C. Cleveland
John R. Clickener
Maurice G. Cline
Brascal B. Cole
Alvin L. Coley
Benjamin F. Collins III
James G. Collins
Joseph P. Colly, Jr.
Leslie R. Conklin
Charles J. Conlon, Jr.
George M. Connell
John R. Connors, Jr.
Kenneth E. Cook
David C. Corbett
Patrick J. Corbett
Ronald W. Corner
Charles R. Corriher
John O. Cotton
Ronald J. Coulter
Jerry J. Cowart
Thomas P. Craig, Jr.
Robert A. Crane
Arthur O. Cravets
Stephen M. Creal
John B. Creel, Jr.
Marvin L. Creel
Curtis T. Crews
James B. Croft, Jr.
Carson L. Culler
Gary J. Cummins
Jack W. Cunningham
Ronald J. Curtis
Thomas L. Czechowski
William M. Dale
Daryl D. Dalrymple
Ronald M. Damura
Kevin R. Danehy
Walden L. Daniel
Walter E. Daniell
John P. Danko
John J. David
William A. Davidson III
William E. Davidson, Jr.
Charles R. Davis
Donald E. Davis
Donald L. Davis
Henry D. Davis
James R. Davis
Peter K. Davis
Ray Y. Davis
John E. Day
Stephen M. Day
Dwight D. Defee
Walter S. Deforest
Richard J. Deichl
Conrad A. Delateur, Jr.
Arlio W. Demien, Jr.
Oscar M. Dennis, Jr.
Richard E. Dennis
Gerald L. Dereberry
William A. Detki
Bruce H. Dewoolfson, Jr.
James A. Derrico, Jr.

Kenneth W. Dewey
William J. Dibello
Dennis M. Dicke
Thomas E. Dieter
Gary D. Dockendorff
Harry C. Dolan
Richard E. Donaghy
Frederick J. Donegan
Gustavus L. Donnelly
Robert J. Dougal
David Douglas III
James J. Doyle
Robert F. Drake
John B. Dudley
John F. Dullaghan
Thomas H. Eagen, Jr.
Gordon E. Earley
Thomas M. Early
Terry J. Ebbert
Albert R. Eastman, Jr.
Edgar J. Easton, Jr.
Christian J. Eck, Jr.
Thomas R. Edmunds
Larry M. Edwards
Ronald E. Edwards
Edwin Eggen
Sidney A. Eilertson
George R. Emerson
Michael W. Emmett
David E. England
Harry V. Ericksen
Stephen J. Erickson
Delano R. Esguerra
George K. Eubanks
Leroy B. Evans
Fred T. Fagan, Jr.
Gerald C. Fagersten
Thomas K. Farrar, Sr.
John P. Farrell
Michael L. Faulkner
Kenneth A. Fehr
Mark F. Felske
George I. Felt, Jr.
Louis J. Ferracane
Thomas M. Fine III
Dennis M. Finnance
George A. Fischer
Donald G. Fichthorn
Dennis R. Fitz
Charles J. Fitzgerald
Ronald E. Fix
Arturo E. Flores
Joseph E. Fluet, Jr.
Joseph G. Flynn
Walter H. Flynn
Paul J. Fogerty
William R. Ford
Gerald T. Forehand
Donald R. Forrester
William A. Forney
David E. Foss
Larry W. Franke
Paul A. Fratarcangelo
John B. Fretwell
Robert S. Friedrick
James J. Frier, II
Laurence V. Friese
Gary A. Fry
Dennis B. Fryrear
Stephen R. Fulk
Kenneth R. Furr
Larry D. Gable
Randolph A. Gangle
Anthony J. Garcia
Chester M. Gardner
David P. Garner
Dixon B. Garner
Jerald B. Gartman
Robert L. Gartner
Phillip E. Gates
Ronald L. Gatewood
Jeffrey A. Gaugush
Charles L. George
Jerry R. German
Terry G. German
Wayne M. Gibbons
Walter M. Gibbs
Woody F. Gilliland
John T. Gipson
James P. Gleason
William J. Gleeson
Richard Gnazzo
Robert E. Godwin
John J. Golden
Lance A. Goodrum
James S. Grabill
David P. Graham
John H. Grant
Paul B. Graves
Joe B. Green
Garratt W. Greene
Donald A. Gressly
Richard H. Griffin
Thomas H. Griffith
Larry E. Grimm
Gary L. Gruhl
Gunnar Gudjonsson
Thomas H. Guerin, Jr.
Frederick X. Guldi
Lyal V. Gustafson
Gustav E. Gyllenhoff
Harold C. Haase
David I. Habermacher, Jr.
Harry A. Hadd, Jr.
John J. Hainsworth
Calvin T. Hair
Stephen S. Hale
James C. Hallman
Arlen J. Hanle
Harold D. Hansen, Jr.
Bobby L. Harbison, Jr.
Francis W. Harding, Jr.
Robert L. Harding
Joe M. Hargrove
Bert S. Harp, Jr.
James R. Harper
Richard L. Harris
Robert L. Harrison
James G. Hart
Norbert J. Hart
Stephen M. Hartnett
Ellis R. Harvey, Jr.
Patrick C. Harwell
Eric E. Hastings
John F. Havener
Jack E. Hawley
Orville E. Hay
Stanley E. Haynes
John V. Hayslip
William E. Healy
Edward C. Hein, Jr.
Robert W. Hein, Jr.
Phillip R. Hemming
William A. Henderson
Charles M. Hendricks
Michael C. Henry
Roger M. Henry
James E. Henshaw
Richard Herberg, Jr.
William R. Herder
Leslie B. Herman
Ronald G. Herms
Francis G. Hershley
Donnie H. Hester
Milton J. Hester
Mendle R. Hester
Larry T. Higbee
Martin C. Higgins
David A. Higley
Alan S. Hill
Roger W. Hill
Steven M. Hinds
Homer E. Hire, Jr.
Alan W. Hitchens
Comer E. Hobbs
Howard M. Hoffman
Thorvald P. Holm
Harold L. Honbarrier, Jr.
Allen W. Hoof
Harry L. Hooper III
Marvin T. Hopgood, Jr.
John T. Horvatich
David Howe
Jack R. Howell
Jack D. Howell
Robert S. Huber
Merlin R. Huckemeyer
John C. Hudock, Jr.
Jack N. Hudson
Stanley P. Huey, Jr.
Jimmy W. Hughes
Therlon E. Hughes
Ralph P. Hundley
Larry D. Hunt
Edward L. Hutchinson, Jr.
Carlos J. Indest
Charles H. Ingraham, Jr.
Leonard L. Ingram
Vernon E. Innerarity
Thomas R. Irvine
Grant G. Jacobsen
James F. Jacobson
Michael R. Janay
Thomas F. Janidlo
Roger Jaroch
Gordon R. Jefferson
William W. Jeffrey
John M. Jeffries
Harry E. Jensen III
Clyde A. Jesse
Jeffry L. Johnson
Kenneth E. Johnson
Michael B. Johnson
Paul S. Johnston
Fred L. Jones
James D. Jones, Jr.
John L. Jones
Richard D. Jones
Thomas L. Jones
Virgil W. Jones, Jr.
Louis S. Jumbercotta, Jr.
John F. Juul
Karl J. Kabza
Thomas A. Kahl
Patrick J. Kahler
Richard R. Kane
William M. Kay
James H. Kean
Robert M. Keeley
Arthur J. Keener
Robert F. Kehres
Charles W. Kelly
James M. Kelly
Thomas W. Kelly
Calvin M. Kempf
Rodney P. Kempf
William G. Kemple
Laurance J. Kennedy
William O. Kenyon
James D. Keown
Norman G. Kerr
Anthony L. Keyfel
Lynn J. Kimball
Ronald D. Kincade
Raymond C. Kinkead
David R. Kinneer
Conrad L. Kinsey
Kenneth Kiriacopoulos
Robert H. Kirkpatrick
Edward D. Klatte
Edward J. Kline
James L. Klingerman, Jr.
Larry P. Klipp
Joseph J. Klocek
David E. Knop
Kenneth A. Koelln
Joseph J. Kollar
John R. Kopka
Raymond O. Kotrla
James P. Krohn
Melvin P. Krone
Charles C. Krulak
Carl S. Kusky, Jr.
Lawrence C. Kutchma, Jr.
Scott R. Laidig
Alexander E. Lancaster
James E. Lancaster
James L. Laney
Donald R. Langfeld
Shelton F. Lankford
David L. Lapham
Robert L. Larkin
James H. Lavelle
Peter E. Laux
David F. Laviolette
William F. Lawlor III
Walker M. Lazar
Charles D. Lea
Ronald D. Leblanc
Roy E. Lee, Jr.
Glenn F. Legge
Granville T. Lemay
Peter J. Lepo
Corby F. Lewis
Terrence D. Lewis
Robert D. Lheureux, Jr
Jay C. Lillie
Stephen E. Lindblom
Hans W. Lindholm
William W. Lindsay
David B. Littell
Junior D. Little John
Michael A. Litwin
Anthony A. Lopez
Claude L. Lott
Earl D. Loveless
John S. Lowery
James L. Lucas
Brice R. Luedtke
Gary K. Luifs
Dale J. Lux
Herbert G. Lyles
Joel J. Lynn
Douglass C. Maccaskill
Thomas E. MacDermant
James M. Macevitt III
Warren R. Madsen
Robert M. Mallard
Michael G. Malone
John M. Maloney
Robert Marinello
Joseph F. Markanthony
Bruce F. Marrs
Jon A. Marshall
David P. Martin
Joseph M. Martin, Jr.
Thomas J. Marziaz
Malcolm R. Massie, Jr.
John B. Matthews
Robert L. Matthews
Frederick H. Matthys, Jr.
Robert E. Mattingly
Jeffery W. Maurer
William J. Max
John C. Maynard
Jeffery M. Mcanally
Robert M. McBride
Patrick J. McCann
Plin McCann
Eugene F. McCarthy, Jr.
James E. McClenahan, Jr.
Walter L. McCleskey
Daryl S. McClung, Jr.
William E. McCollum
Stephen R. McComb
John J. McCoy
Paul McCoy
Gary W. McDowell
Jeffrey E. McElroy
John C. McGee
Jack D. McHugh
David L. McInturff
Thomas J. McKay
Dennis T. McKee
Gary S. McKissock
Robert J. McLaughlin
John P. McMahon
Donald A. McPheron
Frederick C. McQuigg
Matthew G. McTiernan
Thomas H. Meeker
Ronald R. Meints
Robert B. Meissner
John P. Meredith
Thomas H. Meurer
John R. Miksad
Edward A. Miller, Jr.
Gerald L. Miller
Charles R. Mills
Gordon F. Mills
William F. Mills
Larry R. Minium
Stuart J. Mock
John W. Moffett
John J. Mondry, Jr.
Barry R. Montgomery
Jack M. Moore
Jack L. Moore
John R. Moore
William O. Moore, Jr.
Walter H. Moos
William D. Moreland
James W. Morgan, Jr.
William A. Morgan
Joseph J. Morrissey III
Charles H. Morrison III
Donald H. Mosley
Michael J. Moss
Byron J. Mulherin, Jr.
John J. Mulholland
Richard H. Mullen
James W. Murphy
James P. Murphy
Michael W. Murphy
William F. Murphy
James B. Murray
John D. Murray
Norbert M. Murray III
Joseph A. Murry
James M. Mutter
Lonnie M. Myers
John K. Nagazyna
Richard I. Neal
Richard L. Needham
James C. Nelles
David W. Nelson
John J. Nelson, Jr.
Russell G. Nelson
Ronald S. Neubauer
John W. Neubauer
Doyle A. Nicholson
David E. Niederhaus
John A. Nordin
Richard C. Norris
Andre Novickis
Robert G. Nunnally
Robert M. Nye, Jr.
Ronald C. Oates
Donald J. O'Connor
Thomas F. O'Malley, Jr.
Kevin P. O'Mara
Edward P. O'Neil
Gene P. O'Neill
Vincent E. O'Neill
James R. Oreilly
James M. O'Rourke, Jr.
William R. Otto
Theodore D. Owens
Douglas B. Page
Nelson Paler
Paul A. Pankey
Michael M. Parker
William A. Parker
Walter O. Parr, Jr.
Lionel, Parra, Jr.
Lowell W. Patak
Robert F. Patton
Charles H. Paul
Jimmy A. Payne
David B. Pearce
James W. Pearson
James P. Pennell
Everett W. Pentz, Jr.
William F. Percival
Peter L. Perkins, Jr.
Jack F. Perry
James C. Perso
Gary A. Peterson
Kenneth B. Petersen
Frank K. Peterson
Wayne E. Peterson
Robert L. Peterson
Alan D. Pettit
John D. Phillips
Frank S. Phillips
Douglas W. Pickersgill
Arthur J. Picone, Jr.
Richard F. Pinion
Charles A. Pinney III
Ido E. Pistelli
Nicholas R. Pitaro
Samuel J. Pitts
Gerald J. Polyascko
Michael H. Ponder
Robert W. Poolaw
Michael E. Popelka
Harry P. Porth, Jr.
James M. Puckett
Jon D. Quinn
Robert H. Railey
James K. Ramaker
William H. Rath
Arch Ratcliff, Jr.
Jimmy M. Ray
Philip H. Ray
Herbert D. Raymond III
Don T. Reed
Henry L. Reed
Robert E. Reedhill
Claude W. Reinke
Calix L. Reneau
Robert R. Renier
Philip F. Reynolds
Larry D. Richards
Bryan L. Richardson
David J. Richtsteig
David A. Richwine
Ronald A. Rick
Robert K. Riggs
Clarence C. Riner
James P. Riordan
Frederick M. Rivers, Jr.
Joseph W. Robben, Jr.
Douglas A. Roberts
Henry A. Robertson III
Lawrence R. Robillard
Gary H. Robinson
George R. Robison
Nedson K. Robison II
Richard J. Rochford
Robert P. Rogers
Waynor F. Rogers
Arden E. Romsos
Robert C. Rosenau
Arthur D. Ross
Peter R. Rounseville
Morris E. Ruddick
Jack A. Ruffer
James A. Rumbley, Jr.
Glenn W. Russell, Jr.
Victor M. Russillo
Kenneth S. Russom
Bernard R. Rusthoven
Edward M. Rynne
Robert V. Sabia
Guadalupe G. Saldana
Melvin P. Sams
William J. Sandberg
Durward T. Savage
Salvatore J. Scalzo
Don F. Schafer, Jr.
John L. Schensnol
Joseph F. Scholle
Edward C. Schriber
Ernst U. Schultes
Donald D. Schultz, Jr.
John W. Schwantes
Peter A. Schwartz
Thomas E. Schwartz
Robert V. Scobie
James E. Scoggins
James B. Scuras
Thomas F. Seale III
James E. Secrist
Merlyn A. Sexton
John E. Sharkey
Robert C. Shearer
Robert C. Shepherd
Michael F. Shisler
James C. Shumaker
Raul A. Sifuentes
Thomas R. Siggins
Jack E. Simmons
Paul B. Skibsrud
Edward S. Skultety
Elliott P. Slagle
Howard B. Sligar, Jr.
John J. Smith

Larry M. Smith
Michael W. Smith
Stephen K. Smith
Ray G. Snyder
Robert L. Snyder
Billy L. Speed
William R. Spicer
Robert C. Springer
Michael A. Stankosky
Edward M. St. Clair
Gregory C. Steele
Thomas W. Steele
Herbert M. Steigelman, Jr.
Louis C. Stengel III
George E. Stern, Jr.
John L. Stevens III
John M. Stevens
Joseph D. Stewart
Raymond A. Stewart, Jr.
Charles R. Stichter
James C. Stiers
John E. Stocking
John A. Stockman
James F. Stodola
Stanford I. Storey
James M. Stoy
Thomas L. Strohecker
James E. Stroupe
Edward G. Stuckrath
Robert J. Sullivan
Steven T. Sunderman
Russell H. Sutton
Charles T. Sweeney
Robert E. Swete
Gregory F. Tasonis
Arthur J. Taylor
Jerry K. Taylor
Ky L. Thompson
Jesse H. Terpstra, Jr.
Raymond L. Thacker, Jr.
Raymond A. Thomas
Edward F. Thruston
Robert O. Tilley
Anthony P. Tokarz
Kenneth L. Tomcich
Stanley R. Tomlinson, Jr.
Arthur B. Tozzi
William A. Trader
Andrew F. Traynor
Melvin D. Trimble
John O. Trott
Robert E. Tschan
Phillip E. Tucker
Kenneth W. Turck
Frank L. Turner
Charles S. Tutt
Charles G. Tyrian, Jr.
John H. Updyke
Dennis R. Vandervoort
Gary R. Vangysel
Robert A. Vanhouten, Jr.
William J. Vankat
Thomas A. Varrell
William T. Vincent, Jr
Frederick J. Vogel
Richard H. Voigt
James A. Vollendorf
John M. Wagner
Alfred J. Walke
James R. Walker
Carlton F. Wall
Earl P. Wallis
George H. Walls, Jr.
Matthew F. Walsh, Jr.
Robert W. Warner
Robert T. Warren
Francis A. Waters
Richard E. Waters
Ronald H. Wecht
Larry L. Weeks
Jerome L. Weis
Edwin W. Welch
Roger V. Wellbrook
Daniel T. Wellman
Robert F. Wemheuer
William D. Wester
William K. Westling
Buddy P. Westmoreland
John B. Whalen
John J. Whitehouse
Harold B. Wilber
Charles E. Wilhelm
Robert S. Williams
David A. Williams, Jr.
Dale W. Williams
Delvin R. Williams
David B. Williams
Monroe F. Williamson
Russell L. Williamson
Robert T. Willis
Robert O. Wills
Gordon R. Willson
William K. Wilsmann
Lynn W. Wilson
Robert L. Wiltrout
John W. Winters, Jr.
Mansel M. Wood
Lance P. Woodburn
John A. Woodhead III
Clyde E. Woods
Larry A. Wooldridge
Dabney E. Wooldridge, III
James L. Wright
Kenneth A. Wymer
Patrick A. Yaccarino
Lonnie V. Yanda
Thomas R. Yanger
Paul D. Young
Thomas Zalewski
Stanley M. Zenda
Jack B. Zimmermann
Anthony C. Zinni
Lester M. Zwick

The following-named officers of the Marine Corps for appointment to the grade of first lieutenant:

James A. Albright
John H. Alico
Kenneth C. Allison, Jr.
Robert C. Anderson
Donald A. Angle
Michael R. Antonelli
Charles L. Armstrong
Russell P. Armstrong
James B. Ash
Rayfel M. Bachiller
Welles D. Bacon
Gerald D. Badinger
Wayne D. Bahr
Calvin D. Baker, Jr.
Lorenza T. Baker
William B. Baker
Gary W. Barnes
Michael F. Barone
Larry E. Beagley
Fred W. Beard
Jimmy E. Belcher, Jr.
Dan T. Bergstrom
Jill A. Berle
Albert H. Bickmore
Jerome F. Bierly
Ralph A. Bingham
Sammy G. Binion
Margaret E. Bird
Michael J. Bixiones
Carl V. Black, Jr.
John N. Bockstanz, Jr.
John R. Bollman
Raymond D. Bourque
Charles F. Bowman
Joseph S. Boyd
Robert J. Boyd, Jr.
James E. Boyers, Jr.
John Boyle IV
Robert L. Brake
Frank X. Braun
Juliana S. Braze
Donald C. Brewer
Jude T. Brock
William F. Broderick
Dennis R. Brons
Clifton R. Brooks, Jr.
Donald R. Brown
Jerome S. Brown
Shepard R. Brown
Paul V. Bruckner
Bruce E. Brunn
David M. Bryan
Thaddeus H. Burak, Jr
Gary C. Burch
Joseph E. Burch
Timothy L. Burfield
Bernard C. Burke
Jerry L. Burton
John V. Calkins
Edward C. Caliri
Edward L. Carman III
Martin D. Carpenter
Thomas T. Carpenter
William H. Carroll
John E. Casey
Barry L. Cassidy
Jonah H. K. Chang
Connie S. Chavez
Michael C. Clark
Owen D. Clark
Henry J. Coylar, Jr.
Claude W. Conner
Joan E. Cooley
John D. Counselman, Jr.
Eugene P. Cuccaro
Mark L. Danin
James R. Daugherty
Charles E. Davis, Jr.
John W. Davis
Joseph J. Day
Orlando O. Defrates, Jr.
Donald V. Demikis
Glenn C. Demunck
Robert J. Depass
Lawrence S. Derrig
Kurt M. Dieterle
Alphonso B. Diggs, Jr.
Kenneth R. Dobrovolny
Dennis R. Dodd
Cleve B. Doster
Ronald M. Dressin
Christian F. Dubia, Jr.
Paul V. Duncan
Robert A. Edmond
Sidney B. Edwards
Michael A. Ehringer
Robert P. Eichorn
Thomas L. Ekle
Jeffrey S. Eliason
Elizabeth A. Ellingham
Roger L. Emch
Richard A. Engel
William J. Esmann
Robert G. Essink
Riley S. Ethington
Collie Evans, Jr.
Jot Eve
Charles B. Farber
Phillip F. Fargotstein
Jon W. Farmer
Michael C. Fassino
Paul M. Felix
Vincent L. Fischer, Jr.
Ronald C. Fish
Lloyd D. Fitzpatrick
Jan P. Fladeboe
Homer W. Fogle, Jr.
Robert A. Forrester
Percy E. Foster, Jr.
David W. Fowkes
Charles K. Freeman
Joseph B. Freeman
Richard B. French
John D. Frew
Roland V. Funk
Edward A. Gubarra, Jr.
Francis O. Galloway, Jr.
Thomas G. Gasparenas
Edward C. Gerstner
James H. Gesner
Richard A. Glover
Patrick J. Glynn
Gary L. Goff
Franz M. Gottleib
John A. Granger
Arthur J. Grimley III
Orrin L. Grover III
William C. Grubb, Jr.
Edward B. Guckert
Ralph T. Gutierrez
William R. Hackney III
Donald C. Haines
John E. Hall
Robert J. Halliday
James C. Hardee
Robert R. Hare III
Gregory Harrison
Robert L. Hart
James P. Hartneady, Jr.
Guy B. Harwood
Michael J. Havrilla
Joan I. Hayden
Edward G. Hayen II
Homer L. Hazel
David H. Henderson, Jr.
Bruce A. Henry
John D. Henry
John P. Hertel
Stephen M. Hill
William H. Hill III
Kingsley E. Hoemann
William D. Holcomb
John R. Hollcraft
Louis S. Hollier IV
William D. Hollister
James E. Hollopeter
Jack W. Holt, Jr.
Sylvester Howard
Vance B. Howerton, Jr.
Thomas W. Hoysa
Jan C. Huly
Gordon R. Jackson
Eugene Jenkins
Eddie E. Johansson
Charles M. Jones
Robert L. Jones
Timothy J. Joyce
Larry J. Jurica
Michael R. Kain
Thomas B. Kalish
Terry R. Kane
Raymond J. Kaufman
Michael M. Kephart
Robert J. Kimble, Jr.
David L. King
Bruce J. Kirry
Clifford H. Kittle, Jr.
Diane E. Kline
Clifford J. Kolson II
Gregory C. Koons
Raymond M. Kruse
Walter M. Kubiak
Rea D. Laiblin
Roland L. Lambert, Jr.
Harry J. Landau
Charles E. Landry, Jr.
John Langdon II
David J. Lee
Paul M. Lee, Jr.
Dean J. Legidakes
Timothy B. Lenan
Karen A. Lenhart
Linda J. Lenhart
James F. Leonard
William J. Lewis
Robert J. Livingston
Carl J. Loguidice
Michael E. Lowe
John F. Lucas
Edmund A. Lucke
Thomas A. Manfredi
Edwin C. Mann
William T. Manning
Esmond W. Marks
Gary W. Marshall
George L. Marshall, Jr.
Thomas M. Marsilio
Terry L. Martin
Harold Mashburn, Jr.
Richard P. May
Shelley B. Mayer
Richard M. McCool III
Boyd S. McCord
Ian D. McDonough
Bryan M. McGill
Terry W. McKinsey
Billy D. McMillin
Gene S. Mead
William J. Melby
Joseph A. Menart
Richard D. Metcalf
Francis J. Meyer
Robert D. Michael
Gene A. Milleson
Thomas P. Milne
Alex G. Mitkenich
Charles G. Mittnacht
Donald J. Monroe
Samuel Moore, Jr.
William M. Moore
Richard C. Morgan
Terrence C. Morgan
Robert V. Morris
John C. Mullane, Jr.
Robert S. Mutchler
John W. Muth
William N. Myers
James M. Naylor
Paul S. Nickolaus
Miken J. Nielsen
Raymond K. Noll
William R. Norton
Jerry R. Oberg
Gerald B. Ogden
Gregory C. Okelly
Steven E. Olmstead
Thomas F. Oreilly
Frederick M. Parker
Charles A. Parlier II
Clarence F. Patten III
Frederick C. Peck
Hugh F. Phillips
Henry N. Pilger
Allan J. Polachowski
Raymond L. Polak
James J. Porter, Jr.
Gregory M. Potter
Andrew N. Pratt
Francis J. Priest
David A. Proffitt
Randall B. Pyles
Henry A. Pyzdrowski, Jr.
Linda S. Rains
Garrett V. Randel, Jr.
Robert W. Rathbun
Edward J. Reardon, Jr.
James L. Reid
Steven S. Reinemund
John H. Reynolds
Larry J. Richardson
Dwight G. Rickman
David W. Riggle
Harold S. Rineberg
James W. Rinschler
Richard H. Roamer
Edward J. Robeson IV
Robert S. Robichaud
Edmond L. Robin
James R. Robinson II
Earl W. Rogers
Renee Roller
Winston E. Rorabaugh
Niley J. Rosemond
Robert M. Rudolf
Jeffrey C. Rupp
Robert A. Rys
Robert J. Saffer
Roger A. Sager
James E. Sall, Jr.
Edward J. Sandrick
David A. Sannes
Ervin W. Scarlett, Jr.
Raymond W. Schellinger, Sr.
Robert D. Schow
James R. Schwenk
Ronald R. Seaman
James E. Seay
William J. Seemeyer
Ellsworth A. Shaw
Michael J. Shaw
Anthony P. Shepard
John E. Sherbin
Jimmy R. Shideler
Thomas J. Short
Ronnie E. Sirmans
Lloyd L. Skinner
Joel M. Skousen
James L. Smee
Arthur M. Smith, Jr.
Charles L. Smith
Delmer Smith
Dennis R. Smith
Lyle W. Smith
Terry A. Smith
William G. Smith
Leslie Solymossy
Robert E. Sonnenberg, Jr.
Douglas K. Spaulding
Jerry L. Spencer
Sidney L. Spurgeon
Joseph F. Startari
Richard M. Stearns
Robert E. Steinhorst, Jr.
Bruce M. Stevens
Ronald L. Stevens
Henri P. Stewart
Susan I. Stoehr
John D. Stokes
Robert L. Strawser
Andre D. Summers
Larry A. Sunn
Leonard M. Supko
Donald F. Swanda, Jr.
Sandra R. Swango
John R. Switzer
James M. Tarkington
Rex N. Taylor
Jon D. Terry
David M. Thomas
Paul W. Thomas
Jimmie R. Thompson
John L. Thompson
Wayne P. Thompson
Joseph Thorpe
Erik B. Thueson
Theodore K. Tolle
James F. Trahern
Craig J. Turner
Douglas D. Tyler
Martin R. Vandenbrook
N. W. Vanhouten, Jr.
Lowell F. Vanwagenen
Robert J. Varley
Bruce R. Wahlsten
Lawrence C. Walt
Larry D. Walters
James G. Ware
David M. Webster
Michael J. Weiss
Charles N. Wells
Stenen G. Western
Gene W. Whitten
Leo V. Williams III
Nicholas J. Williams, Jr.
Douglas G. Wilson
Thomas E. Wilson
Richard P. Wolfe
Thomas S. Wolfe
Donald W. Workman
Gary J. Wright
James L. Young III
Randall H. Young
George E. Zakielarz
William E. Zales, Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 14, 1971:

DEPARTMENT OF DEFENSE

James E. Johnson, of California, to be an Assistant Secretary of the Navy.

Hadlai Austin Hull, of Minnesota, to be an Assistant Secretary of the Army.

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade of general under the provisions of section 8962, title 10, of the United States Code:

Gen. Joseph J. Nazzaro [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officers to be assigned to positions of importance and responsibility designated by the President in the grade of general under the provisions of section 8066, title 10, of the United States Code:

Lt. Gen. Theodore R. Milton, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. John D. Lavelle [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE ARMY

1. Chaplain (Brig. Gen.) Gerhardt Wilfred Hyatt, [redacted] Army of the United States (colonel, U.S. Army), for appointment as Chief of Chaplains, U.S. Army, as major general in the Regular Army of the United States and as major general in the Army of the United States, under the provisions of title 10, United States Code, sections 3036, 3224, 3442, and 3447.

2. The following-named officer for temporary appointment in the Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Chaplain (Col.) Aloysius Joseph McElwee, [redacted] U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Walter James Woolwine, [redacted] United States Army.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. George Philip Seneff, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

IN THE NAVY

Rear Adm. Worth H. Bagley, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

William J. Kotsch
Eugene H. Farrell
Rowland G. Freeman III
Rupert S. Miller
Carl J. Seiberlich
Joseph E. Snyder, Jr.
Forrest S. Petersen
Bernard B. Forbes, Jr.
Doniphan B. Shelton
Dewitt L. Freeman
Arthur W. Price, Jr.
Charles H. Griffiths
Charles D. Grojean
John M. Tierney
Isham W. Linder
Charles P. Tesh
William Thompson
Frank D. McMullen, Jr.
Leonard A. Snead
Tyler F. Dedman
Samuel L. Gravely, Jr.
Charles F. Rauch, Jr.
Stanley T. Counts
Harry D. Train II
William A. Myers III
Robert G. Mills
James O. Mayo
David A. Webster
Raymond W. Burk
Lloyd W. Moffit
Samuel M. Cooley, Jr.
Merton D. Van Orden
Wayne S. Nelson
Alan B. Shepard, Jr.
Henry S. Morgan, Jr.
Edward W. Cooke
Denis J. J. Downey
Chester G. Phillips
Alfred J. Whittle, Jr.
James H. Doyle, Jr.
Harry E. Gerhard, Jr.
James B. Wilson
Donald B. Whitmire
William H. Rogers
Wesley L. McDonald
Earl F. Rectanus
William F. Clifford, Jr.
Edward C. Waller III
James D. Watkins

IN THE AIR FORCE

The nominations beginning Allan E. Aaronson, to be lieutenant colonel, and ending Harold B. Munkvold, to be major, which nominations were received by the Senate and appeared in the Congressional Record on April 19, 1971.

IN THE ARMY

The nominations beginning Samuel A. Aaron, to be captain, and ending Jolene K. Tomlan, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on May 5, 1971.

IN THE NAVY

The nominations beginning Paul Robert Abretski, to be chief warrant officer, W–3, and ending Billie Ross Hardin, to be chief warrant officer, W–4, which nominations were received by the Senate and appeared in the Congressional Record on April 19, 1971.

IN THE MARINE CORPS

The nominations beginning Archie G. Bobo, to be first lieutenant, and ending David B. Weber, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 1971; and

The nominations beginning Garth L. Adams, to be first lieutenant, and ending Michael V. Ziehmn, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on May 5, 1971.

EXTENSIONS OF REMARKS

MAY DAY ANTIWAR DEMONSTRATIONS: NEW YORK TIMES DISTORTS BUT CHICAGO TRIBUNE REPORTS OBJECTIVELY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1971

Mr. RARICK. Mr. Speaker, one of the regrettable features of the May 3–6, 1971, antiwar demonstrations in Washington has been the failure of important elements in the mass news media to report and editorialize objectively, notably the New York Times, which has long boasted that it publishes "all the news that is fit to print."

Thoughtful Members of the Congress, experienced officers of the Armed Forces, and police—who witnessed the so-called peaceful demonstrations in the streets of Washington—are not impressed by editorial or reportorial distortion.

The situation in Washington was acute and had it not been handled effectively by the Metropolitan Police backed up by units from the Armed Forces, it most certainly would have gotten out of control with untold consequences.

One of the basic purposes of our Government is to insure domestic tranquillity, and this was done efficiently and effectively, reflecting great credit on those who bear the responsibility of decision and the burden of execution.

Thus when one who witnessed the May Day demonstrations reads such editorials as that on "Empty Victory" and the news story of Christopher Lydon on "Washington Does Most of Its Business as Usual" in the May 4, 1971, issue of the New York Times, he is amazed not only by the nonfactual editorializing and reporting but the gross distortion involved.

Fortunately, there are writers in Washington who are perceptive and courageous. In a letter to the editor of the New York Times commenting on both the cited editorial and news story, Dr. Benjamin Ginsburg evaluates both with refreshing candor. Another is Walter Trohan, who in the Chicago Tribune of May 7, 1971, gives an objective summary of what occurred during the May Day anarchy in the Capital City of our Nation.

Because of their pertinence, I insert the mentioned writings as part of my remarks and commend them as examples in journalistic contrast:

[From the New York Times, May 4, 1971]

EMPTY VICTORY

Aimed at shutting down the Federal Government, the "Mayday" demonstrations in Washington from the outset had much more potential for suffering and tragedy than for practical effect on Vietnam war policy. Because of skillful work by the Washington police backed by Federal troops, this tragic potential did not materialize.

There were incidents of excessive force, but the District of Columbia police showed far more discipline and sensible leadership than was displayed by the Chicago police, for example, in the 1968 demonstrations at the time of the Democratic National Convention. For their part, the mostly youthful demonstrators contributed to this good result because they generally adhered to their determination to keep the protest peaceful.

This victory for public order, however, is morally empty. It was achieved only by turning the center of the nation's capital into an camp with thousands of troops lining the bridges and principal streets, helicopters whirring overhead and helmeted police charging crowds of civilians with nightsticks and tear gas. To evict thousands of peaceful campers from West Potomac Park at dawn