title 10, United States Code, with respect to retirement of civilian members of the teaching staff of the U.S. Naval Academy; to the Committee on Armed Services.

By Mrs. MINK:

H.R. 8460. A bill to amend the Food Stamp Act to allow eligible households to purchase certain imported foods with food stamps; to the Committee on Agriculture.

H.R. 8461. A bill to provide for the conveyance of the island of Kahoolawe to the State of Hawaii, and for other purposes; to the Committee on Armed Services.

H.R. 8462. A bill for the relief of certain orphans in Vietnam; to the Committee on the Judiciary.

By Mr. THONE:

H.R. 8463. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8464. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. TIERNAN:

H.R. 8465. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WAGGONNER:

H.R. 8466. A bill limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes; to the Committee on Public Works.

By Mr. HALPERN:

H.R. 8467. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. BARING:

H.J. Res. 640. Joint resolution proposing an amendment to the Constitution of the United States to insure the rights of parents and local school authorities to determine which school the children in that locality will attend; to the Committee on the Judiciary.

By Mr. FRASER (for himself and Mr. KARTH):

H.J. Res. 641. Joint resolution to direct the National Railroad Passenger Corp. to make a study with respect to expanding the basic national rail passenger system; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. SPRINGER) (by request):

H.J. Res. 642. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; to the Committee on Interstate and Foreign Commerce.

By Mr. GROSS:

H. Con. Res. 303. Concurrent resolution calling for suspension of military and economic assistance to Pakistan until the present conflict in the country is resolved; to the Committee on Foreign Affairs.

By Mr. HALPERN (for himself, Mrs. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. BURKE of Massachusetts, Mr. BURTON, Mr. COUGHLIN, Mr. DELLUMS, Mr. DRINAN, Mr. GUDE, Mr. HARRINGTON, Mr. KOCH, Mr. MIKVA, Mr. MITCHELL, Mr. MORSE, Mr. MOSS, Mr. RANGEL, Mr. RIEGLE, Mr. ROSENTHAL, and Mr. RYAN):

H. Con. Res. 304. Concurrent resolution calling for suspension of military assistance to Pakistan until the present conflict in the country is resolved; to the Committee on Foreign Affairs.

By Mr. McDADE:

H. Con. Res. 305. Concurrent resolution expressing a proposal by the Congress of the United States for securing just treatment and safe return of American and other prisoners of war, and to urge negotiations for withdrawal of all U.S. military combat forces from Indochina; to the Committee on Foreign Affairs.

By Mr. PODELL:

H. Con. Res. 306. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H. Con. Res. 307. Concurrent resolution expressing the sense of the Congress toward ending the war in Indochina; to the Committee on Foreign Affairs.

By Mr. MATSUNAGA:

H. Res. 442. Resolution on dismissal of professional air traffic controllers by the Federal Aviation Administration; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H. Res. 443. Resolution to amend rules X, XII, and XIII of the Rules of the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

174. By the SPEAKER: Memorial of the Legislature of the State of California, relative to housing; to the Committee on Banking and Currency.

175. Also memorial of the Legislature of the Commonwealth of Pennsylvania, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

176. Also, memorial of the Legislature of the State of Nevada, relative to a study of the water problems in the Hawthorne, Nev., area; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BROYHILL of Virginia (by request):

H.R. 8468. A bill to convey certain lands located in Spotsylvania County, Va., to J. E. Bashor and Marie J. Bashor; to the Committee on Interior and Insular Affairs.

By Mr. COTTER:

H.R. 8469. A bill for the relief of Francesco Gandolfo and his wife, Betty Aurora Gandolfo; to the Committee on the Judiciary.

By Mr. HARVEY:

H.R. 8470. A bill for the relief of Diane Irene Fritzler; to the Committee on the Judiciary.

H.R. 8471. A bill for the relief of Adelaide Reitz; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 8472. A bill for the relief of James H. Davidson, Vincent W. S. Hee, and Kay M. Mochizuki; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 8473. A bill for the relief of Cenilda da Silva Costa; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 8474. A bill for the relief of Lt. (junior grade) Robert J. Finnerty; to the Committee on the Judiciary.

H.R. 8475. A bill for the relief of Lt. (junior grade) William B. Hodgins; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

75. By the SPEAKER: Petition of Joseph R. Julia, New York, N.Y., relative to procedures used by the Foreign Claims Settlement Commission; to the Committee on Foreign Affairs.

76. Also, petition of Romualdo Maturan, Dumaguete City, Philippines, et al., relative to redress of grievances; to the Committee on the Judiciary.

77. Also, petition of the Board of Supervisors of the City and County of San Francisco, Calif., relative to general revenue sharing; to the Committee on Ways and Means.

SENATE—*Monday, May 17, 1971*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

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

We thank Thee, O God, for Thy blessing upon this Nation through many generations. We thank Thee for men of wisdom and virtue given to us by Thy providence in every hour of danger and time of testing. When tension is high and need is great, be to us still our guide and strength, using Thy servants in this place for the welfare of the people. Amid the monuments of stone and marble help us here to create a monument to the human spirit at work in democratic institutions bringing to fulfillment Thy coming kingdom of compassion, justice, and love.

In the Master's name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, May 14, 1971, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the distinguished Senator from Oklahoma (Mr. BELLMON) is now recognized for 15 minutes.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

(The remarks of Mr. BELLMON when he introduced S. 1879 are printed in the RECORD in the the section set aside for the transaction of routine morning business under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

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

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

The legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

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

(The remarks of Mr. MATHIAS when he submitted Senate Concurrent Resolution 27 are printed in the RECORD in the section set aside for the transaction of routine morning business under Submission of a Senate Concurrent Resolution.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

APPLICATION OF GERMANENESS RULE DURING REMAINDER OF WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the rule of germaneness apply to the supplemental appropriation bill, for which a time limitation has been set today, and that it be for a period of 5 hours.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that for the remainder of the week the Pastore rule of germaneness be applicable for 5 hours from the time the unfinished business is laid before the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized for 15 minutes.

NIXON LOGIC DEFIES UNDERSTANDING

Mr. GRAVEL. Mr. President, I rise today to introduce a few items into the RECORD, items relevant to recent events. One deals with an article by William Raspberry, which I think is very, very fine, and certainly worthy of introduction into the RECORD, entitled "Nixon Logic Defies Understanding."

Mr. Raspberry raises a point I raised last December in my debate on the money to be spent for Cambodia; namely, that the administration, in a manipulative manner, has used the prisoners-of-war issue as a red herring, in an effort, one, to take the focus of national attention away from the fighting into a more emotional area; and, two, to exacerbate the emotions of the Nation, to give the people a greater resolve to tolerate the war as it was extended into Cambodia and into Laos.

Of course, the President's statement which revealed that our policy in Southeast Asia is totally bankrupt, was that one of the basic reasons we are in Southeast Asia and will continue to be there in the next years is the fact that the enemy has prisoners of ours.

Yesterday, on "Face the Nation," the Secretary of State enunciated the same policy, and gave no logical answer. When asked whether he knew of any time in the history of the world when prisoners were released before hostilities ceased, the Secretary of State could not, obviously, come up with an answer, because it is not logical to think that, even though we reduce our involvement to a fraction of what the previous involvement was, when we continue our air strikes with continual bombing, they would turn around and release our prisoners. To expect such a thing is not realistic.

To assume, also, that the North Vietnamese would hang onto American prisoners after we had withdrawn from that area is equally foolish.

Here, I think, we need not go to the conjectures or anticipations of the present administration, but only to actual facts of history which show that when the French had a similar situation, with a good many more prisoners than we have, when they said they were going to get out, and get out totally, the North Vietnamese offered—did not wait to be asked, but offered—for them to take their prisoners with them. I think it is obvious that the same sort of thing would take place were this administration to indicate sincerely that we would totally get out of Vietnam—Army, Navy, Marine Corps, and Air Force.

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

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

NIXON LOGIC DEFIES UNDERSTANDING

I recently confessed my confusion over how the peace disrupters hoped to translate traffic signals into American disengagement from Vietnam.

I still don't understand their logic. But if it makes them feel better, their's isn't the only logic I have trouble understanding.

Take, for instance, the President's explanations on his terms for leaving Vietnam.

His insistence on leaving the South Vietnamese with a reasonable chance of defending themselves against the Communists gives me no particular problem. It amounts to a diplomatic formulation of what the Smothers Brothers proposed a few years back: Declare victory and get out.

What is harder to understand is the business with the prisoners of war.

At his March 4 news conference, for instance, the President put it this way:

"As long as there are American POWs in North Vietnam, we will have to maintain a residual force in South Vietnam." He then went on to explain that if we announced prior to the POW release our intention to withdraw totally, we'd lose a bargaining chip.

But what he didn't explain is: If the presence of a half-million American GIs constitutes insufficient pressure to secure the release of American POWs, why would Hanoi respond to a mere "residual force?"

From here, it appears there are two possible reasons why North Vietnam should hang on to our prisoners. One is that they hope to use the POWs as a lever to make us agree to get out. The other is that they want to keep our POWs whether we stay or go.

If the first reason is the accurate one, then it seems that our leaving (or at any rate a clear commitment to leave pending the release of the POWs) would be the best way to free them.

If the second reason applies—if for some reason Hanoi intends to keep the POWs regardless of what we do—then doesn't the phased withdrawal that is the key to the Nixon "game plan" for getting out reduce our ability to free the prisoners?

Since it is unreasonable to expect to accomplished with a few thousand men what we couldn't accomplish with half a million, why couldn't we say to Hanoi: We'll get out by July 4 if between now and then you'll give us back our captured GIs?

Well, the reason we can't do that was spelled out in the President's April 30 press conference, although I confess I didn't understand that one either.

"Once you set a date," the President said, "in other words, when we say in effect to the enemy, 'We quit, regardless of what you do,' then we destroy any incentive the enemy might have to negotiate. And there is still some incentive.

"(But) it gets less as months go on, and as our presence becomes less. And we destroy, of course, also our bargaining position with regard to POWs. Even more important, once we set a date we give the enemy the information it needs to launch attacks on our rapidly diminishing forces at their greatest point of vulnerability."

Do you see why I'm confused? It's true, I suppose, that once we say we're getting out by such and such a date, contingent only on a satisfactory solution of the POW problem, there will be less incentive to negotiate. But what would there be to negotiate anyway? Does the President believe that Hanoi would deliberately put roadblocks in the way of any American attempt to get out?

Mr. Nixon's other point was that to announce a date would be to let the enemy know precisely when our remaining forces would be most vulnerable to attack.

But since the number of American troops now in Vietnam is no deep dark secret and since the enemy knows that we're getting out at the rate of 10,000 to 12,000 a month, what's to keep him from figuring out for himself just when we'll be most vulnerable?

If the enemy wants us out, why would he make it unduly difficult for us to leave? And if he wants to wait until we're especially vulnerable so he can kick our tails, doesn't Mr. Nixon's present withdrawal scheme make that tail-kicking not only possible but probable?

I wish I understood all this. It would make a terrific column.

Mr. GRAVEL. Mr. President, I move to another article, entitled "A 'Substantial' Troop Reduction is 'Overdue'," writ-

ten by a very distinguished American, Justice Arthur Goldberg, and published in yesterday's Washington Post, wherein he agrees that a substantial troop reduction is overdue.

In one part of his article he speaks of summarizing the philosophy of the distinguished majority leader. Actually, I do not think anyone needs to summarize the philosophy of the majority leader, because the case that Senator MANSFIELD has made before this body has been so brief and succinct that it bears not great elaboration, though it must be that thousands and millions of words have been written about it over the weekend. The President has come forward with exhortations and a vast parade of past Government officials who were party to our foreign policy of old—all this outpouring over the simple fact that the majority leader had asked for a troop reduction in Europe which, to my mind and the minds of many who are knowledgeable about the problem, would not occasion a single serious problem to our defense posture, and in fact would truly strengthen it for the long haul, which is what we must look to.

Mr. Goldberg, I think, reinforces those views, though I must add that his statement with respect to Mr. Brezhnev is not in total agreement with my own view. I think it interesting in the development of our policy, that we place ourselves in a position of reaction rather than action. If diminishing the number of troops is beneficial to one country because of the economic burdens that must otherwise be carried, then this program should recommend itself to the country in question regardless of whether another country undertakes a similar reduction in forces. The logic, to me, is very simple: If it is good for the United States to shuck some of the economic burden of defense, particularly the wasteful facets of this burden—because we obviously must and should carry a proper burden for a proper defense posture—if it is beneficial for our economy to shuck off some of the fat, then we should not require, as a quid pro quo for doing this intelligent act in itself, that our supposed enemy do the same thing. Because if they lack the wisdom, intelligence, foresight, or self-interest to perform a similarly intelligent act, then we tie ourselves to their lack of intelligence and wisdom in continuing to carry a burden we should not carry. That goes, I think, to the core of the argument as to unilateralism.

I ask unanimous consent that the article by Justice Goldberg be printed in the RECORD at this point.

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

A "SUBSTANTIAL" TROOP REDUCTION IS "OVERDUE"

(By Arthur J. Goldberg)

In the legislative quiet of Washington the Democratic Majority Leader, a moderate and almost wholly non-partisan man, has become the center of a storm. President Nixon has rallied some prestigious figures—Democrats and Republicans—against the Mansfield amendment to mandate the reduction by half of the American forces deployed in Europe.

Lest it be thought that everyone who has served our government in the cabinet and in a diplomatic capacity agrees with the group assembled by the President, I want to state my support for Senator Mansfield's thesis. This is not to say that I agree with the size of the reduction in our European forces that he has proposed. Nor do I believe that we should proceed unilaterally without a last clear warning to our allies that this time we really mean business. (I emphasize "last clear warning" because our other warnings over the years have not been taken very seriously.) But these differences can be resolved by appropriate revisions of the Mansfield amendment. The important consideration is that Congress assert its authority to declare that the time has come, and indeed is long overdue, for a substantial reduction of American forces in Europe.

Along with Senator Mansfield, I am a firm supporter of the Atlantic alliance. But it is no service to that alliance for the United States now and for the indefinite future to continue to play the role of the dominant and dominating influence in the defense of Western Europe.

It is 26 years since the end of World War II. Western Europe, with our generous help, has made a remarkable economic recovery from the havoc and destruction of war. The strength of the mark and of other European currencies compared to the dollar is dramatic proof of Western Europe's economic ability to assume the primary burden of its own defense, with sensible supporting help on our part against the threat of Soviet aggression.

For some years, Senator Mansfield has patiently and diplomatically advanced the view that Western Europe should assume the paramount role in the defense of its allied countries. If today, Senator Mansfield swings what some critics characterize as a "meat ax," it is because the arts of persuasion have proved singularly ineffective.

The Senator has pointed out, as noted in the press, that we still have some 300,000 military men, 225,000 dependents, 128 generals and over 7,000 nuclear warheads in Europe. These figures exclude the formidable military establishment of our Sixth Fleet, a major element of our European presence and deterrent capacity.

I believe, as does Senator Mansfield, in a rational and balanced deterrent against the possibility of ill-conceived Soviet movements in Western Europe. Neither he nor I advocate total withdrawal of our forces from Europe but surely the time is overdue for a substantial reduction in the number of our troops there. And, among other considerations, it seems to me that part of the billions we now devote the maintenance of land forces in Europe would be better spent by improving our airlift capacity, so that we could dispatch combat-ready troops to Europe should the occasion require. In this connection, many of our present European troops are not combat forces, and both they and their dependents constitute a heavy drain on American resources not adequately offset by current arrangements with our European allies.

There is another factor to be taken into account. True, a mutual reduction in forces would be the ideal solution, but since this has not eventuated because of past Soviet intransigence and our NATO allies' foot-dragging, is it not time that we gave serious consideration to the proposition that a limited unilateral reduction in our European forces will put the cold-warrior elements at the Kremlin under pressure to consider a corresponding reduction of forces on their part? We are not the only country suffering from the exactions of a swollen military establishment.

Mr. Brezhnev's recent and welcome initiative indicating an interest in a mutual reduction of NATO and Warsaw forces would seem at the very least to be some indication that the Soviet Union is also such a country.

Senator Mansfield is a thoughtful man. There is a basic philosophy behind his move. I think I understand what it is and would summarize it thusly:

Realism requires us to remember that our national power, great as it is, is not unlimited and that our interests and responsibilities are not unlimited, either. President Kennedy properly reminded us that the United States is neither omnipotent nor omniscient and that there cannot be an American solution for every problem.

In this spirit, Senator Mansfield has been trying to tell us for a decade that in place of an American prescription for European security, we should encourage one by Western Europe—one which we can support and to which we can subscribe. Senator Mansfield seeks, I believe, only to communicate the basic truth that today, time and circumstances have rendered obsolete the means once required to demonstrate our basic commitment to the security of Western Europe.

I think it high time that we pay careful heed to Senator Mansfield's sound advice. Surely there is no need to employ a shopworn collection of prejorative adjectives in characterizing that advice, coming as it does from our most non-prejorative statesman.

Mr. GRAVEL. Mr. President, another article which has come to my attention was written about a year ago by the distinguished Senator from Illinois (Mr. PERCY) and was published in the Washington Monthly of July 1970. This article is entitled "We're Paying Too Much for NATO." I take particular pride in placing it in the RECORD, because it underscores the complete lack of partisanship in this debate. There has been much effusive colloquy during the course of the debate over the fact that "This was your administration and this was our administration." I say that is ridiculous. We are talking about the safety and the future of our country, if not, as I believe, the total society of man.

So I pay particular tribute to my colleague from Illinois for a very fair article. I think it is ironic, a year later, to notice that Senator PERCY was suggesting back in July 1970, when he stated that we are paying too much for NATO, that he felt that our NATO expenses could be cut by $2 billion, and that the reduction should take place immediately.

What has actually taken place since then, of course, as stated by the Secretary of State yesterday on Face the Nation, is that we expect, through new promises of more assistance by our NATO allies, to achieve a billion-dollar cut in our own burden, to be achieved over a period of 5 years.

This amounts to about $200 million a year. It is interesting in this connection to note that one of the points Senator PERCY made in his article was that the employment, not of Americans but of local nationals in Germany alone, is 62,000 persons at a cost of $250 million a year. So that means that the aid we can expect to receive under this new reorganized plan of help by our NATO colleagues in Europe to less than what we, the American taxpayers, pay for local nationals working for them, in Germany, to protect Germany.

This logic is difficult to understand, and it is more difficult to understand how an individual could get himself into such a mess, much less one of the great, colossal powers of the world.

In his article, Senator PERCY goes on

to say how the American taxpayer, for the privilege of protecting Europe, pays for electricity from Government-owned electric companies, pays taxes, and pays transportation cost on Government-owned transportation systems—all of which are subsidies to a country which imports about 2,700,000 people to work in its industries, while we in the United States, the American taxpayers, must carry the burden of 6.1 percent unemployment.

The PRESIDING OFFICER (Mr. HANSEN). The Senator's time has expired

Mr. GRAVEL. I ask unanimous consent to have printed in the RECORD the article by our distinguished colleague (Mr. PERCY).

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

WE'RE PAYING TOO MUCH FOR NATO

Today, a quarter of a century after the end of World War II, it is time for a thoughtful reassessment of the American commitment to NATO. In terms both of total costs and of manpower, the United States is bearing an unfair and staggering burden in the defense of Europe.

At present, there are about 300,000 American troops in Europe, with 220,000 in West Germany alone. Moreover, along with our troops are 242,000 dependents and 14,000 civilian employes—a total of 556,000 Americans in Western Europe. This large military presence places a tremendous drain on the U.S. budget. Each year, it costs American taxpayers $14 billion to support U.S. forces committed principally to European defense. There is also a $1.5-billion balance-of-payments deficit tied to our military commitment; $1 billion of that deficit is in Germany alone.

At a time when the United States must turn its resources to an unprecedented array of domestic problems, it is apparent that not even the wealthiest nation in the world can afford to continue our present commitment to NATO. To reduce this burden, two possible approaches are open.

The first, a unilateral withdrawal of a portion of our troops from Europe, has the virtue of simplicity, and its effects would be felt almost immediately. Sentiment is growing for this approach in the Congress and with the public.

But I believe that another option is available—one which will ensure that the cost of defending Europe will no longer be so extensively an American responsibility, but which also will permit the question of troop commitments to be resolved on military and strategic grounds, not out of economic necessity. I call this approach "burden-sharing," and it simply means that the Europeans will begin to carry a fair share of the expenses of their own defense. Europe today is not the rubble-strewn continent it was 25 years ago. Its reconstructed, thriving economies can bear a much larger defense burden than was possible in the immediate postwar years. If European nations do not accept their new responsibilities quickly, reductions in U.S. troop levels will become inevitable.

The immediate goal of the United States should be the cutting of its NATO expenses by $2 billion. There are several identifiable areas in which Europeans could pick up the cost burden:

(1) Salaries of the 74,000 local nationals employed by U.S. forces. These people work for NATO, and just happen to be servicing Americans. In Germany, for example, 62,000 are employed, at a cost of about $250 million. Why shouldn't the local government assume these costs?

(2) Construction costs. Buildings built in Europe for American forces obviously are not going to be brought back to the United States. They should be paid for by the host government.

(3) Materials and equipment purchased in the local economy for use in that country.

(4) Transportation, power and various other services. Why should we pay a German government-owner power company to supply us with electricity?

(5) NATO infrastructure expenses. Certainly structures such as runways and roads cannot be carried back to the United States.

Just these five categories, if picked up by the European governments, could save the United States about $1 billion a year, about half of it in Germany.

Moreover, it is scandalous that the U.S. government continues to pay several millions of dollars annually to its NATO partners in taxes—real-propery taxes, local and municipal taxes, business and trade taxes, excise taxes, import taxes. We do not pay taxes to the states and communities in our own country where we have military installations; yet some of our European allies, the nations we spend billions to protect, add such surcharges to our costs for our mutual defense. Clearly, U.S. military involvement in NATO should be tax-exempt, and this intolerable burden should be eliminated.

During the last few years, our foreign-exchange position has deteriorated not only because of the many unjustifiable expenses we bear in NATO, but also because of the unsatisfactory agreements we have negotiated in an attempt to offset our balance-of-payments deficits. In the early 1960's offset arrangements took the form of military purchases by European countries in the United States. But these purchases have diminished in recent years. Since 1967, Germany has offset part of the U.S. balance-of-payments drain by, among other things, buying $1 billion in bonds from the U.S. Treasury.

But bonds are really a loan. They must be repaid with interest, which puts the United States in the incredible position of paying money to Germany for the privilege of defending Germans! These offset arrangements strain credulity to the breaking point. Fortunately, the current financial arrangements run only until June 30, 1971, at which point I trust they will be terminated. Federal Reserve Board chairman Arthur Burns and Secretary of the Treasury David Kennedy concur in my conviction that the agreements never should have been made.

Our European allies have been slowly moving toward recognition of the financial inequities within NATO. Indeed, the NATO defense ministers agreed last June to commission a thorough review of budget responsibilities, with the clear intention of lightening the U.S. load. But no specific dollar commitments have been made, and current plans envision no reforms until fiscal 1972.

Helmut Schmidt, Defense Minister of West Germany, argues that Germany is not "sitting idly on its haunches, satisfied to leave its defense to Americans." To support this thesis, he states that the West Germany defense budget for 1970 represents an increase of 6.8 percent over the previous year. I submit that Mr. Schmidt is neglecting more pertinent statistics, which put the Germany defense effort truly in context. He fails to mention that, according to the latest figures available, 8.7 percent (3.044,620) of the men of military age in the United States are in the armed forces, compared to four percent in Germany. He sights the fact that in 1969 defense expenditures per capita were $366 in the United States and $93 in West Germany. He also ignores the fact that in 1969 the portion of American gross national product devoted to defense was 8.7 percent, compared to 3.5 percent of the GNP in Germany

Nothing in the foregoing should suggest that the United States will abandon its NATO partners. We will honor our treaty commitments. This country values highly its close friendship with West Germany and with the other nations of Western Europe. But legitimate friendship is based on equity and mutual self-respect. The American burden in the defense of Europe is patently inequitable and, were we to permit it to continue, would reflect poorly on our judgment and leave our claim to world leadership open to serious question.

The time has passed when the United States can afford to devote so much to the defense of Europe. Our government would be remiss if it did not appreciate what this money could mean to countless Americans if a substantial part of it were invested in food, housing, education and medical care for our own citizens. There is a limit to American resources. We have a job of nation-building to do here at home.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period, until not later than 10 a.m., for the transaction of routine morning business, with a limitation of 3 minutes on statements therein.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

The Senate will receive a message from the President of the United States.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Banking, Housing and Urban Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 6

"Whereas, The homebuilding industry in California has been in a severely depressed state due to the unavailability of adequate mortgage financing at interest rates within

the ability of many prospective home purchasers; and

"Whereas, Thousands of craftsmen have had to leave their trades and seek jobs elsewhere and hundreds of contractors have been forced out of business; and

"Whereas, California needs at least 260,000 houses a year for the next 10 years to meet the demand of the people, present levels of production fall well below that level, and a housing crisis now exists in many areas of California; and

"Whereas, Even though several banks recently have announced lower interest rates, the housing industry has regularly suffered from severe business fluctuations, causing great instability in the industry; and

"Whereas, The Honorable Representative, Wright Patman, Chairman of the House Banking and Currency Committee, has called for support of legislation to eliminate this recurring problem; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States: (a) that legislation be enacted which will provide long-range stability for housing construction by providing a source of funds which cannot be cut off to facilitate economic policies which will cause the building industry to carry the brunt of any economic dislocation; (b) that this Legislature supports federal revenue-sharing programs to assist housing, but opposes any such program which would dismantle present federal housing programs; (c) that this Legislature opposes any separate attempt to cut back such loan guarantee programs, as by the Farmers Home Administration; (d) that the Legislature requests the Federal Reserve System to ease reserve requirements of banks so that more money is available for use as housing loans; (e) that legislation be enacted to establish a "bank of last resort," a development bank which can make a large-scale credit available on reasonable terms for projects which the commercial banking system either will not or cannot finance; and (f) that the Federal Reserve System be reformed to require—in unmistakable terms—coordination between the Federal Reserve System and the various elements of the executive branch; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Honorable Wright Patman, Chairman of the House Banking and Currency Committee, and to the Secretary of Housing and Urban Development."

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

"SENATE JOINT RESOLUTION No. 31

"Memorializing the Congress of the United States to complete construction of the Lahontan Federal Fish Hatchery in the State of Nevada; to turn operation and management of the hatchery over to the appropriate department of the State of Nevada; and to fund state operation of the fish hatchery

"Whereas, The Lahontan Federal Fish Hatchery in the State of Nevada, has been partially constructed and almost completed by the Federal Government under the so-called 'Washoe Project;' and

"Whereas, The completion and future of the project remain in doubt; and

"Whereas, The hatchery has thus far failed to produce cutthroat trout to stock Pyamid and Walker Lakes in the State of Nevada; and

"Whereas, The State of Nevada, by and through its Nevada department of fish and game and the state board of fish and game commissioners is willing and able to take over operation and management of the fish hatchery upon completion and to give it the close attention and supervision indicated as necessary to enhance the chances of success of the project; and

"Whereas, Transfer of operation would relieve the Bureau of Reclamation and the Fish and Wildlife Service of the United States of the duties, attendant upon close supervision of the hatchery, which the state bureaus are better able to perform; and

"Whereas, Success of the project would be of great benefit to the people of the State of Nevada and in the economic interest of the Pyramid Indian Reservation; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the legislature of the State of Nevada memorializes the Congress of the United States to complete construction of the Lahontan Federal Fish Hatchery in the State of Nevada, to turn operation and management of the project over to the State of Nevada through its properly designated bureau or department, and to fund such operation and management by the designated bureau or department of the state; and be it further

"Resolved, That copies of this resolution be prepared and transmitted by the legislative counsel to the President and Vice President of the United States, to the Speaker of the House of Representatives, to all members of the Nevada congressional delegation and to the chairmen of the committees of the Congress which deal with the subject of this resolution."

A joint memorial of the Legislature of the State of Washington; to the Committee on Commerce:

"HOUSE JOINT MEMORIAL No. 3

"To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, to the Senate and House of Representatives of the United States, in Congress assembled:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, Many collisions between automobiles and railroad cars occur each year, injuring or killing many persons and causing great property damage; and

"Whereas, A disturbing proportion of car-train accidents occur at night when automobile drivers, arriving at a crossing after the engine has passed and too late to be warned by approaching lights and whistles, proceed into the darkened middle of the passing train; and

"Whereas, Many railcars in Canada and the United States cross into the other country in the course of commerce;

"Now, therefore, We your memorialists respectfully pray that the Congress enact Legislation requiring the marking of the sides of railroad cars with light reflective material and that uniform regulations on this subject be sought with Canada.

"Be it resolved, That copies of this Memorial be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and to each member of the Congress from this State."

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

"J.R.S. 4

"Joint resolution requesting Congress to call a convention for the purpose of amending the U.S. Constitution to provide for intergovernmental sharing of Federal Income Tax Revenue

"Whereas, the federal government has virtually preempted the graduated income tax as a source of revenue, causing state and local governments to rely increasingly upon the more regressive and inelastic consumer and property taxes, *and*

"Whereas, due to such imbalance, state and local governments are faced with fiscal problems of critical magnitude, *and*

"Whereas, the responsibility for initiating action in this regard lies with the Congress of the United States, *now therefore be it*

"Resolved by the Senate and House of Representatives:

"That the Congress of the United States be strongly urged to consider and enact measures designed to produce more equitable distribution of tax revenues now accruing to the federal government, and to that end to consider proposals for improved and expanded grants in aid leaving flexibility to the state in their use and expenditure, to commit itself to appropriate reductions in federal spending and significant cuts in federal income taxes so as to leave more of this revenue source for the state governments to collect and expend at home, and above all, to show a determination, through fiscal restraint, to abate the consequences that flow from the most devastating tax of all—inflation, *and be it further*

"Resolved: That copies of this joint resolution be transmitted by the Secretary of State to the representative and senators from Vermont in the Congress of the United States."

A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance:

"RESOLUTION

"A concurrent resolution to memorialize the Congress of the United States relative to national health care plans, without opposing or supporting any such plan, to request that certain rights be incorporated into any plan passed by Congress

"Whereas, many people throughout Louisiana and the nation feel that under some of the proposed medical care plans under consideration, due to the financing by the federal goverment, patients and physicians will lose the freedom of selection and other related rights now enjoyed; and

"Whereas, the right to life and the security thereof, confidence in good medical treatment and a compatible relationship between physician and client is basic to Americans and to their way of life, and the political appointment of physicians may create in some people a fear, whether or not well founded, of such travesties as euthenasia and medical assassination, commitment for political insanity, unauthorized abortions and sterilization, and unauthorized organ transplants, it is essential that all those who propose or act upon any new medical plan recognize as a basic premise that the patient must have the right to choose his own physician; and

"Whereas, the physician must have the right to seek the best available medical treatment for the patient, the physician must not by political or economic pressure be forced to practice outside of his field of ability, since he is best able to judge his own capabilities, and his professional judgment must not be under political or economic pressures, for a hostile or disinterested physician cannot function at his best and for these reasons the physician must have the right to choose his patients; and

"Whereas, medical history remains a most important diagnostic tool and must include

the patient's inner secrets, which secrets may be withheld in the face of political or economic damage resulting from any situation which makes the patient apprehensive that this information might be available to bureauracies, and, therefore, the patient's right of confidentiality must not be abridged; and

"Whereas, the physician must be free to seek the best medical treatment for his patient, which does not necessarily include generic drugs and long waiting lists with certain political priorities, and his orders must be obeyed by all those to whom he delegates authority, without interference by third parties for political or economic reasons, thereby protecting the confidentiality of the physician-patient relationship, and thus the function of the physician as the patient's advocate must not be abridged; and

"Whereas, a man cannot serve two masters, and if the physician can be told where he must practice, then the patients will be forced to use the assigned physician, thereby negating the patient's basic rights, and, therefore, it is essential that the right of the physician to a free choice of location and type of practice must not be abridged; and

"Whereas, these basic rights can be safeguarded by maintaining a fee for services rendered and by providing for reimbursement of the patient by the government and by maintaining the patient's right of suit of the physician and government, and thus the right of contract between the physician and patient must not be abridged; and

"Whereas, the welfare of our people should be the prime consideration of government, rather than the rationing of medical care by government clerks, as is done in England and Russia, and, therefore, there must at all times be a full recognition that the patient's welfare must be held above economic or political considerations; and

"Whereas, poorly trained individuals must not be foisted upon the public for political reasons, such as meeting the unlimited demands created by socialization, nepotism, political favoritism and political retribution, and, therefore, professional qualifications must be determined by knowledgeable peers; and

"Whereas, monopolies are always eventually unresponsive to public demands, in that they afford poor quality, poor service and high cost, and government monopolies in hospitals, drugs, physicians and other health facilities would make a mockery of other basic rights, if hospitals and physicians are not free to operate outside of the system without political or economic retribution, and it therefore is crucial that the patient's life and health must be protected from bureaucratic monopoly; and

"Whereas, no patient should be denied medical care or other medical rights because of race or creed either religious or political.

"Therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring, that the Congress of the United States is hereby memorialized to include the following ten points in any national health care plans adopted by Congress:

"1. The patient must have the right to choose his physician;

"2. The physicians must have the right to choose his patients;

"3. The patient's right of confidentiality must not be abridged;

"4. The function of the physician as the patient's advocate must not be abridged;

"5. The right of the physician to a free choice of location and type of practice must not be abridged;

"6. The right of contract between the physician and patient must not be abridged;

"7. The patient's welfare must be held above economic or political considerations;

"8. Professional qualifications must be determined by knowledgeable peers;

"9. The patient's life and health must be protected from bureaucratic monopoly;

"10. No patient shall be denied medical care or other medical rights because of race or creed either religious or political.

"Be it further resolved that copies of this Resolution shall be transmitted forthwith to each of the members of the Louisiana delegation in the Congress of the United States."

A joint resolution of the General Assembly of the State of Vermont; to the Committee on the Judiciary:

"JOINT RESOLUTION 41

"Whereas, at the first session of the ninety-second Congress of the United States of America, it has been resolved by a joint resolution of the Senate and the House of Representatives of the United States in Congress assembled (two-thirds of each House concurring therein) that the following article be proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by Congress, shall be valid to all intents and purposes as part of the Constitution:

" 'ARTICLE —

" 'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'

"Now, therefore, be it

"Resolved by the Senate and House of Representatives, That the said amendment to the Constitution of the United States be, and the same hereby is, ratified by the legislature of the State of Vermont: and, be it further

"Resolved, That the Secretary of State be, and hereby is, directed to forward certified copies of this resolution to the Administrator of General Services, Washington, D.C., and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

A joint resolution of the Legislature of the Commonwealth of Pennsylvania; to the Committee on the Judiciary:

"JOINT RESOLUTION No. 6

"A joint resolution ratifying the proposed amendment to the Constitution of the United States relative to extending the right to vote to citizens eighteen years of age or older

"The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

"SECTION 1. The proposed amendment to the Constitution of the United States providing as follows:

" 'ARTICLE

" 'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older to vote shall not be denied or abridged by the United States or by any state on account of age.

" 'SECTION 2. The Congress shall have power to enforce this article by appropriate legislation,' is hereby ratified by the General Assembly of the Commonwealth of Pennsylvania.

"SECTION 2. A certified copy of the foregoing resolution shall be forwarded to the Administrator of General Services in accordance with 1 U.S.C. § 106, to the President of the United States Senate and to the Speaker of the United States House of Representatives."

A joint memorial of the Legislature of the State of Washington; to the Committee on Public Works:

"SENATE JOINT MEMORIAL No. 15

"To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled and to the Secretary of Transportation:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, the effective control of outdoor advertising along the Federal Aid Interstate Highways has been established as a national objective by the Congress; and

"Whereas, the United States of America by Public Law 85–767 offered as an incentive to the states a monetary bonus for the effective control of outdoor advertising along certain segments of the interstate highway and the state of Washington has met the requirements of effective control of outdoor advertising by passage and enforcement of chapter 96, Laws of 1961; and

"Whereas, the effective control of outdoor advertising as required by the laws of the United States of America and the state of Washington has been substantially accomplished; and

"Whereas, there is a balance of moneys being claimed by the state of Washington from the United States in the amount of $624,288.14;

"Now, therefore, Your Memorialists respectfully pray that the funds necessary to discharge the claim of the state of Washington be authorized, appropriated, and disbursed in the amount sufficient to satisfy the just and allowed claims of the state of Washington.

"Be it resolved, That copies of this memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of Transportation, and each member of Congress from the state of Washington."

A resolution adopted by the commission of the city of Fort Pierce, Fla., in support of the Federal revenue-sharing proposal; to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the city of Ravenswood, W. Va., in support of the Federal revenue-sharing proposal; to the Committee on Finance.

A resolution of the Association of Chiefs of Police, Essex County, N.J., in tribute to J. Edgar Hoover, Director, and the personnel of the Federal Bureau of Investigation; to the Committee on the Judiciary.

A resolution of the council of the city of Brook Park, Ohio, memorializing the Congress to restore the densely populated area of Greater Cleveland as a bulk mail handling system for the U.S. Postal Service; referred to the Committee on Post Office and Civil Service.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

TRANSFERS OF AMOUNTS APPROPRIATED TO THE DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense showing, pursuant to law, transfers of amounts appropriated to the Department

of Defense in the Defense Appropriation Act, 1971; to the Committee on Appropriations.

THE SNOHOMISH TRIBE OF INDIANS V. THE UNITED STATES OF AMERICA

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, a report on the final determination of the claim of the Snohomish Tribe of Indians v. the United States of America (with an accompanying report); to the Committee on Appropriations.

THE NORTHERN PAIUTE NATION, ET AL V. THE UNITED STATES OF AMERICA

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, a report on the final determination of the claim of the Northern Paiute Nation, et al, v. the United States of America (with accompanying report); to the Committee on Appropriations.

REPORT OF THE NATIONAL TRANSPORTATION SAFETY BOARD

A letter from the Chairman of the National Transportation Safety Board transmitting, pursuant to law, the Annual Report for 1970 of that Board (with accompanying report); to the Committee on Commerce.

PROPOSED AMENDMENTS TO THE BAIL REFORM ACT

Two letters from the Attorney General submitting proposed legislation to amend the Bail Reform Act (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION IN CONNECTION WITH THE DISPUTE IN THE RAILROAD INDUSTRY

A letter from the Secretary of Labor submitting proposed legislation to carry out the administration's recommendation for averting the nationwide rail strike by the Brotherhood of Railway Signalmen (with accompanying papers); to the Committee on Labor and Public Welfare.

FINANCIAL STATEMENT OF THE AMERICAN LEGION

A letter from the Director of the National Legislative Commission of The American Legion transmitting, pursuant to law, a statement of financial condition of The American Legion as of December 31, 1970 (with accompanying report); to the Committee on Veterans' Affairs.

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. BELLMON (for himself and Mr. METCALF):

S. 1879. A bill to provide for the establishment of a National Recreational Water Course System, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BENTSEN:

S. 1880. A bill relating to the authority of the President to use the Armed Forces of the United States in armed conflict. Referred to the Committee on Foreign Relations.

By Mr. NELSON:

S. 1881. A bill to amend the Federal Aviation Act of 1958 to provide for independent scientific studies of the impact of civil supersonic aircraft upon the environment; to prohibit the operation of any civil supersonic aircraft within the territorial jurisdiction of the United States until and unless the Congress determines from independent scientific studies that the operations of civil supersonic aircraft will not have immediate or long-range adverse effects upon the environment, and for other purposes. Referred to the Committee on Commerce.

By Mr. CASE:

S. 1882. A bill to enlarge the boundaries of Grand Canyon Natonal Park in the State of Arizona, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

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

S. 1883. A bill to permit a compact between the several States relating to taxation of multistate taxpayers; to provide a formula for taxing multistate taxpayers for States not entering into this compact; to require certain sellers to collect sales and use taxes; and for other related purposes. Referred to the Committee on Finance.

By Mr. GURNEY:

S. 1884. A bill for the relief of Paul M. Burkett and his wife, Ruth A. Burkett. Referred to the Committee on the Judiciary.

By Mr. BAYH:

S. 1885. A bill to require periodical financial disclosure by officers and certain employees of the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

S. 1886. A bill to improve judicial machinery by amending title 28, United States Code, to broaden and clarify the grounds for judicial disqualification, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. JAVITS (by request):

S.J. Res. 98. A joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute. Referred to the Committee on Labor and Public Welfare.

By Mr. CASE (for himself and Mr. WILLIAMS):

S.J. Res. 99. A joint resolution to establish "National Collegiate Press Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1879. A bill to provide for the establishment of a National Recreational Water Course System, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

NATIONAL RECREATIONAL WATER COURSE SYSTEM

Mr. BELLMON. Mr. President, over the past decade, Congress has, on many occasions, demonstrated its belief that certain unique areas of the Nation should be managed and preserved for the protection of irreplaceable public values and to help meet the needs of a rapidly growing population for additional open spaces and recreation lands.

The broad public interest has been served especially well by the establishment of several new national parks or recreation areas, the wilderness preservation system, the national trails system, and the national wild and scenic rivers system.

The Wild and Scenic Rivers Act had particular significance because it not only established a means for protecting outstanding and remarkable values, but also opened major corridors of recreation to public use.

Mr. President, on behalf of myself and the distinguished Senator from Montana (Mr. METCALF), I am today introducing, for appropriate reference, legislation to provide for the establishment of a National Recreational Water Course System which will complement the many desirable features of the National Wild and Scenic Rivers Act and will serve to expand the concept and the public benefits of the scenic rivers system to other areas, particularly the Great Plains region of the United States.

The majority of the States in the Great Plains region have no rivers comparable to the scenic grandeur of the Rogue, or the Salmon, or other components of the National Wild and Scenic Rivers System. Nonetheless, the rivers of the Plains and the Midwest include some of the finest available scenery as well as the prime areas of fish and wildlife habitat and a major portion of the open space available in these States which generally do not have available large expanses of public lands.

They have substantial recreational values for tourists and those persons who live nearby, as well as significant scenic and esthetic qualities, particularly in contrast to the surrounding countryside.

Several of the Great Plains States have a unique type of river, which persons in other parts of the Nation might not consider to be rivers at all. These streams are called dry, semidry, intermittent, or braided rivers. Most are characterized by wide, flat riverbeds, with fragile stream banks and a constantly changing stream channel. Each time the water rises and falls again, the channel may select a different course through the flat river beds, leaving broad expanses of sand or gravel on either side. This streambed, inside the normal high water lines, forms a natural recreation corridor—oftentimes stretching 100 or more miles across a State.

Not far from my home in north-central Oklahoma, the historic Cimarron River reaches northwestward to its headwaters in New Mexico. Under normal conditions, the Cimarron flows a stream of water no wider than 50 to 100 feet—and no more than a few inches deep. But the main streambed in many places is over one-half mile wide, consisting primarily of sand or sand dunes and a variety of scattered shrubs and grasses. Following heavy rains, water may flow across the entire width of the streambed, but the water soon subsides, once again exposing the sand and shrubs.

Because the stream at various times dominates the entire riverbed and other times settles to use only a small portion, the bed has little economic value in terms of commercial, industrial, residential, or agricultural uses. In contrast it has great potential as open space and as the home for many species of wildlife which find sanctuary in the habitat and isolation of the river bottom.

The Cimarron is not the only river of this type in Oklahoma. The North Canadian, South Canadian, and Red Rivers are all very similar, and others of the same type exist in many of the surrounding States.

Flowing farther to the east of Oklahoma, the Deep Fork River is a somewhat different type of stream. Instead of broad expanses of sand either side of the small stream, the flood plain consists of agriculturally unproductive low river bottom lands, oftentimes swampy from overflows, and covered with dense forests of giant hardwood trees. These hardwood bottoms represent the finest habitat available in our State for deer, squirrel,

raccoon, and many other species of wildlife; and the marshy overflow provides readymade stopping places for thousands of migrating waterfowl—many of which spend the winter in the Deep Fork bottoms.

Mr. President, the two rivers I have described—and others like them in other States—would never be considered for inclusion in the National Wild and Scenic Rivers System and would have difficulty achieving any degree of protection, development or use under existing Federal programs. Yet, they deserve attention, because they represent the best of the scenic, recreation, and wildlife values available in the heartland of our Nation.

Another very important factor must be considered in this regard. The great expanses of the public lands available for public recreation purposes lie within a few Western States. Finding a place for outdoor recreation in those States is little or no problem. But what of the people in the Midwest and Plains States? Where do they go for recreation? Where does a man take his family to hike, or ride horseback, or picnic, to study nature or to drive a dune buggy?

Only 2 percent of the land in Oklahoma is in public ownership—and only a small percentage of that is dedicated to, or available for, recreation. The same is true throughout most of the Great Plains, as well as in Eastern States. The demand for more recreation land in these States is critical. And while many private landowners make their lands available for recreation, there is still a serious unmet need for public use areas.

A major part of this need could be met by ad option of the National Recreational Water Course Act. This bill provides the means for opening to public use many of the watercourses which are now privately controlled and closed to the public. Oklahoma's Cimarron River is a typical example. Stretching like a sandy ribbon across half the length of the State, this watercourse would be the perfect place for many families to spend a day away from the crowded cities, to learn and enjoy the beauties of nature.

The legislation I introduce today would significantly relieve the shortage of recreation lands in those areas where the need is greatest by acquiring public-use easements enabling the opening of the Cimarron and other selected streams in many States for public recreation. The bed of these streams is now owned by the riparian landowners who may or may not allow public access.

Mr. President, the bill to establish National Recreational Water Course System has several important features, some of which are unique.

While it would first, and most importantly, make thousands of acres of land available for the recreation needs of the people, it would not take those lands out of production or away from their current owners. In most cases, the public's right to use the lands for recreation would be secured through a recreation easement, which would leave the land in private ownership. The owner could continue to use his land for any purpose for which it was used prior to acquisition of the easement.

Acquisition of land in fee title would be limited to that amount of land necessary for development of access areas or improved recreation service areas. Even those lands acquired by the Government in fee title could be leased back to private interests for any use which would not conflict with the basic purposes of the act. Thus, the recreation needs of the people and the conservation needs of the land could be achieved, without removing the lands from economic productivity or private ownership.

Mr. President, another important feature of this bill recognizes the need to begin using our flood plains more wisely and dedicating them to uses which in many cases will not require the construction of expensive flood control structures. It establishes flood plain management as a recognized method of avoiding flood losses and provides the means to acquire and manage public use easements in floodable areas. By employing this method, the need for costly flood control structures is negated in many cases while thousands of acres of valuable public-use areas are made available to meet recreation needs.

Mr. President, much of the growth in population projected for our Nation will take place in areas where land ownership is already mostly in private hands. Every reasonable step must be taken to meet the outdoor recreational needs of these new citizens. Whenever possible, their needs should be met through making maximum multiple use of our land resources. This act is an important step in this direction. I ask unanimous consent that it be printed in full in the RECORD.

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

S. 1879

A bill to provide for the establishment of a National Recreational Water Course System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) This Act may be cited as the "Recreational Water Course Act."

(b) It is hereby declared to be the policy of the United States that certain water courses of the Nation, including braided river channels, intermittent rivers, predominantly dry rivers, and dry river beds, or portions thereof, together with their immediate environs, possess substantial open space and scenic, aesthetic, recreational, and wildlife values; and that certain of these streams shall be managed and protected for the benefit and enjoyment of present and future generations. The Congress declares that special attention is needed to conserve, manage, enhance, and protect the stream channel, fragile streambanks, and flood plains of such rivers and water courses.

(c) The purpose of this Act is to implement this policy by instituting a National Recreational Water Course System, by designating initial components of the system, by prescribing methods for adding other components to the system, and by establishing principles for the management of the components of the system.

SEC. 2. (a) The National Recreational Water Course System shall comprise rivers, or sections of rivers (1) that are authorized by Act of Congress or (2) that are designated as recreational water courses by appropriate legislation of the State or States through which they flow, provided application for inclusion is made by the appropriate State authority and approved by the Secretary of the Interior.

(b) A braided, dry, semi-dry, or intermittent river area or other water course shall be eligible for inclusion in the system if the stream area and related land areas is found by the Secretary of Interior to possess substantial recreational, scenic, aesthetic, or wildlife values, provided that such stream or portion thereof does not meet the criteria for inclusion in the National Wild and Scenic Rivers System, or for one or more reasons, has not been included in the National Wild and Scenic Rivers System. Existence of dams or other water resource developments shall not preclude eligibility for inclusion of any stream in the system.

SEC. 3. (a) The following rivers and adjacent land thereto are hereby designated for inclusion in the National Braided Rivers Recreational Systems:

(1) Platte River (North and South), Nebraska; the entire river.

(2) Canadian River (South and Deep Fork branch), Oklahoma; the entire river.

(3) Cimmaron River, Oklahoma; the entire river.

(4) Powder River, Montana; the entire river.

(5) Yellowstone River, Montana; the entire river.

SEC. 4. Each component of the National Recreational Water Course system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, so far as is consistent therewith, limiting other public or private uses that do not substantially interfere with public use and enjoyment of these values. Primary emphasis shall be placed upon management of the flood plain area for public recreation and for conservation and protection of the scenic, aesthetic and wildlife values. Management plans shall include a system of zoning to establish varying degrees of intensity of both public and private uses for the protection, enhancement, and development of the area, based on its special attributes. Compatible public and private uses of river areas shall be permitted to co-exist, and shall include but not be limited to, grazing, cultivation, residential and commercial occupancy, hunting, fishing, camping, hiking, horseback riding, sight-seeing, nature studies, wildlife propagation, and operation of multi-terrain vehicles.

SEC. 5. (a) The Secretary of the Interior is authorized to conduct investigations to determine the suitability of additions to the National Recreational Water Course System, including those streams and sections of streams on both public and private land, and submit recommendations to the President and the Congress.

(b) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the National Recreational Water Course System.

(c) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national recreational water course systems, and all river basic and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of Interior shall make specific studies and investigations to determine which additional recreational water course systems within the United States shall be evaluated in planning reports by all Federal agencies as potential

alternative uses of the water and related land resources involved.

SEC. 6. (a) The Secretary of the Interior is authorized to acquire lands and interests in lands within the authorized boundaries of any component of the National Recreational Water Course System designated in this act, or hereafter designed for inclusion in the system by act of Congress. Lands acquired in fee title by purchase from private land owners may not extend beyond the 50 year flood plain and may not exceed an average of 50 acres per mile, except as may be necessary for achieving flood protection of private interests. Lands acquired in fee title from private landowners, except those acquired by gift, donation, or transfer from other units of government, shall be limited to those lands necessary for achieving flood protection of private interests. Lands acquired in fee title from private landowners, except those acquired by gift, donation, or transfer from other units of government, shall be limited to those lands necessary for public access to river areas, conservation and bank stabilization, improvements for recreational purposes, and flood plain management.

Lands acquired in fee title may be leased to public or private interests for any purpose approved by the Secretary and which does not conflict with the purposes of this Act.

(b) The Secretary of Interior is authorized to acquire by purchase, gift or donation, scenic and recreational easements within the authorized boundaries of any component of the National Braided Rivers Recreation System as may be deemed necessary to carry out the intent and purposes of the act, but easements shall not normally extend beyond the 200 year flood plain of any component. Acquisition of a scenic or recreation easement shall give to the Secretary of the Interior the right to control the use of the land for the purpose of protecting and enhancing the public use, and the scenic, recreational, aesthetic, wildlife and open space values of the area, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

(c) The Secretary of Interior shall exercise the power of condemnation when necessary to clear title or acquire easements as are reasonably necessary to give the public access to the river and to permit free traverse throughout the length of the area or of selected segments thereof.

SEC. 7. The Secretary of Interior shall issue guidelines, consistent with the purposes of this act, for protection of private interests on lands on which easements are acquired, and for protection of values set forth in this act. Standards set forth in such guidelines shall have the object of limiting destructive recreational uses, new commercial or industrial uses and development which may be inconsistent with designated zoning and classification of a river area.

SEC. 8. (a) Nothing in this Act shall specifically prohibit construction of multiple purpose projects within any component of the National Recreational Water Course System when such projects have substantial benefit to water supplies, flood control, recreation, fish and wildlife. Planning for such projects shall include full consideration of the purposes set forth in this act, and full consideration and compensation for benefits foregone in construction of such new projects.

(b) No single purpose flood control project or channel improvement project shall be recommended for authorization within any component of the National Recreational Water Course System when such project would have a direct and adverse effect upon the values for which any component of the system was established. Nothing in this Act, however, shall preclude licensing of or as assistance to developments above or below any component of the system or any tributary thereto, which will not invade the area or unreasonably diminish the open space, scenic, recreational, aesthetic or wildlife values of the area.

SEC. 9. The Secretary of Interior shall encourage and assist the States, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financial assistance for State and local projects under the Land and Water Conservation Fund Act of 1965, to consider the needs and opportunities for establishing State and local recreational water course components. He shall also provide technical assistance and advice to States, political subdivisions and private interests, including non-profit organizations, with respect to establishing such components.

SEC. 10 (a). The Secretary of Interior is authorized to pay 100% of the costs of acquiring lands in fee title for necessary management and development, including development costs, and of the costs of acquiring scenic and recreational easements from monies appropriated for that purpose.

(b) Unrestricted use of funds available in the Land and Water Conservation Fund shall be permitted for acquisition of lands and interests in lands within the flood plain of a designated component of the system by State and local governmental units, provided such lands are administered in accordance with provisions of this act and regulations established by the Secretary of Interior.

(c) The Secretary of Interior is authorized to accept, by gift or donation from landowners, fee title to lands, or scenic and recreational easements on lands within the 200 year flood plain of any component of the system. Such gift or donation shall constitute a charitable contribution, the full and fair market value of which may be applied as a direct credit against Federal income taxes owed to the United States. Such credits may be prorated over a period of up to 10 years at the landowner's discretion.

SEC. 11. As used in this Act, the term—

(a) Recreational Water Course shall mean any braided river, intermittent river, semi-dry river or dry river bed, or any other river, creek or stream course, or portion thereof, which together with its related land area offers significant public recreational potential, but does not meet criteria for inclusion in the National Wild and Scenic Rivers System or for other cause has not been included in that system.

(b) Braided River shall mean any river, stream or creek characterized by dry or flowing inter-twining channels in the stream bed, which create a braiding effect.

(c) Intermittent, dry or semi-dry rivers shall mean any river or river area, dry or flowing, characterized by a stream bed, channel or course intermittently covered by water.

SEC. 12. There are hereby authorized to be appropriated such sums as may be necessary but not more than $25,000,000 for the acquisition of lands and interests in lands under provisions of this Act and for the improvement of such lands to accomplish the purposes of this Act.

By Mr. BENTSEN:

S. 1880. A bill relating to the authority of the President to use the Armed Forces of the United States in armed conflict. Referred to the Committee on Foreign Relations.

Mr. BENTSEN. Mr. President, I introduce today a bill to clarify and reaffirm the constitutional powers and duties of Congress in declaring war.

Over the years, the Congress has stood silently by and watched its war powers and responsibilities slowly erode. The framers of our Constitution clearly stated in article 1, section 8, that the Congress shall have the power to declare war and Congress must accept that duty. The President, however, must have the power to act in an emergency, such as a surprise attack or in the protection of American lives, but one man should not shoulder the entire responsibility for a war. I propose a new limit for the President's emergency power. Under my bill, he would be required to obtain consent from Congress authorizing and approving his action with a declaration of war within 30 days, or the troops would have to be withdrawn.

Mr. President, my bill expressly provides that it shall not apply to the Vietnam war. I have supported, and I continue to support, President Nixon's efforts to end the war in Vietnam, but this war has shown that a broad base of support and a firm national commitment are necessary even in a limited war. In reaffirming its war powers, Congress also reaffirms its responsiveness to the American people.

We, in Congress, can and should acknowledge both the constitutional principle disregarded in the past and the practical lessons of the present. We must reassert our constitutional powers and responsibilities.

Mr. President, I am fully cognizant of the great possibilities of a confrontation of the Congress and the President inherent in legislation which I offer today. I am not unaware of the feelings about this measure at the other end of Pennsylvania Avenue.

I want to state explicitly, with the introduction of this measure, that it is not my intent to draw that line for any confrontation between the President and the Congress. I want to say specifically that there is no partisan intent herein.

The issue, and it is a profound issue, is our Constitution and the powers allotted to the legislative branch, and to the executive branch, in the making of war.

Our Fathers, in their strength of conviction and in the fear the power of one man in the realm of committing a nation to war, very providentially gave that power to more than one man. They gave it to the body of men: the Congress.

Mr. President, my intention herein is a reaffirmation of that power, a restatement of the right of sharing that awesome power, a commitment by sharing of responsibility as intended by the framers of the Constitution.

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

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

S. 1880

A bill relating to the authority of the President to use the Armed Forces of the United States in armed conflict

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as provided in sections 2 and 3 of this Act, the President may not use the Armed Forces of the United States in any armed conflict.

SEC. 2. The President may, in the absence of a specific authorization by law as provided in section 3 of this Act, use the Armed Forces

of the United States in conflict to the extent reasonably necessary—

(1) to repel any armed attack on the United States by the forces of any foreign government or power and to take action that will protect the United States against future armed attacks by such foreign government or power;

(2) to repel an armed attack on the Armed Forces of the United States by forces of any foreign government or power and, concurrently, to protect the Armed Forces of the United States against any imminent danger of future attacks by the forces of such foreign government or power;

(3) to prevent or defend against an imminent nuclear attack on the United States by the forces of any foreign government or power, but only if the President has clear and convincing evidence that such attack is imminent; and

(4) to evacuate citizens of the United States from any foreign country in which they are located when such citizens are in such country with the express or tacit consent of the government of such country and their lives are being subjected to an imminent threat by such government or by persons or forces beyond the control of such government.

SEC. 3. The President is authorized to use the Armed Forces of the United States in armed conflict pursuant to a declaration of war or other specific statutory authority, but authority to use the Armed Forces of the United States in armed conflict shall not be inferred from any provision of law, including any provision contained in any appropriation Act, unless such provision specifically authorizes the use of such forces in armed conflict.

SEC. 4. (a) Whenever the Armed Forces of the United States are used in armed conflict under any of the circumstances described in section 2 of this Act, the President shall promptly report that fact to the Congress and shall include in such report a detailed account of the reasons for so using the Armed Forces of the United States, his estimate of the scope of the armed conflict, and the justification for the use of such forces under section 2 of this Act. Upon receiving any such report, the Congress shall decide, within thirty days after the first day on which Armed Forces of the United States were committed to armed conflict, whether the authority to so use the Armed Forces shall be extended or terminated. The following procedures shall be applicable to any such question:

(1) Any bill or resolution, authorizing the continued use of the Armed Forces in armed conflict under authority of section 2 of this Act shall, if co-sponsored by one-third or more of the total number of Members of the House of Congress in which such bill or resolution originates, be considered reported to the floor of such House no later than one day following its introduction; unless the Members of such House determine otherwise by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within one day after it is referred to such committee, unless the Members of the House referring it to committee determine otherwise by yeas and nays.

(2) Any bill or resolution reported pursuant to paragraph (1) of this subsection shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall determine otherwise by yeas and nays.

(b) In no case shall the Armed Forces of the United States be used in any armed conflict under any of the circumstances described in section 2 of this Act for any period exceeding thirty days after the first day on which such forces were first engaged in such conflict unless the Congress has specifically authorized the use of such Armed Forces in such conflict for a longer period.

SEC. 5. Whenever Armed Forces of the United States are engaged in armed conflict in any foreign country, the President shall, so long as such forces continue to be so engaged, report to the Congress periodically on the status of the armed conflict as well as on the scope and expected duration of such conflict, but in no event shall he report to the Congress less often than every six months.

SEC. 6. The provisions of this Act shall not apply to—

(1) the armed conflict in the Republic South Vietnam in which the Armed Forces of the United States were engaged on the date of enactment of this Act; or

(2) military activities carried our against the military forces of North Vietnam, or against forces allied with North Vietnam, in North Vietnam, Laos, Cambodia, or the waters surrounding the Indochina Peninsula, so long as such military activities are directly related to the conflict referred to in paragraph (1) above.

SEC. 7. As used in this Act, the term "armed conflict" includes (1) land, air, and naval actions taken by the Armed Forces of the United States against the military forces or civilians of any foreign country or government.

(2) the deployment of the Armed Forces of the United States outside of the United States under circumstances that present a reasonable possibility of the use of arms against the military or civilian forces of a foreign country or government, and (3) the assignment of members of the Armed Forces of the United States to accompany, command, coordinate, or participate in the movement of regular or irregular military forces of any foreign country or government when such military forces are engaged in any form of combat activity.

By Mr. NELSON:

S. 1881. A bill to amend the Federal Aviation Act of 1958 to provide for independent scientific studies of the impact of civil supersonic aircraft upon the environment; to prohibit the operation of any civil supersonic aircraft within the territorial jurisdiction of the United States until and unless the Congress determines from independent scientific studies that the operation of civil supersonic aircraft will not have immediate or long-range adverse effects upon the environment, and for other purposes.

Referred to the Committee on Commerce.

SUPERSONIC ENVIRONMENTAL PROTECTION ACT

Mr. NELSON. Mr. President, once again the Senate is spending valuable time discussing public funding of two supersonic transport prototypes, only a few weeks after the issue was resolved by Congress.

The same arguments are being presented on the same issues. The only new bit of information is that the public price tag has now escalated. We are told that it will cost an additional $500 million to $1 billion to build the prototypes, and that Federal support will probably be necessary for the production stage.

Even at this late date no constructive steps have been taken to resolve the serious environmental questions that have been repeatedly raised by distinguished scientists. The proponents of the SST do not seem yet to realize that it was the environmental issue that finally tipped the balance against the SST.

One of the ironies of the whole debate is that the administration could have secured the votes to complete the two prototypes if it had given the Congress firm assurances that a careful, in-depth environmental study would be made by a qualified group of independent scientists and that no construction beyond the prototypes would be permitted if the environmental study was negative.

For reasons that have never been made clear to me the administration did not face up to this issue although it was repeatedly called to their attention over a period of several months prior to the vote in March. Perhaps they did not think the issue was important. In any event, they quite obviously misjudged congressional concern over this issue.

The most damaging blow to the SST cause was struck by the administration itself when it refused to make public the Garwin report by a group of scientists commissioned to make a study for the administration. One could only conclude that the report made a telling case against the SST. How could the Congress be expected to vote public moneys to continue a project while the administration refused to make available a report of its own scientific committee? Furthermore, Dr. Garwin, Chairman of the Science Committee, testified before committees of the House and Senate, stating that while he was not at liberty to disclose the contents of the Garwin committee report it was his personal opinion that the SST should not be built.

Nevertheless, there remains the important unresolved environmental issue that the country must ultimately face up to whether or not an American SST is ever built. If the Russian or the British-French planes are ultimately put into commercial use, the environmental implications of both the sonic boom and stratographic pollution are of such global significance that it would be irresponsible to ignore the issue.

A large fleet of SST's would introduce water vapor and exhaust pollutants into the fragile, stable stratosphere. Reputable scientists calculate that 500 SST's would increase total stratospheric water vapor by 10 percent and as much as 60 percent in heavily traveled portions of the Northern Hemisphere.

What effect this and chemical pollutants will have, nobody knows. Scientists raise the possibility, however, that the pollutants may change the temperature on the surface of the planet. This, quite obviously, is a massive gamble which we have no moral right to take.

The whole issue of the sonic boom remains unresolved with little prospect that it will be. This alone is sufficient cause to halt development.

The SST, traveling 1,500 miles per hour, trails a shattering continuous sonic boom of 2.5 to 3.5 pounds per square foot over an area 50 miles wide. Put another way, each acre of land and water along the way will be subjected to 130,000 pounds of sonic boom.

It is already agreed that such pressure is intolerable to humans and ani-

mals alike. Thus, supersonic overland flights will have to be barred, substantially reducing the SST's usefulness, since speed is its only virtue.

That leaves over-ocean flights. The ocean, itself, is a great living body composed of innumerable fragile, intricate, interdependent life systems. If vast areas of the ocean are blasted hourly with 130,000 pounds of sonic boom per acre, no one can predict the consequences. But it would be a foolhardy enterprise to launch without many years of study.

Any rational, scientific approach would have to start with the assumption that this massive environmental intrusion is likely to be disastrous. This is a moral question of global proportions that concerns the status of all living creatures, not just human beings.

As one of the two so-called world superpowers, we have the burden of responsible leadership.

Certainly, we have the obligation to do everything we legitimately can within our sphere of influence to prevent a global experiment that may adversely affect us all. No single country has political jurisdiction or control over the oceans or the stratosphere, nor even a significant part of either.

Legislation is needed now to authorize an in-depth, environmental study by a qualified group of scientists outside the Government and independent of its direction.

The legislation I am introducing today would create a civil supersonic environmental study commission made up of nine members appointed by the President from a list of qualified scientists submitted to the Council on Environmental Quality by the National Academy of Science and the American Association for the Advancement of Science.

The commission will work as an independent, scientific investigative force and will report its findings to Congress and the public. Unless it is found that more time is required, there will be a final commission report within 3 years. Interim reports will be made to Congress yearly.

During the period of the study, no civil supersonic transport shall be permitted to use any airport facilities within the territorial jurisdiction of the United States.

When the commission completes its studies and reports its findings and conclusions to the public and the Congress, we will have the opportunity to review the ban and decide the issue on the environmental consequences of supersonic flight upon the basis of rational, independent, scientific study.

If we are going to stop an American SST flying and production because of potential environmental dangers, then it is reasonable to firmly refuse to allow any commercial SST's to use U.S. facilities until the serious environmental questions are resolved.

As a world power, we have the burden of moral, responsible leadership to do everything we legitimately can within our sphere of influence to prevent a global experiment that may adversely affect us all.

Since we share the world environment together, we must share the responsibility of its protection. If none of us assume this responsibility, then we surely will experience the world's environmental destruction together.

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

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

S. 1881

A bill to amend the Federal Aviation Act of 1958 to provide for independent scientific studies of the impact of civil supersonic aircraft upon the environment; to prohibit the operation of any civil supersonic aircraft within the territorial jurisdiction of the United States until and unless the Congress determines from independent scientific studies that the operation of civil supersonic aircraft will not have immediate or long-range adverse effects upon the environment, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Supersonic Environmental Protection Act."

DECLARATION OF POLICY AND PURPOSE

SEC. 2. The Congress finds and declares that—

(a) international air carriers of the world are at various stages of planning the purchase of civil supersonic aircraft which will operate in international commerce at stratospheric levels and supersonic speeds and will fly within the territorial jurisdiction of the United States;

(b) the operation of civil supersonic aircraft will inject into the stratosphere quantities of water vapor, sulfur dioxide, hydrocarbons, and other solid or gaseous substances which may compromise the stability and integrity of the stratosphere and have a deleterious effect upon the earth's climate;

(c) the operation of civil supersonic aircraft produces the phenomena of sonic booms, a continuous series of short, sharp shock waves at the surface of the earth beneath the aircraft flight path, which may have serious detrimental effects upon the human animal populations and the ecology of the area of the earth subjected to continuous repetition of sonic booms;

(d) the operation of civil supersonic aircraft would produce increased levels of noise in areas adjacent to points of landing and takeoff;

(e) the full nature and extent of the environmental impact and the ecological consequences which may result from the operation of civil supersonic aircraft in international commerce and within the territorial jurisdiction of the United States are unresolved;

(f) the environmental impact and ecological consequences which may result from the operation of civil supersonic aircraft are of a national and global dimension;

(g) the preservation and improvement of national and global environmental quality are of the highest order of priority and necessity;

(h) the United States should promote cooperative internationl efforts to resolve all issues pertaining to the operation of civil supersonic aircraft in international commerce and, in particular, should provide international leadership to preserve the world environment from unforeseen or ignored consequences of the operation of civil supersonic aircraft;

(i) Congress should create a commission of qualified independent scientists to conduct full and comprehensive studies of the environmental and ecological impact—both immediate and long-range; global as well as national—of the operation of civil supersonic aircraft in international commerce; and

(j) the operation of any civil supersonic aircraft within the territorial juridiction of the United States should be prohibited until and unless the Congress determines from the report(s) of the commission of qualified independent scientists that the operation of civil supersonic aircraft will not have immediate or long-range adverse effects upon the national or global environment.

SEC. 3. (a) Title VI of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1421–1431) is amended by adding at the end thereof the following new sections:

"ENVIRONMENTAL QUALIFICATIONS FOR OPERATION OF CIVIL SUPERSONIC AIRCRAFT

"Definitions

"SEC. 612. (a) For purposes of this section and section 613—

"(1) the term 'civil supersonic aircraft' means any aircraft designed and intended for operation in civil aviation at supersonic speeds;

"(2) the term 'supersonic speed' means a speed in excess of the speed of sound at the altitude at which an aircraft is operating;

"(3) the term 'stratosphere' means the upper portion of the atmosphere, above seven miles, more or less (depending on latitude, season, and weather), in which temperature changes but little with altitude and clouds of water never form naturally;

"(4) the term 'sonic boom' means the shockwave produced and apparent at the surface of the earth, consisting of a wave of short, sharp increases in atmospheric pressure (known as 'overpressure' and usually measured in the United States in pounds per square foot) at a given point, created by the operation of an aircraft at supersonic speed;

"(5) the term 'stratospheric pollution' means the emission into the stratosphere by a civil supersonic aircraft, in any quantity whatever, of water vapor, sulfur dioxide, hydrocarbons, or other solid or gaseous substances not found or occurring in the stratosphere in nature, or the emission into the stratosphere of substances found or occurring there in nature in quantities, qualities, or mixtures detrimentally larger than or different from those which are found or occur in nature.

"PROHIBITION

"(b) No civil supersonic aircraft shall be operated within the territorial jurisdiction of the United States until and unless the Congress determines from independent scientific studies, and upon receipt of the final report of the Civil Supersonic Environmental Study Commission, as provided for in section 613, that the operation of civil supersonic aircraft will not have immediate or long-range adverse effects upon the environment.

"CIVIL SUPERSONIC ENVIRONMENTAL STUDY COMMISSION

"SEC. 613. (a) There is hereby established a commission to be known as the 'Civil Supersonic Environmental Study Commission' (hereinafter referred to as the 'Commission').

"(b)(1) The Commission shall consist of nine members, appointed by the President from a list of individuals submitted to the Council on Environmental Quality by the National Academy of Sciences and the American Association for the Advancement of Science. The individual members shall be scientifically qualified, preferably with expertise in the fields of aeronautics or the environment, or both, and shall not have had any previous major involvement in the civil supersonic program.

"(2) The President shall, at the time of appointment, designate one member of the Commission as Chairman and one member of the Commission as Vice Chairman.

"(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

"(4) A vacancy in the Commission shall not affect its powers, but shall be filled by appointment of the President.

"(c)(1) Members of the Commission shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission.

"(2) All members of the Commission shall be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(d)(1) The Commission shall conduct a comprehensive study of the probable and actual impact of the operation of civil supersonic aircraft upon the environment, with particular attention being given to the possible long-range global effects, and shall make recommendations to the Congress for the protection of the environment from any possible adverse consequences of the operation of civil supersonic aircraft.

"(2) Within three years after the date of enactment of this Act, unless Congress decides that more time is required, the Commission shall report to the Congress its findings, conclusions, and recommendations. The Commission is also directed to make annual interim reports to the Congress, and all reports of the Commission shall be made public. The Commission shall terminate thirty days after the date on which it submits its final report to the Congress.

"(3) The Commission shall meet at the call of the Chairman or at the call of a majority of the members serving on the Commission.

"(f) In order to carry out the purposes of this section, the Commission is authorized—

"(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title: and

"(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $75 per day for each day (including traveltime) during which they are engaged in the actual performance of their duties for the Commission. While traveling on official business in the performance of duties for the Commission such persons so employed shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with section 5703 of title 5, United States Code.

"(g) The Commission is authorized to request from any Federal department or agency any information and assistance it deems necessary to carry out its functions; and such department or agency shall cooperate with the Commission and, to the extent permitted by law, furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

"(h) The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

"(i) There are authorized to be appropriated to the Commission such sums, not in excess of $27,000,000 for any fiscal year, as may be necessary to carry out the provisions of this section."

(b) That portion of the table of contents of the Federal Aviation Act of 1958 relating to title VI is amended by inserting at the end thereof the following:

"Sec. 612. Environmental qualifications for operation of civil supersonic aircraft.

"Sec. 613. Civil Supersonic Environmental Study Commission."

REQUIREMENT FOR SPECIFIC AUTHORIZATION FOR APPROPRIATIONS FOR THE DEVELOPMENT OF CIVIL SUPERSONIC AIRCRAFT

SEC. 4. Effective for fiscal years beginning after June 30, 1971, no appropriation shall be made for any fiscal year for the development of any civil supersonic aircraft unless specifically authorized for such purpose and for such year by Act of Congress.

By Mr. CASE:

S. 1882. A bill to enlarge the boundaries of Grand Canyon National Park in the State of Arizona, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

EXPANSION OF GRAND CANYON NATIONAL PARK

Mr. CASE. Mr. President, 4 years ago, when I first introduced legislation to expand Grand Canyon National Park, the principal threat to the park was that it would be marred by the construction of giant dams in connection with a water project for central Arizona.

While there are still some proponents of dam construction in the Grand Canyon, the threat has eased, because Congress found a way to provide water to central Arizona without scarring the truly unique wonder of nature which the Grand Canyon represents.

Grand Canyon was preserved from the dams largely, because of its popularity among tourists from all sections of the country. But that same popularity today represents a threat to the park. The present park area is in danger of being damaged by an overabundance of tourists.

For example, the number of persons who took boat trips through the canyon increased from 547 in 1965 to 9,300 in 1970. There have been proportionate increases in the back country use and for the first time the National Park Service has found it necessary to limit the number of persons on certain trails during peak periods to prevent gross overcrowding.

To meet this problem, I am reintroducing my bill to approximately triple the size of the present park and to bring administration of the canyon under a more unified management.

Administration of the canyon is now divided among five units of the National Park System a National Forest, the Bureau of Land Management, three Indian reservations, and the State of Arizona.

My bill would protect the important side canyons and plateau areas as well as the main gorge and would permit the whole canyon area to be managed on an intelligible and coordinated basis.

Specifically, the bill I introduce today includes the following:

First. The main stream of the Colorado River as it flows through the canyon—including all potential dam sites in Marble Gorge and the Lower Granite Gorge—from Lees Ferry to Grand Wash Cliffs;

Second. The major side canyons: Paria, Kanab, Navasu, Whitmore, and Parashant;

Third. The significant sections of the north rim plateaus: Kaibab, Uinkarets, and Shivwits;

Fourth. Toroweap Valley, one of the most remarkable approaches to the canyon rim, in an area of interesting volcanic remnants.

My bill will expand the national park from its present 673,575 acres to one consisting of 2.14 million acres. The extended park also will include the lands which comprise both the Grand Canyon and the Marble Canyon National Monuments, which together total over 200,000 acres.

All but 90,000 acres of the land to be included in the expanded park are currently owned by the Federal Government. The 50,000 acres of State-owned land included in the park could be acquired by purchase, donation, or exchange. My bill expressly provides that they not be acquired by condemnation. Under the provisions of the bill, the 40,000 acres of privately owned land included in the park boundaries would become Federal land as soon as the bill becomes law and owners would be reimbursed at then-prevailing prices. This would prevent the artificial ballooning of land prices that has plagued Federal acquisition of parkland in the past.

Since much of the area is wild, my bill includes a study to determine whether any portions of the park should be recommended for inclusion in the national wilderness system. My bill would also repeal any permission for reclamation projects within the national park.

The bill provides that no lands of the Havasupai, Hualapai, or Navajo tribes will be taken for the expanded park.

In the past I have quoted the remark made more than 30 years ago by J. B. Priestley that—

Every member or officer of the Federal Government ought to remind himself, with triumphant pride, that he is on the staff of the Grand Canyon.

As "staff members," we have protected the Grand Canyon from dams.

Now we must move on to discharge the remainder of our responsibility by enlarging the park and strengthening its management so that it will be able to withstand the burdens of its own popularity.

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

S. 1883. A bill to permit a compact between the several States relating to taxation of multistate taxpayers; to provide a formula for taxing multistate taxpayers for States not entering into this compact; to require certain sellers to collect sales and use taxes; and for other related purposes. Referred to the Committee on Finance.

INTERSTATE TAXATION ACT

Mr. MAGNUSON. Mr. President, on behalf of Senator ALLOTT and myself, we are introducing today for appropriate reference, a bill to permit a compact between the several States relating to taxation of multistate taxpayers; to provide a formula for taxing multistate taxpayers for States not entering into this

compact; to require certain sellers to collect sales and use taxes; and for other related purposes.

This bill is essentially the same as the one which I introduced in August 1969, on behalf of myself and 17 other Members and it is an improved version of bills intended to accomplish the same result which I introduced in February 1969, and April 1967. My remarks made at the time of introduction of these previous bills are generally applicable now. However, as I shall show in the course of my present remarks, the States have made further substantial progress in attaining uniformity in taxation of multistate taxpayers, progress which I hope the Congress will encourage be continued through the congressional support as embodied in this bill.

The bill seeks congressional consent for State compacts which would achieve certain enumerated purposes. Basically, those purposes would be to facilitate proper determination of State and local tax liability, to promote uniformity or compatibility of State tax systems, to facilitate the multistate taxpayer's convenience and compliance regarding taxing procedures, and to avoid duplication of taxation.

In addition, the bill would give the States congressional consent to establish appropriate agencies for administration and research.

The compact with which the bill is concerned is the multistate tax compact, and it has been enacted by 22 States. In one of these States, the compact is made subject to the express consent of Congress. This enactment by 21 States is to be contrasted with the enactment by only 16 States in February of 1969 and by only four States in April of 1967. It is expected that some additional large industrial States will enact the compact this year and the outlook is good that at least six more will do so next year. These new members are expected to be drawn from the 12 States which are presently participating in commission activities as associate members upon the request of their respective Governors. The phenomenal success with which the States have been able to join in this cooperative effort, and all in just a period of 4 years, is unmatched in all the history of enactment of uniform State laws.

The multistate tax compact has for its basic objectives the provision of solutions and additional facilities for dealing with tax problems of multistate businesses. More important in the long run, the compact establishes mechanisms for meeting multistate tax problems on a continuing basis and for solving future problems as they arise. The compact deals most immediately with income, capital stock, gross receipts, and sales and use taxation. It provides, also, for certain study, recommendatory, and service features that may be applied to other State and local taxes as well.

One of the principal measures for improvements—that is, simplification of taxpayer compliance and the elimination of the possibility of double taxation—in the income tax field is the Uniform Division of Income for Tax Purposes Act. The compact would permit any multistate taxpayer, at his option, to employ the Uniform Act for allocations and apportionments involving party States or their subdivisions. Each party State could retain its existing division of income provisions but would be required to make the Uniform Act available to any taxpayer wishing to use it. Consequently, any taxpayer could obtain the benefits of multijurisdictional uniformity whenever he might want it. The Uniform Act has been adopted in 27 of the 43 corporate income tax States as well as the District of Columbia, either through adoption of the compact or through adoption of the Uniform Act alone. In addition, five States which do not yet have a net income tax have adopted the Uniform Act which will be effective upon enaction of a State income tax, making a total of 33 enactions of the Uniform Act. This is to be contrasted with the 16 States which had adopted the Uniform Act in April of 1967.

The compact also provides for an arbitration procedure for the settlement of such disputes as may arise. Taxpayers would have the choice of either using the arbitration procedure or pursuing a judicial remedy.

The compact further aids uniformity by providing for the making of advisory administrative rules and regulations applicable to any uniform provisions of State laws.

A number of reforms already adopted widely would be made universal among the party States by the compact. For example, credits for sales taxes paid to other jurisdictions, provision for a small taxpayer to elect to pay a tax on gross sales in lieu of net income, and relief of vendors from collection of sales or use taxes upon good faith acceptance of an exemption certificate would be assured.

The matter of efficiency of tax audits with concomitant convenience to taxpayers, long has been a subject of interest. The compact would make single audits possible on a multistate basis, in those States choosing to become parties to a cooperative audit article.

While many of the compact's provisions would be self-executing, some would require the conduct of research informational and implementing activities. For these purposes, the compact would establish a multistate tax commission composed of representatives of the party States having responsibility in multistate tax matters. Although this interstate administrative agency is new in the tax field, there are already a number of interstate administrative agencies, some with many years of successful operation. The Port of New York Authority which now operates and manages a billion and a half dollars worth of transportation and related public works is the oldest example. It is now 46 years old. Multistate commissions with large numbers of member States are to be found in the fields of education, natural resource developments and management, and pollution control. Several compacts have a membership of all or almost all the States. These include the interstate compact for the supervision of parolees and probationers, the interstate compact on juveniles, and the interstate compact on mental health. Accordingly, there is a considerable body of experience for a multistate tax compact and its commission to draw upon.

The multistate tax compact is a responsible answer of the States to the shortcomings of State tax laws as they affect multistate businesses. It is intended to assure equitable treatment of taxpayers, facilitate their compliance with tax laws, and provide means of avoiding or settling multistate tax disputes while preserving intact the taxing jurisdiction of the States and local governments.

I recognize that, after hearings by the appropriate committee, improvements or modifications in the bill may be found to be desirable. But, no matter what the final form of consent legislation may be, I feel that Congress should give support and encouragement to the States' efforts to solve the problems of taxation of multistate businesses through the compact approach.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks along with information provided me by the Advisory Commission on Intergovernmental Relations.

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

S. 1883

A bill to permit a compact between the several States relating to taxation of multistate taxpayers; to provide a formula for taxing multistate taxpayers for States not entering into this compact; to require certain sellers to collect sales and use taxes; and for other related 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 "Interstate Taxation Act".

TITLE I—CONSENT TO ENTER INTO COMPACT

SEC. 101. (a) Congress consents to any two or more States of the United States to negotiate and enter into the Multistate Tax Compact, which is substantially as follows:

"MULTISTATE TAX COMPACT

"ARTICLE I

"PURPOSES

"The purposes of this compact are to:

"1. Facilitate proper determination of State and local tax liability of multistate taxpayers, including the equitable apportionment of tax bases and settlement of apportionment disputes.

"2. Promote uniformity or compatibility in significant components of tax systems.

"3. Facilitate taxpayer convenience and compliance in the filing of tax returns and in other phases of tax administration.

"4. Avoid duplicative taxation.

"ARTICLE II. DEFINITIONS

"As used in this compact:

"1. 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any Territory or Possession of the United States.

"2. 'Subdivision' means any governmental unit or special district of a State.

"3. 'Taxpayer' means any corporation, partnership, firm, association, governmental unit or agency or person acting as a business entity in more than one State.

"4. 'Income tax' means a tax imposed on or measured by net income including any tax imposed on or measured by an amount arrived at by deducting expenses from gross income, one or more forms of which ex-

penses are not specifically and directly related to particular transactions.

"5. 'Capital stock tax' means a tax measured in any way by the capital of a corporation considered in its entirety.

"6. 'Gross receipts tax' means a tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax on income tax.

"7. 'Sales tax' means a tax imposed with respect to the transfer for a consideration of ownership, possession or custody of tangible personal property or the rendering of services measured by the price of the tangible personal property transferred or services rendered and which is required by State or local law to be separately stated from the sales price by the seller, or which is customarily separately stated from the sales price, but does not include a tax imposed exclusively on the sale of a specifically identified commodity or article or class of commodities or articles.

"8. 'Use tax' means a nonrecurring tax, other than a sales tax, which (a) is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership, possession or custody of that property or the leasing of that property from another including any consumption, keeping, retention, or other use of tangible personal property and (b) is complementary to a sales tax.

"9. 'Tax' means an income tax, capital stock tax, gross receipts tax, sales tax, use tax, and any other tax which has a multistate impact, except that the provisions of Articles III, IV and B of this compact shall apply only to the taxes specifically designated therein and the provisions of Article IX of this compact shall apply only in respect to determinations pursuant to Article IV.

"ARTICLE III. ELEMENTS OF INCOME TAX LAWS

"TAXPAYER OPTION, STATE AND LOCAL TAXES

"1. Any taxpayer subject to an income tax whose income is subject to apportionment and allocation for tax purposes pursuant to the laws of a party State or pursuant to the laws of subdivisions in two or more party States may elect to apportion and allocate his income in the manner provided by the laws of such State or by the laws of such States and subdivisions without reference to this compact, or may elect to apportion and allocate in accordance with Article IV. This election for any tax year may be made in all party States or subdivisions thereof or in any one or more of the party States or subdivisions thereof without reference to the election made in the others. For the purposes of this paragraph, taxes imposed by subdivisions shall be considered separately from State taxes and the apportionment and allocation also may be applied to the entire tax base. In no instance wherein Article IV is employed for all subdivisions of a State may the sum of all apportionments and allocations to subdivisions within a State be greater than the apportionment and allocation that would be assignable to that State if the apportionment or allocation were being made with respect to a State income tax.

"TAXPAYER OPTION, SHORT FORM

"2. Each party State or any subdivision thereof which imposes an income tax shall provide by law that any taxpayer required to file a return, whose only activities within the taxing jurisdiction consist of sales and do not include owning or renting real estate or tangible personal property, and whose dollar volume of gross sales made during the tax year within the State or subdivision, as the case may be, is not in excess of $100,000 may elect to report and pay any tax due on the basis of a percentage of such volume, and shall adopt rates which shall produce a tax which reasonably approximates the tax otherwise due. The Multistate Tax Commission, not more than once in five years, may adjust the $100,000 figure in order to reflect such changes as may occur in the real value of the dollar, and such adjusted figure, upon adoption by the Commission, shall replace the $100,000 figure specifically provided herein. Each party State and subdivision thereof may make the same election available to taxpayers additional to those specified in this paragraph.

"COVERAGE

"3. Nothing in this Article relates to the reporting or payment of any tax other than an income tax.

"ARTICLE IV. DIVISION OF INCOME

"1. As used in this Article, unless the context otherwise requires:

"(a) 'Business income' means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations.

"(b) 'Commercial domicile' means the principal place from which the trade or business of the taxpayer is directed or managed.

"(c) 'Compensation' means wages, salaries, commissions and any other form of renumeration paid to employees for personal services.

"(d) 'Financial organization' means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, or any type of insurance company.

"(e) 'Nonbusiness income' means all income other than business income.

"(f) 'Public utility' means any business entity (1) which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, except by pipe line, or the production, transmission, sale, delivery, or furnishing of electricity, water or steam; and (2) whose rates of charges for goods or services have been established or approved by a Federal, State or local government or governmental agency.

"(g) 'Sales' means all gross receipts of the taxpayer not allocated under paragraphs of this Article.

"(h) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any Territory or Possession of the United States, and any foreign country or political subdivision thereof.

"(i) 'This State' means the State in which the relevant tax return is filed or, in the case of application of this Article to the apportionment and allocation of income for local tax purposes, the subdivision or local taxing district in which the relevant tax return is filed.

"2. Any taxpayer having income from business activity which is taxable both within and without this State, other than activity as a financial organization or public utility or the rendering of purely personal services by an individual, shall allocate and apportion his net income as provided in this Article. If a taxpayer has income from business activity as a public utility but derives the greater percentage of his income from activities subject to this Article, the taxpayer may elect to allocate and apportion his entire net income as provided in this Article.

"3. For purposes of allocation and apportionment of income under this Article, a taxpayer is taxable in another State if (1) in that State he is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax, or (2) that State has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the State does or does not.

"4. Rents and royalties from real or tangible personal property, capital gains, interest, dividends or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in paragraphs 5 through 8 of this Article.

"5. (a) Net rents and royalties from real property located in this State are allocable to this State.

"(b) Net rents and royalties from tangible personal property are allocable to this State: (1) if and to the extent that the property is utilized in this State, or (2) in their entirety if the taxpayer's commercial domicile is in this State and the taxpayer is not organized under the laws of or taxable in the State in which the property is utilized.

"(c) The extent of utilization of tangible personal property in a State is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the State during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the State in which the property was located at the time the rental or royalty payer obtained possession.

"6. (a) Capital gains and losses from sales of real property located in this State are allocable to this State.

"(b) Capital gains and losses from sales of tangible personal property are allocable to this State if (1) the property had a situs in this State at the time of the sale, or (2) the taxpayer's commercial domicile is in this State and the taxpayer is not taxable in the State in which the property had a situs.

"(c) Capital gains and losses from sales of intangible personal property are allocable to this State if the taxpayer's commercial domicile is in this State.

"7. Interest and dividends are allocable to this State if the taxpayer's commercial domicile is in this State.

"8. (a) Patent and copyright royalties are allocable to this State: (1) if and to the extent that the patent or copyright is utilized by the payer in this State, or (2) if and to the extent that the patent or copyright is utilized by the payer in a State in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this State.

"(b) A patent is utilized in a State to the extent that it is employed in production, fabrication, manufacturing, or other processing in the State or to the extent that a patented product is produced in the State. If the basis of receipts from patent royalties does not permit allocation to States or if the accounting procedures do not reflect States of utilization, the patent is utilized in the State in which the taxpayer's commercial domicile is located.

"(c) A copyright is utilized in a State to the extent that printing or other publication originates in the State. If the basis of receipts from copyright royalties does not permit allocation to States or if the accounting procedures do not reflect States of utilization, the copyright is utilized in the State in which the taxpayer's commercial domicile is located.

"9. All business income shall be apportioned to this State by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three.

"10. The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal

property owned or rented and used in this State during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period.

"11. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

"12. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the tax administrator may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

"13. The payroll factor is a fraction, the numerator of which is the total amount paid in this State during the tax period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the tax period.

"14. Compensation is paid in this State if:

"(a) the individual's service is performed entirely within the State;

"(b) the individual's service is performed both within and without the State, but the service performed without the State is incidental to the individual's service within the State; or

"(c) some of the service is performed in the State and (1) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the State, or (2) the base of operations or the place from which the service is directed or controlled is not in any State in which some part of the service is performed, but the individual's resident is in this State.

"15. The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this State during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period.

"16. Sales of tangible personal property are in this State if:

"(a) the property is delivered or shipped to a purchaser, other than the United States Government, within this State regardless of the f.o.b. point or other conditions of the sale; or

"(b) the property is shipped from an office, store, warehouse, factory, or other place of storage in this State and (1) the purchaser is the United States Government or (2) the taxpayer is not taxable in the State of the purchaser.

"17. Sales, other than sales of tangible personal property, are in this State if:

"(a) the income-producing activity is performed in this State; or

"(b) the income-producing activity is performed both in and outside this State and a greater proportion of the income-producing activity is performed in this State than in any other State, based on costs of performance.

"18. If the allocation and apportionment provisions of this Article do not fairly represent the extent of the taxpayer's business activity in this State, the taxpayer may petition for or the tax administrator may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

"(a) separate accounting;

"(b) the exclusion of any one or more of the factors;

"(c) the inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this State; or

"(d) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

"ARTICLE V. ELEMENTS OF SALES AND USE TAX LAWS

"TAX CREDIT

"1. Each purchaser liable for a use tax on tangible personal property shall be entitled to full credit for the combined amount or amounts of legally imposed sales or use taxes paid by him with respect to the same property to another State and any subdivision thereof. The credit shall be applied first against the amount of any use tax due the State, and any unused portion of the credit shall then be applied against the amount of any use tax due a subdivision.

"EXEMPTION CERTIFICATES, VENDORS MAY RELY

"2. Whenever a vendor receives and accepts in good faith from a purchaser a resale or other exemption certificate or other written evidence of exemption authorized by the appropriate State or subdivision taxing authority, the vendor shall be relieved of liability for a sales or use tax with respect to the transaction.

"ARTICLE VI. THE COMMISSION

"ORGANIZATION AND MANAGEMENT

"1. (a) The Multistate Tax Commission is hereby established. It shall be composed of one 'member' from each party State who shall be the head of the State agency charged with the administration of the types of taxes to which this compact applies. If there is more than one such agency the State shall provide by law for the selection of the Commission member from the heads of the relevant agencies. State law may provide that a member of the Commission be represented by an alternate but only if there is on file with the Commission written notification of the designation and identity of the alternate. The Attorney General of each party State or his designee, or other counsel if the laws of the party State specifically provide, shall be entitled to attend the meetings of the Commission, but shall not vote. Such Attorneys General, designees, or other counsel shall receive all notices of meetings required under paragraph 1(e) of this Article.

"(b) Each party State shall provide by law for the selection of representatives from its subdivisions affected by this compact to consult with the Commission member from that State.

"(c) Each member shall be entitled to one vote. The Commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the total number of members.

"(d) The Commission shall adopt an official seal to be used as it may provide.

"(e) The Commission shall hold an annual meeting and such other regular meetings as its bylaws may provide and such special meetings as its Executive Committee may determine. The Commission bylaws shall specify the dates of the annual and any other regular meetings, and shall provide for the giving of notice of annual, regular and special meetings. Notices of special meetings shall include the reasons therefor and an agenda of the items to be considered.

"(f) The Commission shall elect annually, from among its members, a Chairman, a Vice Chairman and a Treasurer. The Commission shall appoint an Executive Director who shall serve at its pleasure, and it shall fix his duties and compensation. The Executive Director shall be Secretary of the Commission. The Commission shall make provision for the bonding of such of its officers and employees as it may deem appropriate.

"(g) Irrespective of the civil service, personnel or other merit system laws of any party State, the Executive Director shall appoint or discharge such personnel as may be necessary for the performance of the functions of the Commission and shall fix their duties and compensation. The Commission bylaws shall provide for personnel policies and programs.

"(h) The Commission may borrow, accept or contract for the services of personnel from any State, the United States, or any other governmental entity.

"(i) The Commission may accept for any of its purposes and functions any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any governmental entity, and may utilize and dispose of the same.

"(j) The Commission may establish one or more offices for the transacting of its business.

"(k) The Commission shall adopt bylaws for the conduct of its business. The Commission shall publish its bylaws in convenient form, and shall file a copy of the bylaws and any amendments thereto with the appropriate agency or officer in each of the party States.

"(l) The Commission annually shall make to the Governor and legislature of each party State a report covering its activities for the preceding year. Any donation or grant accepted by the Commission or services borrowed shall be reported in the annual report of the Commission, and shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender. The Commission may make additional reports as it may deem desirable.

"COMMITTEES

"2. (a) To assist in the conduct of its business when the full Commission is not meeting, the Commission shall have an Executive Committee of seven members, including the Chairman, Vice Chairman, Treasurer and four other members elected annually by the Commission. The Executive Committee, subject to the provisions of this compact and consistent with the policies of the Commission, shall function as provided in the bylaws of the Commission.

"(b) The Commission may establish advisory and technical committees, membership on which may include private persons and public officials, in furthering any of its activities. Such committees may consider any matter of concern to the Commission, including problems of special interest to any party State and problems dealing with particular types of taxes.

"(c) The Commission may establish such additional committees as its bylaws may provide.

"POWERS

"3. In addition to powers conferred elsewhere in this compact, the Commission shall have power to:

"(a) Study State and local tax systems and particular types of State and local taxes.

"(b) Develop and recommend proposals for an increase in uniformity or compatibility of State and local tax laws with a view toward encouraging the simplification and improvement of State and local tax law and administration.

"(c) Compile and publish information as in its judgment would assist the party States in implementation of the compact and taxpayers in complying with State and local tax laws.

"(d) Do all things necessary and incidental to the administration of its functions pursuant to this compact.

"FINANCE

"4. (a) The Commission shall submit to the Governor or designated officer or officers of each party State a budget of its estimated expenditures for such period as may be required by the laws of that State for presentation to the legislature thereof.

"(b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amounts to be

appropriated by each of the party States. The total amount of appropriations requested under any such budget shall be apportioned among the party States as follows: one-tenth in equal shares; and the remainder in proportion to the amount of revenue collected by each party State and its subdivisions from income taxes, capital stock taxes, gross receipts taxes, sales and use taxes. In determining such amounts, the Commission shall employ such available public sources of information as, in its judgment, present the most equitable and accurate comparisons among the party States. Each of the Commission's budgets of estimated expenditures and requests for appropriations shall indicate the sources used in obtaining information employed in applying the formula contained in this paragraph.

"(c) The Commission shall not pledge the credit of any party State. The Commission may meet any of its obligations in whole or in part with funds available to it under paragraph 1(i) of this Article: provided that the Commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it under paragraph 1(i), the Commission shall not incur any obligation prior to the allotment of funds by the party States adequate to meet the same.

"(d) The Commission shall keep accurate account of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

"(e) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the Commission.

"(f) Nothing contained in this Article shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

"ARTICLE VII. UNIFORM REGULATIONS AND FORMS

"1. Whenever any two or more party States, or subdivisions of party States, have uniform or similar provisions of law relating to an income tax, capital stock tax, gross receipts tax, sales or use tax, the Commission may adopt uniform regulations for any phase of the administration of such law, including assertion of jurisdiction to tax, or prescribing uniform tax forms. The Commission may also act with respect to the provisions of Article IV of this compact.

"2. Prior to the adoption of any regulation, the Commission shall:

"(a) As provided in its bylaws, hold at least one public hearing on due notice to all affected party States and subdivisions thereof and to all taxpayers and other persons who have made timely request of the Commission for advance notice of its regulation-making proceedings.

"(b) Afford all affected party States and subdivisions and interested persons an opportunity to submit relevant written data and views, which shall be considered fully by the Commission.

"3. The Commission shall submit any regulations adopted by it to the appropriate officials of all party States and subdivisions to which they might apply. Each such State and subdivision shall consider any such regulation for adoption in accordance with its own laws and procedures.

"ARTICLE VIII. INTERSTATE AUDITS

"1. This Article shall be in force only in those party States that specifically provide therefor by statute.

"2. Any party State or subdivision thereof desiring to make or participate in an audit of any accounts, books, papers, records or other documents may request the Commission to perform the audit on its behalf. In responding to the request, the Commission shall have access to and may examine, at any reasonable time, such accounts, books, papers, records, and other documents and any relevant property or stock of merchandise. The Commission may enter into agreements with party States or their subdivisions for assistance in performance of the audit. The Commission shall make charges, to be paid by the State or local government or governments for which it performs the service, for any audits performed by it in order to reimburse itself for the actual costs incurred in making the audit.

"3. The Commission may require the attendance of any person within the State where it is conducting an audit or part thereof at a time and place fixed by it within such State for the purpose of giving testimony with respect to any account, book, paper, document, other record, property or stock of merchandise being examined in connection with the audit. If the person is not within the jurisdiction, he may be required to attend for such purpose at any time and place fixed by the Commission within the State of which he is a resident: provided that such State has adopted this Article.

"4. The Commission may apply to any court having power to issue compulsory process for orders in aid of its powers and responsibilities pursuant to this Article and any and all such courts shall have jurisdiction to issue such orders. Failure of any person to obey any such order shall be punishable as contempt of the issuing court. If the party or subject matter on account of which the Commission seeks an order is within the jurisdiction of the court to which application is made, such application may be to a court in the State or subdivision on behalf of which the audit is being made or a court in the State in which the object of the order being sought is situated. The provisions of this paragraph apply only to courts in a State that has adopted this Article.

"5. The Commission may decline to perform any audit requested if it finds that its available personnel or other resources are insufficient for the purpose or that, in the terms requested, the audit is impracticable of satisfactory performance. If the Commission, on the basis of its experience, has reason to believe that an audit of a particular taxpayer, either at a particular time or on a particular schedule, would be of interest to a number of party States or their subdivisions, it may offer to make the audit or audits, the offer to be contingent on sufficient participation therein as determined by the Commission.

"6. Information obtained by any audit pursuant to this Article shall be confidential and available only for tax purposes to party States, their subdivisions of the United States. Availability of information shall be in accordance with the laws of the States or subdivisions on whose account the Commission performs the audit, and only through the appropriate agencies or officers of such States or subdivisions. Nothing in this Article shall be construed to require any taxpayer to keep records for any period not otherwise required by law.

"7. Other arrangements made or authorized pursuant to law for cooperative audit by or on behalf of the party States or any of their subdivisions are not superseded or invalidated by this Article.

"8. In no event shall the Commission make any charge against a taxpayer for an audit.

"9. As used in this Article, "tax," in addition to the meaning ascribed to it in Article II, means any tax or license fee imposed in whole or in part for revenue purposes.

"ARTICLE IX. ARBITRATION

"1. Whenever the Commission finds a need for settling disputes concerning apportionments and allocations by arbitration, it may adopt a regulation placing this Article in effect, notwithstanding the provisions of Article VII.

"2. The Commission shall select and maintain an Arbitration Panel composed of officers and employees of State and local governments and private persons who shall be knowledgeable and experienced in matters of tax law and administration.

"3. Whenever a taxpayer who has elected to employ Article IV, or whenever the laws of the party State or subdivision thereof are substantially identical with the relevant provisions of Article IV, the taxpayer, by written notice to the Commission and to each party State or subdivision thereof that would be affected, may secure arbitration of an apportionment or allocation, if he is dissatisfied with the final administrative determination of the tax agency of the State or subdivision with respect thereto on the ground that it would subject him to double or multiple taxation by two or more party States or subdivisions thereof. Each party State and subdivision thereof hereby consents to the arbitration as provided herein, and agrees to be bound thereby.

"4. The Arbitration Board shall be composed of one person selected by the taxpayer, one by the agency or agencies involved, and one member of the Commission's Arbitration Panel. If the agencies involved are unable to agree on the person to be selected by them, such person shall be selected by lot from the total membership of the Arbitration Panel. The two persons selected for the Board in the manner provided by the foregoing provisions of this paragraph shall jointly select the third member of the Board. If they are unable to agree on the selection, the third member shall be selected by lot from among the total membership of the Arbitration Panel. No member of a Board selected by lot shall be qualified to serve if he is an officer or employee or is otherwise affiliated with any party to the arbitration proceeding. Residence within the jurisdiction of a party to the arbitration proceeding shall not constitute affiliation within the meaning of this paragraph.

"5. The Board may sit in any State or subdivision party to the proceeding, in the State of the taxpayer's incorporation, residence or domicile, in any State where the taxpayer does business, or in any place that it finds most appropriate for gaining access to evidence relevant to the matter before it.

"6. The Board shall give due notice of the times and places of its hearings. The parties shall be entitled to be heard, to present evidence, and to examine and cross-examine witnesses. The Board shall have power to administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of accounts, books, papers, records, and other documents, and issue commissions to take testimony. Subpoenas may be signed by any member of the Board. In case of failure to obey a subpoena, and upon application by the Board, any judge of a court of competent jurisdiction of the State in which the Board is sitting or in which the person to whom the subpoena is directed may be found may make an order requiring compliance with the subpoena, and the court may punish failure to obey the order as a contempt. The provisions of this paragraph apply only in States that have adopted this Article.

"8. Unless the parties otherwise agree the expenses and other costs of the arbitration shall be assessed and allocated among the parties by the Board in such manner as it may determine. The Commission shall fix a schedule of compensation for members of Arbitration Boards and of other allowable expenses and costs. No officer or employee of a State or local government who serves as a member of a Board shall be entitled to compensation therefor unless he is required on account of his service to forego the regular compensation attaching to his public employment, but any such Board members shall be entitled to expenses.

"9. The Board shall determine the disputed apportionment or allocation and any matters necessary thereto. The determinations of the Board shall be final for purposes of making the apportionment or allocation, but for no other purpose.

"10. The Board shall file with the Commission and with each tax agency represented in the proceeding, the determination of the Board; the Board's written statement of its reasons therefor; the record of the Board's proceedings; and any other documents required by the arbitration rules of the Commission to be filed.

"11. The Commission shall publish the determinations of Boards together with the statements of the reasons therefor.

"12. The Commission shall adopt and publish rules of procedure and practice and shall file a copy of such rules and of any amendment thereto with the appropriate agency or officers in each of the party States.

"13. Nothing contained herein shall prevent at any time a written compromise of any matter or matters in dispute, if otherwise lawful, by the parties to the arbitration proceedings.

"ARTICLE X. ENTRY INTO FORCE AND WITHDRAWAL

"1. This compact shall enter into force when enacted into law by any seven States. Thereafter, this compact shall become effective as to any other State upon its enactment thereof. The Commission shall arrange for notification of all party States whenever there is a new enactment of the compact.

"2. Any party State may withdraw from this compact by enacting a statute repealing the same. No withdrawal shall affect any liability already incurred by or chargeable to a party State prior to the time of such withdrawal.

"3. No proceeding commenced before an Arbitration Board prior to the withdrawal of a State and to which the withdrawing State or any subdivision thereof a party shall be discontinued or terminated by the withdrawal, nor shall the Board thereby lose jurisdiction over any of the parties to the proceeding necessary to make a binding determination therein.

"ARTICLE XI. EFFECT ON OTHER LAWS AND JURISDICTION

"Nothing in this compact shall be construed to:

"(a) Affect the power of any State or subdivision thereof to fix rates of taxation, except that a party State shall be obligated to implement Article III 2 of this compact.

"(b) Apply to any tax or fixed fee imposed for the registration of a motor vehicle or any tax on motor fuel, other than a sales tax: provided that the definition of 'tax' in Article VIII 9 may apply for the purposes of that Article and the Commission's powers of study and recommendation pursuant to Article VI 3 may apply.

"(c) Withdraw or limit the jurisdiction of any State or local court or administrative officer or body with respect to any person, corporation or other entity or subject matter, except to the extent that such jurisdiction is expressly conferred by or pursuant to this compact upon another agency or body.

"(d) Supersede or limit the jurisdiction of any court of the United States.

"ARTICLE XII. CONSTRUCTION AND SEVERABILITY

"This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of any State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating therein, the compact shall remain in full force and effect as to the remaining party States and in full force and effect as to the State affected as to all severable matters."

TITLE II—OPTIONAL THREE FACTOR FORMULA FOR THE DIVISION OF INCOME OF MULTISTATE TAXPAYERS WITH RESPECT TO STATE AND LOCAL TAXES ON OR MEASURED BY NET INCOME

SEC. 201. As used in titles II, III, and IV—

(1) "Business income" means arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations.

(2) "Capital stock tax" means a tax measured in any way by the capital of a corporation considered in its entirety.

(3) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(4) "Compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(5) "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, or any type of insurance company.

(6) "Gross receipts tax" means a tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax on income tax.

(7) "Income tax" or "Net income tax" means a tax imposed on or measured by net income including any tax imposed on or measured by an amount arrived at by deducting expenses from gross income, one or more forms of which expenses are not specifically and directly related to particular transactions.

(8) "Nonbusiness income" means all income other than business income.

(9) "Public utility" means any business entity (1) which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, except by pipeline, or the production, transmission, sale, delivery, or furnishing of electricity, water, or steam; and (2) whose rates of charges for goods or services have been established or approved by a Federal, State, or local government or governmental agency.

(10) "Sales" means all gross receipts of the taxpayer not allocated under title II.

(11) "Sales tax" means a tax imposed with respect to the transfer for a consideration of ownership, possession, or custody of tangible personal property or the rendering of services measured by the price of the tangible personal property transferred or services rendered and which is required by State or local law to be separately stated from the sales price by the seller, or which is customarily separately stated from the sales price, but does not include a tax imposed exclusively on the sale of a specifically identified commodity or article or class of commodities or articles.

(1) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(13) "Subdivision" means any governmental unit or special district of a State.

(14) "Tax" means an income tax, capital stock tax, gross receipts tax, sales tax, use tax, and any other tax which has a multistate impact.

(15) "Taxpayer" means any corporation, partnership, firm, association, governmental unit or agency or person acting as a business entity in more than one State.

(16) "Use tax" means a nonrecurring tax, other than a sales tax, which (a) is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership, possession, or custody of that property or the leasing of that property from another including any consumption, keeping, retention, or other use of tangible personal property and (b) is complementary to a sales tax.

(17) "Household deliveries" means deliveries of goods by a seller in a State or political subdivision, otherwise than by mail or by a common carrier, to the dwelling places of his purchasers located in the State or subdivision.

SEC. 202. This title shall apply in any State which has not entered into the Multistate Tax Compact, as described in title I, before July 1, 1971.

SEC. 203. This title shall be so construed as to effectuate its general purpose to make uniform the rules governing division of income for taxpayers subject to taxes on or measured by net income in more than one State and political subdivision thereof.

SEC. 204. Any taxpayer having business income from business activity which is taxable in more than one State, other than activity as a financial organization or public utility or the rendering of purely personal services by an individual may allocate and apportion his net income as provided in this title for purposes of a tax on or measured by net income. If a taxpayer has income from business activity as a public utility but derives the greater percentage of his income from activities subject to this title, the taxpayer may elect to allocate and apportion his entire net income as provided in this title.

SEC. 205. For purposes of allocation and apportionment of income under this Act, a taxpayer is taxable in more than one State if (1) in more than one State he is subject to a net income tax, a franchise measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax, or (2) any other State has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the State does or does not.

SEC. 206. Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute non-business income, shall be allocated as provided in sections 207 through 210 of this Act.

SEC. 207. (a) Net rents and royalties from real property located in a State are allocable to that State.

(b) Net rents and royalties from tangible personal property are allocable to a State: (1) if and to the extent the property is utilized in that State or (2) in their entirety if the taxpayer's commercial domicile is in that State and the taxpayer is not organized under the laws of or taxable in the State in which the property is utilized.

(c) The extent of utilization of tangible personal property in a State is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in a State during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the State in which the property was located at the time the rental or royalty payer obtained possession.

SEC. 208. (a) Capital gains and losses from sales of real property located in a State are allocable to that State.

(b) Capital gains and losses from sales of tangible personal property are allocable to a State if—

(1) the property had a situs in that State at the time of the sale, or

(2) the taxpayer's commercial domicile is in that State and the taxpayer is not taxable in the State in which the property had a situs.

(c) Capital gains and losses from sales of intangible personal property are allocable to the State of the taxpayer's commercial domicile.

SEC. 209. Interest and dividends are allocable to a State if the taxpayer's commercial domicile is in that State.

SEC. 210. (a) Patent and copyright royalties are allocable to a State—

(1) if and to the extent the patent or copyright is utilized by the payer in that State, or

(2) if and to the extent the patent or copyright is utilized by the payer in a State in which the taxpayer is not taxable and the taxpayer's commercial domicile is in that State.

(b) A patent is utilized in a State to the extent that it is employed in production, fabrication, manufacturing or other processing in the State or to the extent that a patented product is produced in the State. If the basis of receipts from patent royalties does not permit allocation to States or if the accounting procedures do not reflect States of utilization, the patent is utilized in the State in which the taxpayer's commercial domicile is located.

(c) A copyright is utilized in a State to the extent that printing or other publication originates in the State. If the basis of receipts from copyright royalties does not permit allocation to States or if the accounting procedures do not reflect States of utilization, the copyright is utilized in the State in which the taxpayer's commercial domicile is located.

SEC. 211. All business income shall be apportioned to a State by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three.

SEC. 212. The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in that State during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period.

SEC. 213. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rate received by the taxpayer from subrentals.

SEC. 214. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the State tax administrator may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

SEC. 215. The payroll factor is a fraction, the numerator of which is the total amount paid in a State during the tax period by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the tax period.

SEC. 216. Compensation is paid in a State if—

(a) the individual's service is performed entirely within the State; or

(b) the individual's service is performed both within and without the State, but the service performed without the State is incidental to the individual's services within the State; or

(c) some of the service is performed in the State and (1) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the State, or (2) the base of operations or the place from which the service is directed or controlled is not in any State in which some part of the service is performed, but the individual's residence is in the State.

SEC. 217. The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in a State during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period.

SEC. 218. Sales of tangible personal property are in a State if—

(a) the property is delivered or shipped to a purchaser, other than the United States Government, within the State regardless of the fee on board point or other conditions of the sale; or

(b) the property is shipped from an office, store, warehouse, factory, or other place of storage in the State and (1) the purchaser is the United States Government or (2) the taxpayer is not taxable in the State of the purchaser.

SEC. 219. Sales, other than sales of tangible personal property, are in a State if—

(a) the income-producing activity is performed in the State; or

(b) the income-producing activity is performed both in and outside the State, and a greater proportion of the income-producing activity is performed in the State than in any other State, based on costs of performance.

SEC. 220. Notwithstanding any other provisions of this title if the allocation and apportionment provisions of this title do not fairly represent the extent of the taxpayer's business activity in a State the taxpayer, in respect to all or any part of his business activity, may petition for if reasonable—

(a) separate accounting; and

(b) the exclusion of any one or more of the factors; and

(c) the inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in the State; and

(d) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

LOCAL TAXES

SEC. 221. The maximum percentage of net income (or capital) of a taxpayer attributable to a political subdivision for tax purposes shall be determined under this title in the same manner as though the political subdivision were a State.

TITLE III—JURISDICTION TO REQUIRE SELLER TO COLLECT SALES AND USE TAXES

SEC. 301. Notwithstanding any other provisions of this Act, a State or political subdivision thereof may impose a sales or use tax or require the collection of a sales or use tax with respect to an interstate sale of personal property for delivery to a consumer in the State or political subdivision if the seller regularly makes household deliveries in the State or poltical subdivision.

TITLE IV—PLACE IN WHICH CONGRESSIONAL SALARIES ARE SUBJECT TO STATE AND LOCAL INCOME TAXES

SEC. 401. Upon the enactment of the Act, the congressional salary of a Member of Congress shall be subject to State and local taxes measured by income only in the congressional district and State which he represents.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS,
Washington, D.C., February 11, 1971.

Hon. WARREN G. MAGNUSON,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: In accordance with a request from George Kinnear of the Department of Revenue, State of Washington, we have updated the statement relative to the proposed Interstate Taxation Act (S. 2804—91st Congress).

You may find the enclosed statement helpful in reintroducing the bill to create a Multistate Tax Commission to deal with the issue of State taxation of multistate firms.

We appreciate your past interest in this matter and we look forward to cooperating with you in seeking to mitigate the intergovernmental tensions that have arisen over this matter.

Sincerely,

WM. R. MACDOUGALL,
Executive Director.

STATE TAXATION OF MULTISTATE FIRMS

In the interest of preserving and perfecting the power of State and local government to apply their taxes to business firms that operate in more than one State, the Council of State Governments and the Advisory Commission on Intergovernmental Relations cooperatively developed draft legislation for enactment by the Congress. The draft bill, the Interstate Taxation Act, consists of four titles in all, three of which would implement recommendations of the INTERGOV Commission with respect to State taxation of multistate firms as indicated in the attached statement of August 1966 setting forth its positions on this problem.

Specifically, Title I of the bill grants Congressional consent to a Multistate Tax Compact and sets forth the full text of the Compact. The Compact was developed in 1966 under the auspices of the Council of State Governments to encourage equity in the tax treatment of multistate firms and to counter the threat of Federal action in this field. The Compact offers multistate firms the option of using the three-factor income apportionment formula worked out by the National Conference of Commissioners of Uniform State Laws more than a decade ago. To apportion income among States under the three-factor NCCUSL formula, a multistate firm calculates (a) the part of its property within the taxing State, (b) the share of its payroll disbursed within the State and lastly, (c) the percentage of its sales that occurs within the State's boundaries. The firm's income attributable to the State is its total income times the average of the three factors. The formula enjoys strong State support; it is now in effect in 26 of the 43 States that impose corporate income taxes.

The Compact also establishes a Multistate Tax Commission, whose function is to study State and local tax systems and recommend ways to simplify the various systems and make them uniform. For member States, upon their request, it also may perform audits of the accounts of corporations doing business in several States. And, lastly, it may arrange arbitration of taxpayer disputes with member States or their subdivisions. Twenty States now have enacted the Com-

pact into law. Fifteen other States cooperate as Associate Members of the Multistate Compact Commission.

Title II provides that all States that have not adopted the Multistate Tax Compact by July 1, 1971 must offer multistate firms the option of using the three-factor NCCUSL formula in determining the share of their income that is subject to taxation by a State.

Title III authorizes States to require the collection of sales or use taxes by out-of-State vendors who regularly make household deliveries within the State. This Title has the effect of reversing the U.S. Supreme Court decision in *Miller Bros. vs. Maryland.*

Title IV provides that Congressional salaries are subject to income taxes only in the State and district which a member of Congress represents. This Title is responsive to a recommendation of the National Association of Attorneys General, an affiliate of the Council of State Governments. With respect to Title IV it should be noted that the Advisory Commission recommends that States avoid double taxation of personal income by granting taxpayers a credit against their tax liability for any income taxes paid to another jurisdiction on income earned in that jurisdiction rather than by exempting such income from taxation.

A STATEMENT COVERING THE ADVISORY COMMISSION'S RECOMMENDATIONS ON STATE TAXATION OF MULTISTATE FIRMS

In the view of the Advisory Commission on Intergovernmental Relations, the basic issue posed by State taxation of multistate firms in both the income and sales tax fields is a reconciliation and balancing of two competing national objectives:

1. The *economic* objective of facilitating the free flow of commerce among the States by minimizing State tax impediments to interstate business operations through the exercise of some degree of Federal control and regulation; and

2. The *political* objective embraced in the concept of federalism with its emphasis on decentralized political decision-making and a large degree of State autonomy in tax policy.

In the Commission's judgment, these conflicting objectives (unimpeded commerce and federalism) are equally important and must be reconciled with appropriate recognition of both, without needless sacrifice of either.

Accelerating trends in business activity and State/local finances place increasing urgency on the reconciliation of these conflicting objectives. The economy is becoming progressively more interdependent and a rising share of business activity involves firms operating across State lines, making them even more sensitive to diversities in State and local tax practices. Simultaneously, State and local expenditures are rising at nearly twice the rate of national economic growth and the attendant revenue pressures are obliging State and local governments to increase taxing levels. In their efforts to both maximize revenues and attract new businesses, they are understandably reaching out for out-of-state firms doing business within their boundaries.

CORPORATION INCOME TAX ISSUE

The 38 State corporate income taxes now imposed produce approximately $2 billion annually.[1] Payments by multistate firms account for approximately 60 percent of this total. In the corporation income area, the Commission identified three basic issues requiring resolution:

1. What are the proper limits of State jurisdiction to tax the net income of multistate firms?

2. What rules should the States use to divide up the income of the multistate firms who fall within their respective taxing jurisdictions?

3. To what extent, if any, does the administration of these rules require Federal administrative surveillance?

The Commission considered a variety of alternative policy positions in the light of the two controlling economic and political objectives. An extreme centralization position would optimize the economic objectives of unimpeded interstate commerce by calling for Federal monopoly of this revenue source. At the other extreme, maximum decentralization would optimize the federalism objective by opposing any Federal regulation of State corporation income tax practices.

The Commission rejects the more extreme centralizing positions in the absence of persuasive evidence that State and local tax practices are in fact burdening interstate operations *unduly*. The Commission also rejects the more extreme *decentralization* positions in the light of evidence that State and local tax practices *do* represent a burden of sufficient magnitude and potential difficulty to warrant a measure of congressional regulation.

While viewpoints on the proper limits of State jurisdiction to tax interstate firms vary widely, the physical presence guidelines prescribed by Congress in 1959 (P.L. 86–272) have done much to stabilize this issue. Therefore, the Commission recommends against any change at this time in jurisdictional guidelines set forth in P.L. 86–272.

On the apportionment issue, the Commission recommends that the Congress mandate the employment of the three-factor formula (property, payroll, and sales), developed nearly ten years ago by the National Conference of Commissioners on Uniform State Laws, both to govern the reporting of income by multistate firms and to serve as a limit on the percentage of their income that may be taxed by a State. The Commission recommends also that the Congress not abridge the States' freedom to offer interstate firms alternative methods for determining their taxable income so long as these alternatives do not result in the taxability of a larger share of such firms' incomes than would be taxable under the uniform three-factor formula.

With respect to the administrative issue, the Commission rejects the idea of Federal surveillance over the operation of the uniform apportionment formula. It recommends instead that the Governors develop machinery, possibly through an interstate compact, to insure that the apportionment formula is consistently interpreted by all the States and to resolve such competing tax claims as may arise.

The text of the Commission recommendation reads as follows: [2]

The Commission concludes that State income taxation of interstate firms in a manner compatible with the free flow of interstate commerce requires standardized jurisdictional and apportionment limitations to maximize taxpayer certainty and minimize compliance reporting burdens. While viewpoints on the proper limits of State taxing jurisdiction over interstate firms vary widely, the guidelines prescribed by P.L. 86–272 have in large measure stabilized this issue.

Congressional action, however, is required to regularize and limit State practices with respect to the apportionment of income of interstate firms. The Commission believes that these apportionment limitations can be formulated so as to preserve the States' latitude for shaping their tax practices to accord with their respective policy objectives. Therefore, the Commission recommends to the Congress that it prescribe State use of the three-factor property, payroll, and sales apportionment formula developed by the National Conference of Commissioners on Uniform State Laws (updated to reflect experience since its original promulgation in 1957) to govern the reporting of income by multistate firms and to serve as a limitation on the percentage of their income that may be taxed by a State. Such action will allow each State to determine its own tax policies and to offer alternative methods for determining the taxable income of interstate businesses, but will place a ceiling on the amount of income that is taxed by any State. Congressional action along these lines will obviate the need for Federal administrative surveillance of State tax practices.

Since interpretations of the formula will be required and some interstate disputes are likely to arise, the Commission recommends to the Governors Conference that the States proceed expeditiously to develop machinery, possibly through an interstate compact, for handling competing State tax claims.

In the Commission's view, this approach reconciles the competing economic and political objectives. It would ease substantially the compliance burdens of interstate firms and protect them from malapportionment possibilities, without abridging unduly the States' freedom to shape their income tax policies so as to promote their own economic development objectives. Moreover, the three-factor NCCUSL apportionment formula proposed for nationwide promulgation by the Congress, already enjoys strong State support.

SALES TAX ISSUE

Forty-two States, the District of Columbia, and some 2300 local governments (located for the most part in three States) now levy sales and use taxes producing about $9 billion a year.[3] While the revenue contribution of interstate as opposed to local sales cannot be determined with precision, there is widespread agreement that the lion's share of sales tax collections comes from strictly local (interstate) transactions. Most of the problems in this area can therefore be handled by the States themselves.

The Commission concludes that States should act to safeguard the fairness and productivity of sales and use taxes and ease compliance obligations of (out-of-state) vendors. The Commission recommends therefore that States: [4]

1. Credit their taxpayers for sales and use taxes paid to other States;

2. Eliminate charges for audit of multistate firms; and

3. Exchange audit and other information with one another.

The Commission further recommends that States collaborate in developing a program for facilitating the collection of use taxes on commodities purchased from out-of-state vendors excluded under present practice. This recommendation is designed to bring about concerted State action to solve the tax evasion problem posed by mail order business.

There remains, however, a need for Congress to assist the States in one troublesome but integral aspect of sales taxation. A Supreme Court decision (Miller Bros. Co. v. Maryland) presently denies States the right to impose the use tax against the out-

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[1] Note: The Bureau of the Census reported 43 States imposing corporate income taxes in 1970. The revenue from this source in 1970 was approximately $3.7 billion.

[2] Secretary Robert C. Weaver, State Senator C. George DeStefano, and Mrs. Adelaide Walters dissented.

[3] Note: The Bureau of the Census reports 45 States imposing the general sales tax. The revenue produced in 1970 was approximately $14.1 billion.

[4] Note: By October 1969 all but four States had fully implemented Recommendations No. 1, and all States had carried out Recommendations 2 and 3.

of-state vendor if his physical presence within the jurisdiction is limited to the delivery of merchandise to households within the State. In the interest of fortifying the States' ability to accord equal tax treatment to all purchasers within their borders, the Commission recommends that:

Congress explicitly authorize States and localities to require use tax collection by out-of-state vendors regularly delivering taxable items to households within the taxing jurisdiction.

In the view of the Commission, the legislative measures here proposed for the Congress and the States will optimize the national objectives calling for both the free flow of commerce and a viable role for the States in our federal systems.

SECTION-BY-SECTION ANALYSIS OF S. 1883, THE INTERSTATE TAXATION ACT

TITLE I

Title I grants Congressional consent to any two or more States to enter the Multistate Tax Compact, and sets forth the full text of the Compact.

Article I of the Compact lists its purposes: (1) to facilitate determination of State and local tax liability of multistate taxpayers including equitable apportionment of tax bases and settlement of disputes; (2) to promote uniformity of tax systems; and (3) to facilitate taxpayer convenience in tax administration.

Article II defines terms used in the Compact.

Article III permits multistate taxpayers to choose between the uniform three-factor income apportionment formula outlined in Article IV and any other apportionment formula offered by a State. Article III also directs that taxes imposed by subdivisions be considered separately from State taxes, and requires that the total tax base allocable for purposes of local taxation be no greater than the total tax base allocable for taxation by the State. Article III further specifies that States by law provide taxpayers whose only State activities consist of sales, and whose dollar volume of sale is $100,000 or less with an optional short form for reporting liability which produces a tax reasonably approximating the tax otherwise due.

Article IV spells out division of income rules using the Uniform Division of Income for Tax Purposes Act developed by the National Conference of Commissioners on Uniform State Laws. This article defines terms and indentifies taxpayers subject to taxation under its provisions. The article specifies the conditions under which a taxpayer would be taxable in another State and therefore entitled to use the division of income rules. Subsections describe the types of income directly allocable to a State; rents and royalties from real or tangible personal property, capital gains, interest, dividends, and patent or copyright royalties. Other subsections specify the basis for apportioning the income not directly allocable to a State. One final subsection provides that taxpayers may petition the administrator to deviate from the uniform rules where their application does not fairly represent the extent of the taxpayer's activities in the State.

Article V entitles taxpayers to claim credit for the full amount of sales or use taxes paid on the same property to another State or subdivision. It also relieves vendors of liability to collect sales and use taxes where they accept in good faith from a purchaser a resale or other exemption certificate authorized by a State or local taxing authority.

Article VI establishes the Multistate Tax Commission and describes its organization, management, and powers.

Article VII specifies the circumstances in which the Commission may adopt uniform regulations for administering the compact including changing the rules for the uniform division of income contained in Article IV.

Article VIII allows the Commission at the option of party States to make audits for them of taxpayer accounts and specifics the authority of the Commission in performing such audits which must be conducted without charge to the taxpayer.

Article IX provides for the settlement of disputes over apportionments and allocation by arbitration. The article establishes grounds for a taxpayer request for arbitration and spells out the procedures to be followed in the selection of an Arbitration Board and in the conduct of the proceedings. The article sets out the powers and duties of the Board and the method of paying the costs of its operation and requires the Commission to adopt and publish rules of procedure and practice for such hearings. The article further requires that the Commission publish the Board's determination, together with the reasons.

Article X provides that the Compact enter into force on enactment by seven States, and specifies that any State may withdraw by statutory action but not be relieved of any liability incurred prior to the withdrawal.

Article XI disclaims any effect by the Compact on the sovereign powers of the State in setting tax rates, in asserting jurisdiction for tax purposes, or in superseding or limiting the jurisdiction of any U.S. Court.

Article XII describes the method of construing the compact and preserves the severability of other parts of the compact should one part be invalidated by the courts.

TITLE II

Title II offers to taxpayers in States which do not adopt the Multistate Tax Compact, the option of using the NCCUSL three-factor formula as an alternative to any other State division of income rules.

Section 201 defines various terms used in the Title.

Section 202 makes the Title apply in any State which has not entered into the Multistate Tax Compact by July 1, 1971.

Section 203 states the purposes of the Title: to make uniform the rules governing division of income for taxpayers subject to tax on, or measured by, net income in more than one State and political subdivision thereof.

Section 204 permits any multistate taxpayer (excepting a financial organization, a public utility, or a renderer of purely personal services) to allocate his income as provided in this Title for purposes of income taxation. It permits a taxpayer who derives the greater percentage of his income from activities subject to this Title, and the lesser from activity as a public utility, to allocate and apportion his entire net income as provided in this Title.

Sections 205 through 220 duplicate provisions of Title I (the Multistate Tax Compact) with respect to the division of income rules.

Section 221 requires the use of the same methods of allocation of net taxpayer income for a political subdivision as for a State.

TITLE III

This Title permits a State or locality to impose a sales or use tax, or require its collection, with respect to interstate sales of personal property for delivery in the State if the seller regularly makes household deliveries in that State or subdivision (reversing *Miller Bros. Vs. Maryland*).

TITLE IV

This Title provides that Congressional salaries are subject to State and local taxes measured by income only in the districts and States which the members represent.

By Mr. BAYH:

S. 1885. A bill to require periodical financial disclosure by officers and certain employees of the Federal Government, and for other purposes. Referred to the Committee on Government Operations; and

S. 1886. A bill to improve judicial machinery by amending title 28, United States Code, to broaden and clarify the grounds for judicial disqualification, and for other purposes. Referred to the Committee on the Judiciary.

INTRODUCTION OF THE JUDICIAL DISQUALIFICATION ACT OF 1971 AND THE OMNIBUS DISCLOSURE ACT

Mr. BAYH. Mr. President, in recent times the Senate has been involved in difficult and troubling controversies over the qualifications of Supreme Court Justices. These difficult and unfortunate disputes are now behind us, and I for one see no purpose to be served by a lengthy post mortem.

But I hope we have learned a valuable lesson in ethics in the course of these debates. And I believe we have established new standards of conduct for all public officials. Today I introduce legislation designed to write these lessons, these higher standards into the law of the land.

The legislation is based upon these three conclusions I reached in the course of our recent debates, three principles which should govern any major reform of the standards of ethics required of public officials.

First, the standards of judicial conduct demanded by the American people have improved substantially in recent times. Some Federal judges, intentionally isolated from the need to face the voters, have not been consistent in adhering to this new, more rigorous, sense of propriety. Particularly where financial interests are involved, we need a major revision in our statutory provisions governing judicial disqualification.

I do not suggest that the great majority of our Federal judges overlook the need to exercise infinite care in exercising financial and judicial responsibility. Most of our judges lean over backward to try to avoid not only impropriety, but also the appearance of impropriety.

Second, even more important than articulating standards of conduct is the need to assure an effective check on official impropriety. No mechanism better provides for personal awareness and self-policing, no mechanism offers the public more evidence of the impartiality of judicial action, than complete public disclosure of financial interests and activities.

Third, such measures must not be limited to Federal judges alone. All of us who do the public's business—judicial, legislative, and executive—must also recognize the public's legitimate interest in our possible financial conflicts.

It is not only difficult, it is patently unfair for us to suggest that one individual, one branch of the Government, or one group of individuals be given minute scrutiny, while others need not live up to the same standards.

Out of these principles, I have formu-

lated two bills which I introduce today: the Judicial Disqualification Act of 1971 and the Omnibus Disclosure Act. These bills are similar to legislation I introduced late in the last Congress. They have been refined and improved as a result of the thoughtful comments I have received from experts in the area.

THE JUDICIAL DISQUALIFICATION ACT OF 1971

The Judicial Disqualification Act amends sections 455 and 144 of title 28 of the United States Code. Both of these revisions reflect the testimony of John Frank, one of our foremost authorities on judicial disqualification, at the hearings before the Senate Judiciary Committee. They were drafted and revised with the continuing advice and invaluable assistance of Mr. Frank.

The draft revisions, and last year's bill, were circulated to a number of distinguished lawyers, judges, and professors across the country. Many thoughtful and interesting responses were received and a number of these suggestions have been incorporated in the proposed legislation.

There are a number of defects in section 455. The central provisions of section 455 require a judge to disqualify himself in any case in which he has a "substantial interest." Those are the crucial words, "substantial interest."

Unfortunately the words "substantial interest" have at least three interpretations in the Federal courts. In the majority of circuits any pecuniary interest requires disqualification. But the fifth circuit, and apparently the eighth circuit as well, has interpreted the statute to mean that a judge may sit regardless of interest, unless the decision will have a significant effect upon the value of the judge's interest. And the fourth circuit interprets the statute as permitting "disclosure and waiver," in which the judge discloses his interest in the case and may hear it if the parties waive their objection. Such waivers are often made because counsel dare not jeopardize their relationship with a judge before whom they appear regularly by seeming to question his impartiality.

A further problem with section 455 is that although judges are prohibited from sitting in cases where they have been of counsel, or witness, or where they are related to a party or counsel, the statute fails to remind the judges of their obligation to "avoid the appearance of impropriety" as required by the American Bar Association's Canons of Judicial Ethics, Canon 4.

REVISION OF SECTION 455

The Judicial Disqualification Act which I have introduced today is intended to correct many of these problems. The proposed revision of section 455 eliminates the "substantial interest" language and clarifies the type of interest requiring disqualification. The rule is clear and simple. The bill precludes participation by a judge in a case if he holds any stock—even a single share—a corporate party, or any corporation substantially related to a corporate party. It also precludes sitting if the judge is a director or holds any other office in such a corporation.

The bill deliberately avoids any resort to the device of disclosure and waiver, and imposes mandatory disqualification in cases where the provisions of the statute are met. The revision also requires the judge to disqualify for appearance of impropriety, thereby codifying the requirement of canon 4. Finally, the bill relaxes the so-called duty to sit in cases where the judge is not disqualified by the provisions of the statute, and gives him fair latitude to disqualify himself in other instances where "in his opinion, it would be improper for him to sit."

This revision of section 455 would be very similar to the judicial disqualification standards recently recommended in the interim report of the Special Committee on Standards of Judicial Conduct of the American Bar Association. This very distinguished group, chaired by the Honorable Roger Traynor, former chief justice of the California Supreme Court, believed that:

A judge should disqualify himself in any proceeding in his court in which he knows or should know that he, individually or as a fiduciary, or any member of his family residing in his household, has an interest in the matter in controversy or the affairs of a party to the proceeding.

An "interest" according to their standard would include any legal or equitable interest, no matter how small, in a party or thing involved in the litigation or any directorial or active participation in any organization involved in the litigation.

REVISION OF SECTION 144

The other major provision covered by the Judicial Disqualification Act is section 144 of title 28, dealing with disqualification for bias or prejudice. When a motion to disqualify for prejudice or bias is made, a party is often dismayed to learn that under section 144 the judge himself determines whether the allegations are sufficient. Surely litigants who believe that they cannot get a fair trial before a particular judge should not have to convince the very same judge of his bias.

This result disturbs me because it contributes to the lack of confidence in our courts. This lack of confidence does not, in my opinion, reflect some basic defect in our political system or our judicial procedures. The problem is not so much one of fundamental injustice as the appearance of injustice. No statute creates more distrust than does the section 144 procedure for disqualification for prejudice.

One possible change in section 144 would require some other judge to rule on the question of a trial judge's alleged bias. However, this still puts undue pressure on counsel, and it ignores the possibility of embarrassment and tension created when one man must rule on the impartiality of his colleague—and often, his friend.

The Judicial Disqualification Act of 1971 takes a different approach to changing section 144. It would create a right in a litigant to one peremptory challenge of a trial judge assigned to hear his case, adopting a disqualification provision now employed in California and a number of other States. Under such a provision a judge is disqualified upon the filing of an affidavit alleging bias or prejudice and signed by the party or by his lawyer. The disqualified judge is left with no option except to determine whether the application has been timely made. The affidavit must be filed before any discretionary matter has been presented to the judge. Each side is restricted to one challenge, in order to avoid abuse in cases where one of the parties simply wants to create delays or to avoid trial altogether.

Mr. President, the other major piece of legislation I introduce today is the Omnibus Disclosure Act. This bill is based in large part upon the recently published study entitled "Congress and the Public Trust," the report of the Association of the Bar of the City of New York's Special Committee on Congressional Ethics. The executive director of the committee, and the author of its report, is James C. Kirby, Jr., a former chief counsel of the Senate Subcommittee on Constitutional Amendments and now dean of the Ohio State University Law School. The bill also draws upon the pioneering work in this area by my distinguished colleague from New Jersey (Mr. CASE).

The disclosure provisions of this bill are based upon the premise that the source of all governmental power is in the consent of the governed. This legislation presumes that, if the people are supplied with sufficient information about their elected officials and appointees, the people themselves will fashion the most workable standards of conduct in the voting booth.

At this time it is impossible for the public to gain access to this information. A patchwork of congressional rules, judicial conference resolution, and Executive order compose the present financial disclosure laws. None of the disclosure provisions are sufficiently comprehensive in the type of financial information required to be disclosed or in the individuals required to file reports. Furthermore, none of the provisions allow for significant public disclosure of financial interests.

The Federal judiciary is presently subject to a resolution passed by the Judicial Conference of the United States on March 18, 1970. This resolution retreats considerably from the comprehensive public disclosure adopted at the behest of former Chief Justice Warren in June of 1969. The most recent resolution requires all Federal judges, except Supreme Court Justices, to file a confidential financial disclosure report with a special committee of the Judicial Conference, the conference of their circuit, and the clerk of their court. Each judge must disclose his total income for extra judicial services such as lecturing, teaching, and serving as executor of an estate. He must itemize sources of income and gifts of over $100. Each judge must also report whether he has knowingly participated in any decision in which he or any member of his household had a financial interest, or if he has engaged in any transaction involving securities or property of a party to a case pending before him. Finally, he must report any positions held in any organization whether or not compensation is received therefor.

Members of Congress are subject to provisions of the House and Senate rules.

Rule 44 of the rules of the House requires Members and officers of the House, their principal assistants, and professional staff members of House committees to file confidential disclosure reports with the Committee on Standards of Official Conduct. The reports require an individual to disclose sources of over $5,000; capital gains of over $5,000 from a single source—other than sale of a residence; nongovernment reimbursements of over $1,000; interest and position in businesses from which he received $1,000 or more and which deal with the Government and are subject to its regulation; and the names of professional organizations with which he associated and which account for over $1,000 of his income. The House does provide for limited public disclosure, except that the amount of professional and service income, and the market value of business interests, reported under the act remain confidential. Furthermore, an individual is informed of each request to examine his public report.

Members of the executive branch are required to file disclosure reports pursuant to Executive Order No. 11222, of May 1965. The order applies to all Federal executives over GS–13. Federal executives are required to report basically the same information as Members and employees of the Senate, except that Federal executives are exempt from reports of outside legal activity and from detailed reports of outside income. The Executive order and the civil service rules promulgated pursuant thereto also are more relaxed for members of the President's staff and for consultants, who serve throughout the Government. There is no provision for public disclosure.

IMPROVEMENTS OVER EXISTING PRACTICES

The Omnibus Disclosure Act would correct at least six substantial failings in the existing pattern of regulations.

First, the existing provisions are completely lacking in uniformity. My proposal would bring order to this area. The Omnibus Disclosure Act requires members of all three branches of Government to file the same disclosure report with the Comptroller General by May 1 of each year.

Second, the existing provisions do not require disclosure from all who should be covered. For example, the House rules do not cover candidates. The Judicial Conference rules do not cover Federal judicial employees other than judges, nor do they apply to Supreme Court Justices. The Executive order does not cover the President and Vice President. The legislation I propose covers all of these individuals, including employees of any branch of Government paid more than $18,000 per year and candidates for Congress, the Presidency, and the Vice Presidency.

The third problem with existing provisions is that they do not require sufficient information to be presented. For example, the Senate rules require disclosure only of debts of over $5,000 and interests in real estate of over $10,000. The Omnibus Disclosure Act requires disclosure of debts of over $1,000 and creates no exception for residential mortgages; it requires disclosure of real estate valued at more than $5,000 and goes beyond most of the existing provisions to require disclosure of income over $100. The act also requires disclosure of any dealing in securities and commodities or transactions in real property, and it requires disclosure of gifts worth more than $100 and any contribution to defray campaign and office expenses.

Fourth, the Omnibus Disclosure Act would eliminate many of the loopholes in existing law by the use of detailed attribution rules. Under most existing provisions, an individual can receive benefits through some unknown third party and not be required to disclose. My proposal attributes to any individual the assets, liabilities, receipts, transactions, and gifts of persons acting on his behalf, members of his family, corporations of which he owns half the stock, and shares of partnerships and trusts, depending upon his interest therein.

Fifth, the Omnibus Disclosure Act, if enacted, would finally deal with the problem of outside law practice by public servants. The act requires all individuals except nonincumbent candidates to list all law firm clients who paid more than $1,000 in fees. It further requires an explanation of whether the client requested the service of his law firm before or after he entered Government service. Moreover, the individual must identify any administrative or judicial action in which the United States was a party and the client was represented by that firm. This portion of the act is modeled directly after a recommendation of the Special Committee on Ethics of the Association of the Bar of the City of New York.

Sixth, and most important of all, the act would require complete public disclosure of all of the above information. No existing provision requires full disclosure to the public, and in this respect the current law is fatally deficient. I propose that the information required by the act be filed by the Comptroller General and made readily available to the general public.

In conclusion, I believe that passage of this legislation would be a major step toward making our Government more accountable to the people. In a time when the integrity of all of our institutions is under attack, we can no longer settle for only self-regulation, nor for the suspicions inherent in private disclosure. I hope the Senate will move quickly to consider and then to enact these badly needed reforms.

Mr. President, I ask unanimous consent that the complete text of the Judicial Disclosure Act of 1971 and the Omnibus Disclosure Act be printed in the RECORD, together with a section-by-section summary of each bill and a comparison of the provisions of the Financial Disclosure Act with existing laws and regulations.

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

S. 1885

A bill to require periodical financial disclosure by officers and certain employees of the Federal Government, 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 "Omnibus Disclosure Act".

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "Federal officer or employee" means any Member of Congress, congressional employee, Federal executive officer, Federal executive employee, candidate, Federal judicial officer, or Federal judicial employee.

(2) The term "Member of Congress" means any Member or Member-elect of the Senate or House of Representatives, and each Resident Commissioner or Resident Commissioner-elect of the House of Representatives.

(3) The term "congressional employee" means any individual (other than a Member of Congress) who is an elected officer of the Senate or House of Representatives or an employee of the Vice President, the Congress, either House of the Congress, or any Member of any committee of the Congress, and who receives compensation disbursed by the Secretary of the Senate or the Clerk of the House of Representatives at the rate of $18,000 or more per annum.

(4) The term "Federal executive officer" means the President of the United States, the Vice President of the United States, any civilian officer of the United States (other than a Federal judicial officer) appointed by the President by and with the advice and consent of the Senate or serving under a recess appointment made by the President, and any commissioned officer of any of the Armed Forces serving on active duty for a period of more than thirty days (as such terms are defined by section 101, title 10, United States Code) who receive basic pay at the rate of $18,000 or more per annum.

(5) The term "Federal executive employee" means any civilian officer or employee of any executive or military department, agency, instrumentality of the United States, or any independent agency, corporation, or other instrumentality of the United States, who receives compensation disbursed by the United States, or by such department, agency, office, corporation, or other instrumentality, at the rate of $18,000 or more per annum and who is not included within any of the classes of individuals described in paragraphs (2), (3), (4), (7), and (8) of this section.

(6) The term "candidate" means any individual who has voluntarily qualified as a candidate in any primary election to be conducted within any State for nomination as a candidate for election as the President of the United States, the Vice President of the United States, or a Member of Congress, or who has qualified as a candidate in any general or special election to be conducted within any State for election to any such position.

(7) The term "Federal judicial officer" means any justice or judge of a court of the United States (as defined by section 451, title 28, United States Code), the Tax Court of the United States, the United States Court of Military Appeals, the United States District Court for the District of the Canal Zone, the District Court of the Virgin Islands, or the District Court of Guam, and any full-time United States magistrate.

(8) The term "Federal judicial employee" means any officer or employee of any court named in paragraph (7) other than a justice or judge of that court, and any officer or employee of the Administrative Office of the United States Courts, who receives from appropriated funds of the United States compensation at the rate of $18,000 or more per annum.

(9) The term "income" means each item of income from whatever source, whether or not taken into account for purposes of computing the tax imposed by chapter 1 of the Internal Revenue Code of 1954.

(10) The term "security" means any security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

(11) The term "commodity" means any

commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

(12) The term "dealing in securities or commodities" means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity.

(13) The term "political campaign expense" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any candidate.

(14) The term "congressional office expense", when used with respect to a Member of Congress, includes, but is not limited to, expense incurred by such Member for any of the following objects: travel to, from, and within the State or congressional district of the Member; printing and other expenses in connection with the mailing of speeches, newsletters, and reports to constituents of the Member; expenses of radio, television, and news media methods of reporting to constituents of the Member; telephone, telegraph, postage, and stationery expenses in excess of allowances provided by law; subscriptions to newspapers and other periodicals published within the State or congressional district of the Member; and staff compensation and travel in excess of allowances provided by law.

FINANCIAL DISCLOSURE REQUIREMENT

SEC. 3. (a) On or before May 1 of each calendar year, each individual who has served at any time during the preceding calendar year as a Federal officer or employee other than a candidate shall file with the Comptroller General a financial disclosure report, conforming to the requirements of this Act, for such preceding year.

(b) Within thirty days after the date on which any individual, not otherwise a Federal officer or employee, becomes a candidate, such individual shall file with the Comptroller General a financial disclosure report, conforming to the requirements of this Act, for the calendar year preceding the date on which he became a candidate.

(c) Service rendered by an individual as a congressional employee, Federal executive employee, or Federal judicial employee for a period not exceeding thirty days in the aggregate during any calendar year shall not be considered to be such service during that year for the purposes of this section.

(d) No individual shall be required by this section to file more than one financial disclosure report for any calendar year.

CONTENTS OF REPORTS

SEC. 4. (a) Each financial disclosure report required to be filed by any individual under this Act for any calendar year shall contain a full and complete statement of—

(1) the identity and value of each interest in real or personal property having a value in excess of $500 of which such individual was the owner at any time during that year;

(2) the identity of each creditor to whom such individual at any time during that year owed one or more legally enforceable financial obligations aggregating $1,000 or more, and the nature and amount of each such obligation;

(3) the value and source of each item of income, including honoraria, and each item of reimbursement for expenditure other than the exact cost of transportation, exceeding $100 in value received by such individual during that year;

(4) each dealing in securities or commodities by such individual during that year;

(5) each purchase and sale of real property or any interest therein by such individual during that year;

(6) the nature, source, and value of each gift of money or property received by such individual during that year from each source, other than his parents, spouse, and children, from whom such individual during that year received one or more such gifts having an aggregate value of $100 or more;

(7) the amount and source of each contribution received during that year by him, or to his knowledge by any other individual, political committee, or other organization, on his behalf or for his account, to defray any political campaign expense or any congressional office expense of such individual; and

(8) the identity of each client who, during that year and while such individual was a Federal officer or employee other than a candidate, paid to any law firm of which such individual is or then was a partner, or with which such individual is or then was otherwise associated professionally, one or more fees in an aggregate amount exceeding $1,000: *Provided*, That this provision shall not apply to any individual who is a Federal officer or employee solely by virtue of being a candidate.

(b) Whenever during any calendar year any individual while serving as a congressional employee receives any contribution to defray any political campaign expense or any congressional office expense on behalf of or for the account of a Member of Congress, without knowledge by such Member as to the source or amount of such contribution, such congressional employee shall file with the Comptroller General on or before May 1 of the next succeeding calendar year on behalf of such Member a financial disclosure report containing the information which such Member would have been required by subsection (a) to report if such information had been disclosed to him.

LAW FIRM CLIENTS

SEC. 5. Whenever any Federal officer or employee other than a candidate reports pursuant to paragraph (8) of section 4(a) with respect to any year the identity of any client of a law firm of which such individual is or then was a partner, or with which he is or then was otherwise associated professionally, such report shall—

(1) state whether the client so identified was a client of that firm before the date on which the individual submitting that report became a Federal officer or employee; and

(2) identify any legal or administrative action or proceeding in which the United States or any department or agency thereof was an interested party and with regard to which that client was represented by that firm during that year.

ATTRIBUTION RULES

SEC. 6. (a) For the purposes of this Act, there shall be attributed to any individual required to file a financial disclosure report the assets, liabilities, receipts, and transactions of, and gifts to—

(1) any person acting on behalf of or for the account of such individual;

(2) the spouse and minor children of such individual;

(3) any corporation of which such individual owns 50 per centum or more of the outstanding capital stock;

(4) a share of any partnership of which such individual is a partner, or with which he is associated, determined in accordance with the extent of his partnership or other interest therein;

(5) any revocable trust of which such individual was a settlor; and

(6) a share of any trust or estate of which such individual is a beneficiary, determined in accordance with the present actual or actuarial value of his beneficial interest therein.

(b) Paragraph (5) and paragraph (6) of subsection (a) shall not require the disclosure by any individual of any information which he does not possess and which he is precluded by the terms of trust from acquiring.

FORMS AND REGULATIONS

SEC. 7. The Comptroller General shall prepare and supply to individuals obligated by this Act to file financial disclosure reports, appropriate forms for such reports, and shall prescribe regulations governing the preparation of such reports. Such regulations shall (1) specify the detail in which each category of information shall be stated in financial disclosure reports filed under this Act, (2) specify the method by which the value of property and interests therein shall be ascertained for the purposes of this Act, and (3) contain such other requirements as the Comptroller General may determine to be necessary to carry out the purposes of this Act.

PUBLIC INSPECTION OF REPORTS

SEC. 8. (a) Each financial disclosure report filed under this Act shall be placed in a file which shall be established by the General Accounting Office. The Comptroller General shall prepare an appropriate index to that file to facilitate the identification of and access to all reports filed by or on behalf of each individual which are contained at any time in that file.

(b) Except as otherwise provided by this subsection, each such report so filed by or on behalf of any individual who is serving as a Federal officer or employee at the time of the filing of that report shall be maintained in such file as long as such individual serves continuously as a Federal officer or employee, and for five years after the end of such service. Each such report filed by any individual who is a candidate, or who is not a Federal officer or employee at the time of the filing of that report, shall be maintained in such file for a period of five years after the date on which that report is filed.

(c) Under such reasonable regulations as the Comptroller General shall prescribe, reports contained in that file and the index thereto shall be made available for inspection by members of the public during business hours of the General Accounting Office.

(d) The Comptroller General shall furnish to the Attorney General upon request a true and correct copy of any financial disclosure report contained in that file.

PENALTY

SEC. 9. Whoever, being an individual required by this Act to file any financial disclosure report—

(1) willfully fails to file such report within the period of time prescribed by this Act;

(2) files any such report containing any information which is false or misleading, with knowledge or with reason to believe that such information is false or misleading; or

(3) files any such report from which there has been omitted any information required by this Act or by regulations promulgated thereunder to be contained therein, with intent to conceal such information,

shall be fined not more than $20,000, or imprisoned not more than five years, or both.

CONGRESSIONAL RULES

SEC. 10. (a) This section is enacted by the Congress:

(1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and this section shall supersede other rules of each such House only to the extent that it is inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change the provisions of this section (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b) Rule XLIV of the Standing Rules of the Senate and rule XLIV of the Rules of the House of Representatives are hereby repealed.

EFFECTIVE DATE

SEC. 11. This Act shall take effect on the first day of the second calendar year beginning after the date of enactment of this Act.

S. 1886

A bill to improve judicial machinery by amending title 28, United States Code, to broaden and clarify the grounds for judicial disqualification, 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 "Judicial Disqualification Act of 1970".

SEC. 2. Section 455 of title 28, United States Code, is amended to read as follows:

"§ 445. Interest of justice or judge

"Any justice or judge of the United States shall disqualify himself, and shall not accept waiver of disqualification, (1) in any case in which he has an interest, which shall include any stockholding in a corporate party, any stockholding in a corporation which holds 10 per centum or more of the stock of a corporate party, any stockholding in a corporation of which 10 per centum or more of the stock is held by a corporate party, and the holding of any office of a corporation described in this section; (2) in any case in which he has rendered legal service to a party with respect to any matter or thing in controversy; (3) in any case in which he is or has been a material witness; (4) in any case in which he is so related to or connected with any party or attorney as to create a conflict of interest or otherwise render it improper for him to sit on the trial, appeal, or other proceedings; (5) in any case in which his participation in the case will create an appearance of impropriety; and (6) in any other case in which, in his opinion, it would be improper for him to sit."

SEC. 3. Section 144 of title 28, United States Code, is amended to read as follows:

"§ 144. Bias or prejudice of judge

"Whenever a party to any proceeding in a district court, either with his own verification or over his attorney's signature, makes and files a timely affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. The affidavit shall be timely if filed (a) twenty or more days before the time first set for trial or (b) within ten days after the filing party is first given notice of the identity of the trial judge or (c) when good cause is shown for failure to file the affidavit within such times. A party may file only one such affidavit in any case, and only one affidavit may be filed on a side. A party waives his right to file an affidavit by participating in a hearing or submission of any motion or other matter requiring the judge to exercise discretion as to any aspect of the case or by beginning trial proceedings before the judge."

SECTION BY SECTION SUMMARY OF THE "JUDICIAL DISQUALIFICATION ACT OF 1971"

Section 1—The act may be referred to as the Judicial Disqualification Act of 1971.

Section 2—This section revises Section 455 of Title 28 of the United States Code.

Present law: The present section 455 requires a judge to disqualify himself in any case in which he has a "substantial interest," has been counsel, has been a material witness, or is so related or connected with a party or attorney as to render it improper for him to sit in judgment. Federal courts have had considerable difficulty with the words "substantial interest" and disagree about the size and type of financial holding which should disqualify judges from a particular case. The section also permits the procedure of disclosure and waiver whereby the judge discloses his interest in the case and the attorney waives his objection daring not to question the judge's impartiality. Finally, judges feel that they have a duty to sit in a case unless they are disqualified by a specific provision of section 455.

Proposal: This section clarifies the type of interest requiring disqualification. It precludes a judge's participation in any case in which he has an interest which includes any stockholding in a corporate party, stockholdings in a corporation owning more than 10% of a corporate party, and stockholdings in a corporation of which a party owns more than 10% of the stock, and the holding of any office in any of the above named corporations. It also explicitly prohibits "disclosure and waiver". The act adds to section 455 Canon 4 of the Canons of Judicial Ethics of the American Bar Association requiring a judge to disqualify for "appearance of impropriety." Finally, it relaxes the so-called "duty to sit" by giving a judge the latitude to disqualify himself at any time when "in his opinion, it would be improper for him to sit."

Section 3—This section revises Section 144 of Title 28 of the United States Code.

Present law: Section 144 deals with disqualification of a judge for bias or prejudice. Under this law a party may file an affidavit challenging the impariality of a judge before whom his case is pending. The judge himself determines whether the allegations are sufficient for this purpose.

Proposal: This section creates a right in a litigant to one peremptory challenge of a judge assigned to hear his case. This revision essentially adopts the liberal disqualification practice of California and other states. Under such a provision, a judge can be disqualified at the option of one or the other of the parties and the disqualified judge is left with no option except to determine whether the application is timely. A party is limited to one challenge in order to avoid the possibility of abuse.

SECTION-BY-SECTION SUMMARY OF "THE OMNIBUS DISCLOSURE ACT"

Section 1—The act may be referred to as the "Omnibus Disclosure Act".

DEFINITIONS

Section 2—This section defines fourteen terms which are used in the act.

FINANCIAL DISCLOSURE REQUIREMENT

Section 3—This section requires members of all three branches of government to file a financial disclosure report with the Comptroller General on or before May 1 of each year. The disclosure requirement applies to all Federal judges and justices, the President and Vice President and all Members of Congress. The provision also applies to Federal officials and to those employees of Members of Congress, Congress itself, the judiciary, and the executive branch who receive more than $18,000 a year and have served for more than 30 days. Candidates for Congress, the presidency and vice-presidency are also required to file disclosure reports within 30 days of becoming a candidate.

CONTENTS OF REPORTS

Section 4—The disclosure reports required must contain the following information: (1) the identity and value of interests in real or personal property worth more than $500, (2) creditors to whom more than $1,000 is owed and the amount of each such debt, (3) sources and amount of income greater than $100, (4) dealings in securities or commodities, (5) transactions in real property, (6) nature, source and value of each non-family gift of more than $100, (7) the amount and source of each contribution to defray campaign or office expenses, and (8) except in the case of nonincumbent candidates, the identity of each client who pays more than $1,000 to a law firm with which an individual obligated under the act is associated.

LAW FIRM CLIENTS

Section 5—Those who list law firm clients under section 4 must state whether the client sought the services of the individual's law firm before or after he entered government. The individual must also list any administrative or judicial action in which the United States was a party and in which the client was represented by that firm.

ATTRIBUTION RULES

Section 6—This section attributes to any individual required to file under section 3 the assets, liabilities, receipts, transaction and gifts of (1) any person acting on the individual's behalf, (2) his immediate family, (3) any corporation of which he owns more than one half of the stock, (4) a proportional share of any partnership of which he is a partner, and (5) certain trusts and estates depending on his knowledge and interest.

FORMS AND REGULATIONS

Section 7—The Comptroller General shall supply forms for reports required under the act and shall prescribe regulations governing the preparation of such reports.

PUBLIC INSPECTION OF REPORTS

Section 8—The General Accounting Office shall keep a file of finanical disclosure reports, open to public inspection, for a period of five years after each individual leaves government service.

PENALTY

Section 9—Any individual who fails to file within the time period, files false or misleading information or omits information is subject to a $20,000 fine, or 5 years imprisonment or both.

CONGRESSIONAL RULES

Section 10—Congress exercises its rule making power to repeal inconsistent rules of each house and to explicitly repeal Rule XLIV of the Standing Rules of the Senate and Rule XLIV of the Rules of the House of Representatives.

EFFECTIVE DATE

Section 11—The act takes effect on the first day of the second calendar year after enactment.

THE OMNIBUS DISCLOSURE ACT COMPARED WITH EXISTING LAW AND OTHER PROPOSED LEGISLATION

I. WHO MUST FILE AND WHEN

(*a*) The Omnibus Disclosure Act:

Members of all three branches of government would file a financial disclosure report with the Comptroller General on or before May 1 of each year. The disclosure requirement would apply to all Federal judges and justices, the President and Vice-President and all Members of Congress. The provision also would apply to Federal officers and to those employees of the executive, judiciary, Congress and Members of Congress who receive more than $18,000 a year and have served for more than 30 days. Candidates for Congress, the presidency and vice-presidency would also be required to file disclosure reports within 30 days of becoming a candidate.

(*b*) Rules of the House of Representatives (Rule XLIV):

Members of the House of Representatives (including the Resident Commissioner of Puerto Rico), officers, principal assistants to members and officers and professional staff members of committees must file a financial disclosure report by April 30 of each year with the Committee on Standards of Official Conduct. The provision only applies to the House and does not define "principal assistant" or "professional staff member". The disclosure requirement does not apply to candidates.

(*c*) Standing Rules of the Senate (Rules XLI, XLIII, & XLIV):

Senate Rule 44 requires Senators, candidates for the Senate and officers and employees of the Senate paid more than $15,000 per year to file personal financial disclosure reports with the Comptroller General by May 15 of each year. Every Senator who has appointed an assistant to solicit or receive campaign contributions and who pays such an individual more than $10,000 per year must file that designation with the Secretary of the Senate for public inspection. Officers and employees of the Senate must report the nature of all business or professional activity or employment to his superior to determine conflict of interest.

(d) Rules of the Judicial Conference:

The rules apply to all Federal judges except members of the Supreme Court. Every six months Federal judges must file financial disclosure reports with a special committee of the Judicial Conference, with the Judicial Council of their Circuit, and in the Office of the Clerk of Court of which the judge making the report is a member.

(e) Executive Order Number 11222 and Civil Service Rules promulgated pursuant thereto:

Each presidential appointee in the Executive Office of the President not subordinate to the head of an agency and each full-time member of a committee, board, or commission appointed by the President shall submit a financial disclosure report to the Chairman of the Civil Service Commission. All of the above individuals must file within 30 days upon assuming office and must update their statements quarterly.

General employees paid according to the executive schedule as defined by 5 USC 5311–5317 and those on the general schedule above GS–13 or employees at a comparable pay level under another authority who are responsible for contracting or procurement, administering or monitoring grants of subsidies, regulating or auditing private or other non-Federal enterprises or other activity which has an economic impact on non-Federal enterprises must file reports with their agency head.

Special employees as defined by 18 USC 202 (consultants and advisors) shall submit financial disclosure reports at the time of employment.

An agency may decide to exempt an employee where the chance of conflict of interest is remote or alternative methods of supervision are available. An employee must file a report within 30 days of employment and by June 30 each year he must update his report.

(f) Interim Report of the Special Committee on Standards of Judicial Conduct of the American Bar Association:

Each full-time judge would file a financial disclosure report of gifts and compensation within 6 months of receipt with the clerk of his court or by some other method designated by rule of court.

(g) Other proposed legislation:

1. Proposals of the Association of the Bar of the City of New York on or before May 1 of each year every Representative/Senator and every officer and employee of the House/Senate compensated at a gross rate in excess of $18,000 per year would file with the House/Senate Ethics Committee a disclosure statement.

This proposal would not apply to the executive and judiciary or employees of those branches or to candidates.

2. S. 343 (Case): This bill covers the same individuals as the Omnibus Disclosure Act except that it applies only to individuals who have served for more than six months instead of 30 days. It also does not cover full-time U.S. Magistrates.

II. CONTENTS OF REPORTS

(a) The Omnibus Disclosure Act:

The disclosure reports would contain the following information:

(1) the identity and value of interests in real or personal property worth more than $500, (2) creditors to whom more than $1,000 is owed and the amount of such debts, (3) sources of income greater than $100, (4) dealings in securities or commodities, (5) transactions in real property, (6) nature, source and value of each non-family gift of more than $100, (7) the amount and source of each contribution to defray campaign or office expenses, and (8) except in the case of non-incumbent candidates, the identity of each client who pays more than $1,000 to a law firm with which an individual obligated under the act is associated.

(b) Rules of the House of Representatives:

Disclosure reports contain the following information: (1) source of income over $5,000 for services rendered, (2) capital gains from a single source of over $5,000, except from sale of a residence, (3) reimbursement for expenditure of over $1,000 (other than from the government), (4) name, position, and interest in any business entity doing substantial business with the U.S. or subject to Federal regulation in which an individual's ownership is over $5,000 or from which he receives more than $1,000, (5) the name, address and type of practice of any professional organization from which he receives more than $1,000 per year and to which he or his spouse is a consultant or of which he is an officer or partner, (6) honorariums from a single source aggregating $300, and (7) each creditor to whom the person reporting was indebted without collateral for more than 90 days and for over $10,000.

(c) Standings Rules of the Senate:

Rule 44 requires confidential disclosure reports containing the following information: (1) the identity of interests in real or personal property worth $10,000 or more, (2) the identity of liabilities of $5,000 or more owed by him and his wife, (3) Federal income tax returns, (4) source and value of gifts of $50 or more, (5) the amount and source of fees of more than $1,000 from a client and (6) the name and address of each business or professional group with which he was associated from which he received compensation during the last year plus the amount of such compensation.

Rule 44 also requires disclosure for public inspection to the Secretary of the Senate: (1) the source and disposition of campaign contributions to the individual (but not necessarily including contributions to others, or to committees, on his behalf) of $50 or more and (2) the amount and source of honorariums of over $300.

Under Rule 43 any Senator who designates an assistant to solicit and collect contributions and pays him in excess of $10,000 per year must file that designation with the Secretary of the Senate who in turn must disclose the designation to the public.

(d) Rules of the Judicial Conference:

The disclosure reports contain the following information:

(1) A statement of total income for all extra-judicial services (lecturing, teaching, writing, serving as trustee, executor or director, etc.), (2) an itemized list of extra-judicial income from a single source in excess of $100 with a description of the services rendered, (3) a list of gifts worth more than $100 with the name of the donor and value of the gift, (4) the name of any case in which a judge participated in which he knew that he or his spouse or member of his immediate family had a financial interest, over $5,000 owed by him or a member of his immediate family, (5) the name of each business or foundation (profit or non-profit) in which he or a member of his immediate family or an organization with which he is associated holds an interest and the value of that interest (6) identity of interests in real or personal property worth more than $10,000 in which he or his immediate family, or an organization with which he is associated had an interest and the value of that interest, and (7) the value and source of each honorarium of more than $300.

III. LAW FIRM CLIENTS

(a) The Omnibus Disclosure Act:

Those who list law firm clients in their disclosure reports would have to state whether the client sought the services of the individual's law firm before or after he entered government. The individual must also list any administrative or judicial action in which the United States was a party and in which the client was represented by that firm.

(b) Rules of the House of Representatives: No requirement.

(c) Standing Rules of the Senate: No requirement.

(d) Rules of the Judicial Conference: No requirement.

(e) Executive Order Number 11222 and Civil Service Rules: No requirement.

(f) Interim Report of the Special Committee on Standards of Judicial Conduct of the American Bar Association: No requirement.

(g) Other Proposed Legislation:

1. Proposals of the Association of the Bar of the City of New York. This proposal would require disclosure of the same information as the Omnibus Disclosure Act.

2. S. 343 (Case). No requirement.

IV. ATTRIBUTION RULES

(a) Omnibus Disclosure Act:

The Act would attribute to any individual required to make a disclosure report, the assets, liabilities, receipts, transactions and gifts of: (1) any person acting on the individual's behalf, (2) the individual's immediate family (3) any corporation of which he owns more than half of the stock (4) a proportionate share of any partnership of which he is a partner and (5) certain trusts and estates depending on his knowledge and interest.

(b) Rules of the House of Representatives:

There are no general attribution rules except that the interest of a spouse or any persons constructively controlled by the person reporting is considered the same as the interest of the reporting individual.

(c) Standing Rules of the Senate:

There are no general attribution rules. However, under Rule 44, an individual is required to report liabilities over $5,000 owed by him and his wife jointly and the identity of certain trusts or fiduciary relations does not know the identity of fiduciary interests he must request the fiduciary to disclose to the Comptroller General.

(5) any transaction in which he participated involving the securities or other property of a party to a case while it was pending before him (the nature and amount of transaction and any explanation), (6) the name of any case in which he participated and knew at the time that a member of his immediate family was an officer or employee of a party, (7) a list of all positions held in any organization, business or charitable and (8) a list of all fiduciary positions.

(e) Executive Order Number 11222 and Civil Service Rules:

Presidential appointees in the Executive Office of the President not subordinate to the head of an agency and each full-time member of a Committee, board or commission appointed by the President shall file a financial disclosure report containing the following information: (1) his interests in real property, other than his personal residence, (2) the names of creditors, except to whom he is indebted by reason of a mortgage on a personal residence or for current and ordinary household and living expenses and (3) a list of all business organizations (profit and non-profit) and educational or other institutions

with which he is connected (as an employee, officer, consultant or trustee) and in which he has a continuing financial interest (through pension plan or by present or prior employment or in which he has any financial interest through ownership of securities.) General employees (over GS 13 and in certain policy making positions) and special employees (consultants and advisors) may be required to file the information asked for in a format in the Federal Personnel Manual and no agency can go beyond that format without Civil Service Commission approval.

Furthermore, special employees shall file with their agency a statement of outside employment including all financial, research or governmental groups in which he serves as an employee, officer, director or consultant.

Presidential appointees are not required to disclose information relating to an organization (religious, political or educational) which is not engaged in a "business enterprise." Although general and special employees are subject to the same regulation, research and educational groups which receive grants and contract with the government are considered "business enterprises."

(f) Interim Report of the Special Committee on Standards of Judicial Conduct of the American Bar Association:

The disclosure report would contain the following information: (1) the source and value of non-family gifts of over $100, (2) the source, purpose and amount of compensation other than salary for judicial duties, and (3) source and amount of reimbursement to the judge or his spouse for expenses and the actual cost to the judge. Except in connection wih a disqualification proceeding, a judge would not be required to disclose the identity or extent of his investments or his income therefrom.

(3) Other proposed legislation:

1. Proposals of the Association of the Bar of the City of New York. The disclosure report would contain the following information:

(1) the identity of each property interest of $5,000 or more except bank deposits, insurance policies, household furnishings, personal effects and principal residence, (2) the identity of any creditor to whom the individual owes more than $5,000, except a mortgage on his home, (3) sources of income of $1,000 or more, (4) non-family gifts of $25 or more, (5) contributions to defray campaign or office expenses, and (6) the identity of each client who paid more than $1,000 in fees to a law firm with which the individual is associated.

This proposal does not cover dealings in securities or commodities and transactions in real property.

2. S. 343 (Case): Disclosure, reports would contain the following information: (1) the value of each asset or piece of property regardless of volue, (2) the value of any debt, (3) the amount and sources of income greater than $100, (4) dealings in securities, (5) transactions in real property, (6) non-family gifts of more than $100, (7) contributions to defray campaign or office expenses. Individuals would not be required to disclose law firm clients.

(d) Rules of the Judicial Conference:

There are no attribution rules except that most disclosure requirements apply to an individual's spouse and immediate family. Also "participation" in a case in which the judge has a financial stake is intended to mean "knowing participation." The Judicial Conference recognizes that there might be cases in which the judge or a member of his household own securities in a corporation through a mutual fund for example and are unaware of such an interest. In such cases a judge's action is not suspect.

(e) Executive Order Number 11222 and Civil Service Rules:

There are no specific attribution rules except that the interest of a spouse, minor child or member of an individual's household is considered an interest of the person required to report. Where information required to be disclosed is not known to a general or special employee or presidential appointee but is known by another person, the employee shall request that person to submit information on his behalf.

(f) Interim Report of the Special Committee on Standards of Judicial Conduct of the American Bar Association: No comparable provisions.

(g) Other Legislative Proposals:

1. Proposals of the Association of the Bar of the City of New York. This proposal would attribute to an individual the assets but not the income, liabilities, receipts, transactions and gifts of 1) any corporation of which he owns more than half of the stock, 2) a proportionate share of any partnership of which he is a partner and 3) certain trusts depending on his knowledge and interest.

2. S. 343 (Case): There would be no specific attribution rules although several sections would attribute specific types of income and assets to the individual. For example, the bill would attribute to an individual the income, assets, dealings in securities, and purchases and sales of real property of his spouse and of him and his spouse jointly.

V. FORMS AND REGULATIONS

(a) Omnibus Disclosure Act:

The Comptroller General would supply forms for reports required under the act and would prescribe regulations governing the preparation of such reports.

(b) Rules of the House of Representatives:

The Committee on Standards of Official Conduct administers filing of financial disclosure reports.

(c) Standing Rules of the Senate:

The Comptroller General and the Secretary of the Senate administer different sections of the rules. They are given no explicit authority to prepare and distribute forms or to prescribe regulations.

(d) Rules of the Judicial Conference:

Each judge files disclosure forms with a special committee of the Judicial Conference, with the Judicial Council of his circuit, and in the office of the Clerk of the Court of which the judge making the report is a member. Judges disclose their financial information on forms adopted by the Judicial Conference in March of this year and actually send the reports to a Receiving Officer (appointed by the Chief Justice), who in turn forwards the reports to a panel of three judges appointed by the Chief Justice.

(e) Executive Order Number 11222 and Civil Service Rules:

The Civil Service Commission administers the general provisions of the executive order and has in turn promulgated general outlines for disclosure rules leaving discretion in the separate agencies for more specific regulations relating to general and special employees.

(f) Interim Report of the Special Committee on Standards of Judicial Conduct of the American Bar Association: Not clear in the present draft.

(g) Other Legislative Proposals:

1. Proposals of the Association of the Bar of the City of New York Disclosure reports would be filed with the Senate and House Ethics Committees and would be filed with the Clerk of the United States District Court of the judicial district in which the individual's home is located.

2. S. 343 (Case): This aspect of S. 343 is substantially the same as the Omnibus Disclosure Act, except that it leaves more discretion in the Comptroller General to group assets, liabilities, and other items on the disclosure form.

VI. PUBLIC INSPECTION OF REPORTS

(a) Omnibus Disclosure Act: The General Accounting Office would keep a file of financial disclosure reports, open to public inspection from the time of filing until five years after the individual leaves government service.

(b) Rules of the House of Representatives: Disclosure reports are available for "reasonable public inquiry" subject to the following exceptions and regulations set up by the Committee on Standards of Official Conduct: (1) the value of any income or debts reported under the act or market value of interest in a business is confidential unless the committee decides otherwise; (2) all requests by a member of the public are reported to the individual whose report is viewed and the member of the House to whom he is responsible. After an individual is no longer required to file his reports they are returned to him.

(c) Standing Rules of the Senate: The confidential financial disclosure report is filed with the Comptroller General in a sealed envelope which is returned after seven years, or one year after death. However, a majority of the Select Committee on Standards and Conduct can vote to examine the contents of an envelope after warning the individual concerned. After examination, if the Committee so decides, the contents may be used for any purpose by any member of the Committee or his staff. Reports of contributions and honoraria filed with the Secretary of the Senate pursuant to Rule 44 are available to the public and are kept for at least three years. Designations by Senators of assistants to solicit and collect contributions filed with the Secretary of the Senate pursuant to Rule 43 are public. Reports of outside business or professional activity to superiors pursuant to Rule 41 are not made public.

(d) Rules of the Judicial Conference: Reports are confidential except to the extent that the special panel of Federal judges decides that a possible conflict of interest should be disclosed to the Executive Committee of the Judicial Conference.

(e) Executive Order Number 11222 and Civil Service Rules: Presidential appointees file reports with the Chairman of the Civil Service Commission and General and special employees file reports with their agency head. In neither case are the reports available to the public, except where the Chairman of the Commission or the respective agency head shows that good cause exists for public disclosure.

(f) Interim Report of the Special Committee on Standards of Judicial Conduct of the American Bar Association: All reports would be public documents filed with the Clerk of Court or by some other means prescribed by court rules.

(g) Other Proposed Legislation:

1. Proposals of the Association of the Bar of the City of New York. The reports would be public documents except for the dollar value of interests in real or personal property. It is not explicit, but apparently the monetary values of other items required to be disclosed under the act would be available to the public.

2. S. 343 (Case): Would require the same public disclosure as the Omnibus Disclosure Act.

VII. PENALTY

(a) Omnibus Disclosure Act: Any individual who failed to file within the time period, filed false or misleading information or omitted information would be subject to a $20,000 fine, or 5 years imprisonment or both.

(b) Rules of the House of Representatives: The House Committee on Standards of Official Conduct can investigate on the basis of complaints and recommend to the House by resolution other such action as the Com-

mittee may deem appropriate in the circumstances and with approval of the House, to report evidence of a violation of the law disclosed in investigation to federal or state authorities. The Committee can also issue upon request advisory opinions on conflicts of interest questions.

The rules do not provide explicit penalties for omitting information from reports or for falsifying reports.

(c) Standing Rules of the Senate:

Confidential and public disclosure reports filed pursuant to Rule 44 can be the subject of action by the Select Committee on Standards and Conduct or by the whole Senate. Reports of outside employment to superiors filed pursuant to Rule 41 can be acted upon where they think the activity presents a conflict of interest.

The rules do not provide explicit penalties for omitting information from reports or for falsifying reports.

(d) Rules of the Judicial Conference:

There is no penalty for failure to report or for misrepresentation. By implication the reports can be the subject of appropriate action by the Judicial Conference.

(e) Executive Order Number 11222 and Civil Service Rules:

There is no specific penalty for refusal to disclose or for misrepresentation. However, once disclosure has been made, the Chairman of the Civil Service Commission determines and reports conflicts of interests to the President, and agency heads are informed of conflicts of interest in their department.

(f) Interim Report of the Special Committee on Standards of Judicial Conduct of the American Bar Association: No penalty in the present draft.

(g) Other Legislative Proposals:

1. Proposals of the Association of the Bar of the City of New York. This proposal contains no penalty provisions.

2. S. 343 (Case): Any individual who failed to file within the time period, filed false or misleading information or omitted information would be subject to a $2,000 fine or 5 years imprisonment or both.

ADDITIONAL COSPONSORS OF BILLS

S. 1827

At the request of Mr. CHURCH, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 1827, a bill to protect medicare patients from retroactive denial of payments for posthospital services.

S. 1664

At the request of Mr. HANSEN, for Mr. SCOTT, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1664, a bill to authorize appropriations for the Commission on Civil Rights.

SENATE CONCURRENT RESOLUTION 27—SUBMISSION OF A CONCURRENT RESOLUTION ESTABLISHING A JOINT COMMITTEE TO STUDY THE TERMINATION OF THE NATIONAL EMERGENCY

Mr. MATHIAS. Mr. President, last year Congress terminated the Gulf of Tonkin resolution of 1964 by a positive act of repeal. It was a first step in the long overdue effort to restore to Congress its responsibilities under the Constitution for questions of war and peace.

In February of this year, the distinguished Senator from New York (Mr. JAVITS) introduced S. 731, a bill to regulate undeclared war. In the same month the Senator from Iowa (Mr. CHURCH) introduced Senate Joint Resolution 48 to repeal the Formosa resolution of 1955. I was pleased to be a cosponsor of both of these measures.

In the next several weeks I shall be looking again at legislation to repeal the Mideast resolution of 1957, which has very little relationship to current events in this troubled part of the world, and the Cuba resolution of 1962.

Today I rise, however, to present to the Senate a concurrent resolution aimed at terminating the state of national emergency proclaimed by President Truman in December 1950, in the depths of the Korean war.

It is a sad paradox that this country has remained officially in a state of emergency since that time. I do not contemplate that the Constitution had been erected in a manner which had as one of its prospective functions a permanent state of emergency.

I think it may be useful a this point briefly to review how Congress—with barely a whimper—has relinquished important parts of its constitutional authority and responsibility to the office of the President.

On May 9, 1933, in a moment of what was probably a genuine emergency during the depression, President Franklin D. Roosevelt convened the Congress and demanded, in effect, that it revamp the Constitution before midnight. The purpose of that reform at that moment was, in effect, to make Congress, and consequently the Constitution, optional at the discretion of the President, as the national interest required.

The demand came as part of the Emergency Banking Act, an omnibus bill reorganizing the Nation's then collapsing banking system and retroactively legitimizing the President's Bank Holiday proclamation of 3 days before.

It was referred to the Committee on Banking and Currency with instructions that it be reported in an hour. The bill was never printed and it was not available for Senators to read prior to action on the floor of the Senate. The then-Senator from Louisiana, Mr. Long, complained that he did not know what was in it until it was read by the clerk. Most Senators indicated that they had grave reservations about what they understood to be the bill's provisions and Senator Long protested the extraordinary powers it granted to the President. But in the extremity of the crisis at hand, Congress felt it had to act immediately as the President demanded. The bill was passed by both Houses before midnight and the American constitutional Republic has been in its Damoclean shadow ever since.

The key provision, not much remarked by the Congress at the time, came in an amendment to section 5b of the Trading With the Enemy Act of 1917. As enacted in 1917, section 5b shifted from Congress to the President the power to regulate trade and financial transactions between Americans and foreigners in wartime. The 1933 amendment to 5b authorized the President—by the simple expedient of declaring a national emergency—to assume in peacetime these extensive wartime emergency powers, which have heretofore been associated with the Office of President in its function as the Supreme Commander of Armed Forces during an act of military conflict.

By declaring in the 1933 amendment that the President could assume emergency powers by declaration in peacetime, Congress established a principle with reverberations going far beyond the legislation at hand. For the courts have interpreted the principle as creating a virtually unlimited Executive prerogative that now applies to some 200 laws granting special powers to the President during national emergencies. But neither Congress nor the courts have set criteria to define the kind of crisis which would justify the invocation of these multifarious powers. Since 1933, they have been available essentially as the President wishes.

In accord with President Roosevelt's approach, the President is left to determine by himself when a national emergency exists and when it ends—when the Executive should have access to the near dictatorial authority conveyed in emergency legislation. The President alone decides when he should share power with Congress as the Constitution prescribes, and when Congress can be made optional by proclamation.

This assignment of emergency powers has worked very smoothly over the years. Since that dire extremity of 1933, there have been six Presidents—four Democrats and two Republicans. They have disagreed on many issues. But they have been unanimous on the question of when the country is in a state of national emergency and when the Congress, on a wide range of issues, is optional. Their answer, quite simply put—in a word—is: always. In the last 37 years, the country has passed through many vicissitudes of war and peace. But Presidential powers have been continuously "at war." Not once during that period has a President allowed his special powers to lapse. The result, described by Jeffrey G. Miller and John R. Garson in an excellent article in the February 1970 issue of the Boston College Industrial and Commercial Law Review, is that:

> Some 60 percent of the nation's population have lived their entire lives under a continuous unbroken chain of national emergencies.

A court did judicially acknowledge—in 1962—that the depression had ended. But no authority has yet recognized the end of the Korean emergency, proclaimed by President Truman on December 16, 1950, and still in effect today. Since the President declared with reference to Korea that:

> World conquest by Communist imperialism is the goal of the forces of aggression.

The State Department has interpreted the emergency to mean the duration of the cold war, whatever definition they may put upon that.

This interpretation, however, has not limited the emergency powers to military matters affecting the protracted conflict with the Communists. The Korean authority, in fact, was most recently invoked in 1968 in relation to our economic competition with out European allies. President Johnson felt he

would have difficulty securing from Congress the broad powers he needed to deal with the deficit which had been emerging for several years in the Nation's balance of payments. Yet the Constitution clearly reserves to the legislative branch all powers for regulating foreign commerce. So the President invoked the emergency powers granted in 1950 in relation to the Korean war and signed Executive Order 11387: Governing Certain Transfers Abroad. The Department of Commerce immediately issued the foreign direct investment regulations—FDIR. The Executive order and the FDIR restrict the amounts of capital that American investors may transfer to or accumulate in foreign affiliates and compel repatriation of short-term liquid balances such as foreign bank deposits.

Without citation of the Korean war powers, these measures clearly represent an unconstitutional encroachment on legislative authority. The courts have upheld them, however, and they remain the law of the land. It is currently the law of the land, therefore, that the state of national emergency proclaimed by President Truman in 1950 in relation to the Korean conflict can be invoked in relation to a balance-of-payments deficit 18 years later. Similarly, regulations against gold hoarding, activated by the depression emergency, are continued under the 1950 proclamation. Other measures invoked under 5b pursuant to the Korean proclamation include the foreign assets control regulations, the Egyptian assets control regulations, and the Cuban assets control regulations. The Cuban trade embargo of 1962 was also based in part on the 1950 emergency.

Among the nearly 200 other emergency laws are measures permitting the President to sell stocks of strategic materials, revoke leases on real and personal property, suspend rules and regulations applicable to broadcasting stations, detain enlisted troops beyond the term of their enlistments—subjects that could be of great interest in this country depending upon the outcome of the pending business in the Senate—to detail military men to the governments of other countries—a subject of considerable interest to the Senate at this moment—and to exercise control over consumer credit. Among hundreds of local properties available to the Executive, the President may take over parts of Howard University, and in my own State of Maryland, he may close Fort McHenry—the birthplace of the "Star-Spangled Banner"—and "use it for such period thereafter as the public needs may require," the President being the sole judge of the public need.

These powers infringe on so many crucial constitutional rights and principles that collectively they may be seen as placing our system of democratic government in jeopardy. Certainly the deprivation of rights and property is authorized without due process. But perhaps most important, these measures threaten the constitutional balance of powers between the executive and legislative branches. Because a state of official emergency has obtained continuously since 1933 and has been upheld by the courts to validate actions unrelated to the original crisis—the national emergency powers have accumulated and become institutionalized in the executive. The Presidency, already enhanced by modern trends, has been further aggrandized by the paradox of the continuous emergency.

Unless we accept the principle of an optional Constitution and an optional Congress, we must reject the concept of national emergencies declared by the President at his discretion in peacetime without termination dates. Since this concept has been upheld in essence by the courts, it is up to the Congress to recover by legislation the constitutional role that it has allowed the executive to usurp. We must reassert the principle that emergency powers are available only for brief periods when Congress is unable to act and for purposes directly related to the emergency at hand.

This is easier said than done. We discover that the continuous and cumulative and institutionalized emergency is also almost irrevocable. So many executive agencies and procedures are rooted in emergency powers that it is extremely difficult to rescind them without major administrative disruptions. With this in mind, the distinguished majority leader, Mr. MANSFIELD, joined with me during the last session in Senate Joint Resolution 166, a resolution which, among other things, proposed the creation of a special committee to explore with the executive the consequences of terminating the Korean emergency. In the aftermath of the Cambodia incursion, however, our proposals were not acted upon. And so I am now reintroducing the resolution as a Senate concurrent resolution. It calls for the establishment of a commission to study and make recommendations terminating the state of national emergency.

It is to be expected that the commission's recommendations would, among other things, have the effect of restoring to Congress its full constitutional authority to regulate commerce, and would clearly define a national emergency. Together with S–731, an act to regulate undeclared war, which was introduced in February by the distinguished Senator from New York, Mr. JAVITS, this would serve to assure that emergency powers would only be applied for the duration of genuine emergencies. The Constitution did not envision a state of national emergency to be the normal state of affairs.

Under the best of circumstances, the Congress will not find it easy to maintain its historical constitutional role in the modern age. Modern communications, national interdependence, and international involvement converge to enhance the Presidency; real emergencies continually arise requiring the kind of decisive response the Executive is best equipped to give. But if the Congress allows these national Executive advantages to be expanded by special emergency powers responding to unspecified emergencies without determination or limit, the balance of powers between the branches of our Government may be irreparably broken.

I believe that we do face today a national emergency—even a paradoxical continuous one. It emerged during the depression and has been with us for several decades. It is a crisis that throws our whole system of constitutional government into jeopardy. This emergency—if I may use the term so loosely—is the atrophy of Congress. It is not an emergency which calls for the decisive exercise of executive powers. It calls for the decisive recovery of legislative powers.

Only Congress can redeem itself; but in serving itself, it can also save the Constitution. And I believe that to save the Constitution is to save the most precious heritage of our country.

The PRESIDING OFFICER (Mr. STEVENSON). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 12), which was referred to the Committee on Foreign Relations, reads as follows:

S. CON. RES. 27

Concurrent Resolution 27 to establish a joint congressional committee to carry out a study and investigation regarding the termination of the state of national emergency

Resolved by the Senate (the House of Representatives concurring), That (a) there is hereby established a joint committee of the Senate and the House of Representatives to be known as the Joint Committee on the Termination of the National Emergency (hereinafter referred to as the "joint committee").

(b) The joint committee shall be composed of twelve members selected as follows:

(1) six Members of the Senate to be appointed by the President of the Senate, three of whom shall be members of the Committee on Foreign Relations of the Senate; and

(2) six Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, three of whom shall be members of the Committee on Foreign Affairs of the House of Representatives.

(c) The joint committee shall select a chairman and vice chairman from among its members. A majority of the members of the joint committee shall constitute a quorum thereof for the transaction of business, except that the joint committee may fix a lesser number as a quorum for the purpose of taking testimony. Vacancies in the membership of the joint committee shall not affect the authority of the remaining members to execute the functions of the joint committee.

(d) No legislative measure shall be referred to the joint committee, and it shall have no authority to report any such measure to the Senate or the House.

SEC. 2. (a) It shall be the function of the joint committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation Numbered 2914, dated the same date. In carrying out such study and investigation the joint committee shall—

(1) consult and confer with the President and his advisers regarding the most effective method of terminating such national emergency;

(2) consider the problems which may arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency, including consideration of the desirability and consequences of terminating

special legislative powers that were conferred on the President and other officers, boards, and commissions as the result of the President proclaiming a national emergency.

(b) The joint committee shall submit a report to the Congress as soon as practicable after the date of adoption of this resolution, but in no event later than 120 days after the adoption thereof by both Houses of Congress, setting forth the results of its study and investigation together with such recommendations as it deems appropriate. The joint committee shall cease to exist upon the submission of its report to Congress.

SEC. 4. (a) For the purposes of this resolution, the joint committee is authorized, as it deems advisable (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) The joint committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof, the joint committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the joint committee determines that such action is necessary and appropriate.

SEC. 5. The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

Mr. GRAVEL. Mr. President, I wish to take a moment to associate myself with the remarks of the distinguished Senator from Maryland (Mr. MATHIAS), and ask unanimous consent that my name be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, if the Senator will yield, I would note that the distinguished majority leader, Mr. Mansfield, is also a cosponsor, and we welcome the Senator from Alaska and look for his support as we seek to bring the measure to the Senate floor and passage by the Senate.

Mr. GRAVEL. I would like to additionally compliment the Senator because, if there is anything that is requisite to the debate and the deliberations taking place, it would certainly be in the decision that we are no longer in a state of emergency, and that for periods of time since 1950 we have not been in periods of national emergencies; or, if there have been national emergencies, they have been the creation of mischievous Government policy, and certainly not the intent of the American people.

Certainly, to introduce the resolution at this time places the whole issue, to my mind, in proper focus. In fact, I would think and hope that this body would take the measure up soon, since it relates to the balance of activity that will take place, particularly on H.R. 6531.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. CHURCH, the Senator from New York (Mr. JAVITS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from New Jersey (Mr. CASE) were added as cosponsors of Senate Concurrent Resolution 3, to require individual authorizations for Corps of Engineers projects.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1971

AMENDMENT NO. 97

Mr. COTTON submitted an amendment (No. 97) intended to be proposed by him to Amendment No. 93 intended to be proposed by Senator JAVITS to the bill (H.R. 8190) an act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, which was ordered to be printed and to lie on the table.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE CONCERNING PRESIDENTIAL COMMISSIONS

Mr. MANSFIELD. Mr. President, on behalf of Senator EDWARD M. KENNEDY, chairman of the Senate Subcommittee on Administrative Practice and Procedure, I wish to announce that the subcommittee will begin hearings next week on Federal implementation of the recommendations of presidential and other national commissions. The subcommittee will explore the mechanisms for translating the work of high-level advisory commissions into Federal policy, and the extent to which the Federal response to reports and recommendations of leading commissions has—or has not—justified the announced purposes and goals of the advisory bodies.

The hearings will begin on May 25, 26, and 27 and witnesses will include Judge Otto Kerner, Chairman of the National Advisory Commission on Civil Disorders; Dr. Milton Eisenhower, Chairman of the National Commission on the Causes and Prevention of Violence; Mr. Joseph Rhodes and Mr. James F. Ahern of the President's Commission on Campus Unrest; former U.S. Attorney General Nicholas Katzenbach, Chairman of the President's Commission on Law Enforcement and Administration of Justice; and Dean William Lockhart, Chairman of the Commission on Obscenity and Pornography.

In announcing the hearings, Senator Kennedy observed that—

A major focus of the activities of the Administrative Practice Subcommittee over the past two years has been the responsiveness of the federal decision-making process to public needs and the receptivity of these processes to public inputs. More and more frequently the means chosen for analyzing national problems, assessing public needs, and communicating the views of the non-governmental sector has been the "blue ribbon commission" report. The time has now come to ask two questions: (1) Are the Commissions taken seriously by the government and legitimately used to develop data and to articulate both expert opinion and public attitudes to assist in official decision-making, or are they merely a "cop-out" route to allow public officials to procrastinate on decision-making until the heat on a sensitive issue has dissipated? (2) What arrangements, procedures, and requirements will assure that full and fair consideration and follow-through will be afforded to commission reports? In particular, we will look at the way the knowledge, experience, insights, and data obtained by the commissions and their staffs have been communicated to the relevant federal officials at all levels. And we intend to assess the extent to which agency processes have proved hospitable and responsive to these inputs and have proved able to absorb and act upon them not only in terms of major policy directions, but also of everyday administrative attitudes, approaches, and priorities.

We will want to hear the experiences of the Chairmen, Commissioners, and Directors of a number of important commissions in working with the departments and agencies. We will want to explore this relationship both before and after the commission issues its report and recommendations. Where recommendations were successfully implemented, we will want to know how; where they were rejected, we will ask why and how; where they were ignored, we will ask who, and why and how. We will be discussing the various kinds of ad hoc arrangements for follow-through, as well as the possibility of establishing some standard follow-through and reporting-back procedures for the future, either by legislation or permanent Executive Order.

The schedule of witnesses for the subcommittee hearings, as announced, follows:

TUESDAY, MAY 25, 1971—10 A.M., ROOM 3110

The Honorable Otto Kerner, Chairman.
David Ginsburg, Executive Director.
National Advisory Commission on Civil Disorders.
Dean William B. Lockhart, Chairman.
Commission on Obscenity and Pornography.

WEDNESDAY, MAY 26, 1971—10 A.M., ROOM 3110

Dr. Milton S. Eisenhower, Chairman.
Lloyd N. Cutler, Executive Director.
National Commission on the Causes and Prevention of Violence.
The Honorable Nicholas Katzenbach, Chairman.
President's Commission on Law Enforcement and Administration of Justice.

THURSDAY, MAY 27, 1971—10 A.M., ROOM 3110

Mr. James F. Ahern, Member.
Mr. Joseph Rhodes, Member.
Mr. Matthew Byrne, Executive Director.
President's Commission on Campus Unrest.

POSTPONEMENT OF HEARINGS ON MINIMUM WAGE MEASURE

Mr. MANSFIELD. Mr. President, on behalf of Senator WILLIAMS, I announce that the hearing originally scheduled for tomorrow, May 18, before the Committee on Labor and Public Welfare on the minimum wage measure, S. 1861, has been postponed to Wednesday, May 26, at 10 a.m.

ADDITIONAL STATEMENTS

UNEMPLOYMENT

Mr. MAGNUSON. Mr. President, last week the Department of Labor an-

nounced that the national unemployment rate had increased again—from 6 percent in March to 6.1 percent in April. In the April issue of its publication Area Trends in Employment and Unemployment the Department also announced two more areas had been added to the list of major labor market areas suffering from substantial unemployment. These additions bring the list to 52 areas out of a total of 150. In other words, more than one-third of the major labor market areas in this country now have unemployment above 6 percent. Not since May 1962 has the list been so long. At worst these increases mean unemployment is continuing to climb. At best they mean the Nation has stabilized into economic stagnation. Neither is encouraging.

In my own State, the unemployment picture continues, as it has for so many months, to be even darker than that presented nationally. As of mid-March, actual unemployment in Seattle was over 15 percent, and this figure is expected to climb even higher when April figures become available for they will reflect for the first time the SST layoffs. Throughout the State, mid-March unemployment was 11.6 percent.

The problems created by these staggering unemployment levels are many, varied, and complex. But most tragic is the problem of hunger. I say tragic because in this Nation where we are continually beset by agricultural surpluses and the pleas of farmers seeking expanded markets for their produce, there simply can be no excuse for people going hungry. But that is exactly what is happening in Washington State today—people are going hungry. At this time, Mr. President, I submit to the desk a series of articles concerning hunger in Washington which were recently published there by the Associated Press, the Seattle Times, and several other newspapers. I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. MAGNUSON. Mr. Speaker, in an effort to provide food for these people, I and the rest of the Washington congressional delegation requested the Department of Agriculture in December of last year and again in January of this year to expand two of its special feeding programs in our State—the supplemental food program operating on a very limited basis in Seattle and the food certificate program operating on a pilot basis in Yakima, Wash. But on both occasions, the Department not only refused our requests, but also refused for all practical purposes to even acknowledge the fact that the food stamp program is not feeding all those who need to be fed during this economic crisis.

Fortunately, many church congregations and organizations throughout the State have confronted the reality of hunger. Late last year, the Church Council of Greater Seattle, the Ecumenical Metropolitan Ministry, the Fellowship of Christian Urban Service, and the Churches of Greater Seattle, joined in establishing an emergency food program called Neighbors in Need. In approximately 4 months this program has fed 75,000 people in the Seattle area—hungry people ignored by the Department of Agriculture. Understandably, the cost of such a large-scale effort is proving to be an almost impossible burden for the Neighbors in Need program to bear since it must rely upon the voluntary contributions of citizens who themselves face an uncertain economic future.

To underscore the urgency of this crisis, I call to your attention a telegram which was recently sent to the President by the Presbyterian United Synod of Washington-Alaska. The telegram reads:

DEAR MR. PRESIDENT: Unemployment in Seattle now past 15 percent. In black Central District over 48 percent, State welfare seriously reduced; church sponsored food banks serving emergency needs of 20,000 monthly. $750,000 in food has been given by churches. Religious community of Seattle unable to meet growing need unaided.

"The Department of Mission Strategy of the Synod of Washington-Alaska United Presbyterian Church in the U.S.A. has acted to appeal to you for emergency action by whatever channels are appropriate. We plead with you in time of extreme emergency to set aside rules governing release of surplus commodities. We have neither earthquake, drought nor flood—but vast hunger here. Over 30 church food banks prepared to distribute government food responsibly. Over 1,000 volunteers trained and already at work. Can cut red-tape and get food to hungry fellow Americans. Documentation of need in hands of those who represent us in Congress.

I beseech the President to listen to this plea, and I fervently hope that once he has listened he will act. But, Mr. President, I fear that a meaningful response may not be forthcoming. For even now when all the evidence demonstrates that the food stamp program is failing to meet the needs of hungry people in my State, the Department of Agriculture is proposing to further reduce its scope.

According to the Washington State Department of Health and Social Services, the Agriculture Department's proposed regulations to carry out the Food Stamp Act of 1970 will, if implemented, make many Washington citizens now receiving stamps ineligible for them. Up to 2,348 one- and two-member families in the Seattle area who now receive public assistance and food stamps could become ineligible for stamps if the new regulations are adopted. Furthermore, a significant portion of 26,772 one-, two-, and three-member families in the State now receiving food stamps, but not public assistance, could also become ineligible for stamps under these regulations. Many of these people now threatened with the loss of their food stamps are senior citizens who have already had their State welfare benefits cut and are faced with the administration's efforts to reduce their medicare benefits.

Because these regulations would intensify the hunger crisis which already exists in Washington State, I have joined with a number of my colleagues in cosponsoring Senator MCGOVERN'S resolution which calls upon the administration to delay a final decision on the new rules until June 17 so that they can be studied in greater depth and rewritten to reflect the needs of so many Americans. Similarly, I have joined in cosponsoring S. 1773 which would substantially improve the food stamp program by, among other things, increasing the value of food stamps which a family of four can obtain from the present $106 per month to $134 per month.

I have beseeched the President to listen and act, and now I urge my colleagues here in the Congress to do the same lest hungry people in our Nation continue to go unfed. We must pass both the resolution to delay adoption of the new food stamp regulations and the new food stamp bill, S. 1773.

EXHIBIT 1

DAILY PAPERS PROBE PROBLEM

Amid the splendor and apparent plenty of the Pacific Northwest there exists a problem that reverberates from the halls of government to thousands of homes—hunger.

Foureen daily newspapers in Washington and one in Idaho decided earlier this year to examine this problem, a menace which appears to be growing.

The Continuing News Study Committee of the Washington Associated Press member newspapers first set out to get a framework for a mammoth reporting job in what it labeled "Task Force '71." Reporters in Olympia, Seattle, and other cities asked who is hungry? Why? What is being done about it?

When the picture began to come into focus, a task force of reporters from the 15 newspapers that The AP staff was assigned to a two-week investigation that led to every area of the state, into dozens of hunger pockets.

The reporters produced hundreds of pages of material—statistics, official and unofficial opinions, and most important, the words of the hungry themselves.

The material was assembled into a six-part series. Today's first article is an overview. To follow are stories on the food stamp program, school lunches, private antihunger programs, nutrition education and hunger among Indians and migrants.

Contributors to the series are Dwight Jarrell, Tacoma News-Tribune; Ray Hallinan, Wenatchee Daily World; Gary Conkling, Port Angeles Evening News; Martin Lind, Bellingham Herald; Stan Darling, Yakima Herald-Republic; Dick Pollock, Longview Daily News; Jane Goldberg, Aberdeen World; Ray Ruppert, Shelby Gilje, Al Dieffenbach, Seattle Times; Seabury Blair Jr., Bremerton Sun; Elisabet Van Nostrand, Vancouver Columbian; John Brooker, Mt. Vernon Skagit Valley Herald; Jack Laughlin, Olympia Daily Olympian; Frances Bingaman, Centralia-Chehalis Chronicle; Allan May, Everett Herald; Hall Hollister, Lewiston, Idaho, Tribune, and Stephen Kent, Steve Weiner and Carole Barns of The Associated Press.

HUNGER IN THE STATE OF WASHINGTON

The spectre of hunger hangs over thousands of homes in Washington State, despite the apparent affluence of the region and despite government and private programs to deal with the problem.

The "new poor," victims of the economic downturn, have swelled the ranks of the hungry and made the problem of feeding the malnourished more difficult than ever.

The evidence of hunger is not in a living skeleton lying in a gutter, or in a dirty urchin begging for food or rooting through a garbage can.

The majority of the deaths occurred among males over 60 years old. Three infants' deaths in the two years were attributed to nutritional deficiency.

But hunger exists in a subtle way, behind a tapestry woven of poverty, ignorance, pride and apathy.

Hunger is an elderly woman in a Spokane hotel room, hungry not because she is unable to obtain food but because she has lost interest.

Hunger is a man, wife and four children in Vancouver sitting down to dinner of beans, sweet potatoes, corn bread and pork necks. The father makes $450 a month—when his ulcers permit him to work. His wife worries about not being able to afford the proper diet for his ulcer.

Hunger is the wife of an injured mechanic in central Washington. She was unable to pay for her food stamp allotment, so to obtain a welfare grant she officially declared her two oldest children had a different father than her present husband. The children still don't know.

Hunger is a school child too poor to carry a lunch and too proud to accept a subsidized school meal.

And hunger in Washington is some children in Yakima whose breakfast is coffee and pancakes heavily covered with sugar. Ask their mother about nutrition. "Don't bother me with that stuff," she said. "I know how to eat. I ain't no kid."

Government and private agencies admit the problem but can't define it. Accustomed to problems in terms of statistics, they can't measure it. They spend millions of dollars a year trying to cure it but wonder if they are treating symptoms rather than the disease.

The U.S. Department of Health, Education and Welfare says there is no official definition of hunger used by the federal government.

The White House Conference on Food, Nutrition and Health has defined it as "a biological phenomenon and not itself an indication of disease or of unsatisfactory nutritional status."

According to the same source, undernutrition is "chronic calorie deficiency" and malnutrition is "disease caused by deficiency, excess or imbalance of nutrients."

Nutritionists define the four basic foods as the milk group, meat group, vegetables and fruits, breads and cereals.

Actual starvation is rare in the state. State agency records indicate 16 persons died of hunger, thirst, exposure or neglect in 1969 and 10 in 1968. Nutritional deaths were attributable for 16 deaths in 1969 and 14 in 1968.

"There are really no places in the state that can be pointed to as the worst areas," said Ann LeVasseur, a nutrition consultant for the State Department of Social and Health Services.

Government, religious and charitable officials are working with an iceberg in dealing with hunger. They can help that which appears above the surface of society, but have little or no idea what exists below the surface.

Statistics give little indication. Last year in Washington, 259,852 persons received food stamp subsidies. Public schools served 52,970 free or reduced-price meals a day by the end of 1970.

"We have no facts on the incidence of hunger so all we can do is guess," said Stanley A. Patterson, deputy administrator for the State Division of Public Assistance in Asotin, Garfield and Whitman counties. "It's a matter of pride," he said, "and a lot of people are simply reluctant to accept charity."

"I wouldn't say anyone around here is outright starving," said Jim McDermott, a worker in the Chelan-Douglas Community Action Council. "The welfare system is effective enough to keep people from hitting that low, but I would say the level of nutrition is not too good among low income families."

"Malnutrition usually, but not always, follows from low income," said Mrs. LeVasseur.

Joan Eklund of the Whatcom County Opportunity Council dealt with 1,774 persons during nine months of last year, all of whom she considered to be receiving "borderline nutrition."

"They don't eat nearly enough, certainly," she said, "but they aren't starving to death. Their diet usually isn't totally bad."

But she knows of a family of 11 living on $278 a month. "He gets 300 pounds of potatoes a month to help live on," Mrs. Eklund said. "I've run across families that have lived on just potatoes for a month."

The Kipsap County Community Action Program estimates 21,000 of the 101,732 persons in the county suffer from poverty in some form. The agency estimates that 16,800 of these need food supplement.

Why are some persons not getting enough of the proper food?

The reasons include lack of resources—either income or welfare payments—to purchase the food. There is ignorance, both of the basics of a proper diet and of how to get through the red tape of government programs to obtain aid. Apathy of some to the need to eat properly is another factor. And the pride that blocks some from accepting help despite their circumstances also contributes.

An inability to budget what resources are available hampers some from climbing above the hunger level. The dollars that must stretch to the end of the month can't go for steaks at the first of the month.

"It takes experience to live poor," one social worker said.

There also are persons who are poor and hungry but "fall through the cracks" of aid programs. Their circumstances don't correspond with the categories government has established for assisting them.

The present downturn in the state's economy has brought new members into the world of the hungry. These are the "new poor," those who had respectable middle class jobs until the economy soured.

"The man who has seen himself as able to perform in society as a provider suddenly is finding that he cannot," said Rev. Paul Pruitt. "That's a real shock. Some men have contemplated suicide." The Rev. Mr. Pruitt's congregation in Seattle sponsors a food bank.

The problem grows in King County where a sharp decline in aerospace and associated employment occurred over the past year.

"Neighbors in need," a food bank sponsored by Seattle area churches, in three months gave food to 30,000 persons who said they were hungry.

Seattle public schools furnished free or reduced price meals to less than 100 students a day last year. This year 5,000 students a day take advantage of the program.

Inflation is another factor. Bureau of Labor Statistics figures, adjusted for a 3.8 per cent rise in the cost of living, estimate an urban family of four in the Seattle area would need about $2,000 a year for food on a low budget. Under new "flexible maximums" proposed for state welfare grants, a family of four would get $1,704 a year for food, clothing and personal maintenance.

Vernon L. Stintzi, former Pierce County public assistance director and now a professor at Pacific Lutheran University, sees the hungry in an endless circle.

"Most people on welfare are undernourished," he said. "The starch-filled stomachs create an illusion of health. They don't look starved.

"In fact," Stinzi said, "in the eyes of the public they are healthy. But the lack of a balanced diet does not provide the zest and zeal needed in today's labor force. They act lazy, show little emotion and are seemingly indifferent. The spark from the energy-filled diet is not there."

"Undernourishment leads to poor health and the poor are sick," Stinzi said. "Once the poor are sickly and undernourished with neither medical care nor an adequate diet to cure, the discouragement cycle takes over and they soon give up hope."

In the effort to find a solution, government programs fall in two general categories—grants to purchase food and nutritional education programs to persuade persons to eat more wholesome foods.

Private aid ranges from Skid Road missions offering soup for a sermon to food banks run by churches and nonsectarian civic groups.

Effectiveness of both efforts is debatable.

"Our elected leaders don't have the guts to lead the people," said Dr. Abraham B. Bergman, chairman of the health committee of the Governor's Advisory Council on Urban Affairs. "These demagogues come out and make a big issue about the abuses of welfare, the abuses of the food stamp program.

"They don't have the courage to come out and say hunger is unacceptable," Bergman said. "This gutlessness on the part of politicians is very depressing and I consider it immoral."

A welfare official blamed the economic system.

"As a nation, the problem of hunger is not public assistance," said Clarnece Miller, director of the Clark County state welfare agency. "It's an economic problem of distribution."

"Welfare agencies are dealing with the symptoms of this mess," he said. "Many times the man on the street expects welfare to solve these problems. It's like beefing up the police force when crime rises.

"We're dealing with symptoms, but are asked why don't we resolve the problems," he said.

"There isn't one solution," said Sandra Odren, supervisor of child protective services in the public assistance division's Clark County office.

"We aren't doing anything in terms of people's motivation and education. Finances aren't the only answer to hunger and malnutrition," said Mrs. Odren. "Unless the legislature will recognize that money can't solve all the problems . . . the need is big enough for a commitment to provide all other services."

"I have no idea that the program is reaching everybody who is eligible," said Virginia Denton of the Kitsap County public assistance office.

"We have no specific guidelines for evaluation," said Eva Katzenberger, administrator of the Bremerton office.

"We have statistics to show how many people are using the program and how many dollars it puts in people's pockets for other uses," she said.

"The Division of Public Assistance did not invent poverty," said Greg Works, the division's social services supervisor in Oklanogan County.

"It's just kind of like a Band-Aid Society puts on its economic problems. Something is going to have to be done in the overall situation of the economy to get these problems; a public assistance agency can't do the whole thing," he said.

"In a healthy economy with the funds available to use, we can do a pretty good job of helping people back on their feet again," Works said. "All our training programs are related to a healthy economy where jobs are available. They aren't now."

"The problems of hunger are not well documented," said Miss Bernadine Tomasek, a nutritionist in the Seattle-King County Health Department. "We in the health field have been remiss."

Many persons are closing their eyes to the problem in their neighborhood, Miss Tomasek said, and "eventually they will be terribly embarrassed."

In a society grown increasingly accustomed to dramatic demonstrations and militant campaigns to bring problems to its attention, hunger remains a largely unrecognized fact of life in Washington.

It exists because its victims often prefer

to remain silent rather than admit they can't provide for their families.

It exists because the number of poor increases faster than the government can adapt its programs to meet their needs.

Private efforts have increased to fill the gaps in public help but find themselves overextended.

It exists because government categorizes those it helps and more and more persons defy categorization and "fall between the cracks."

HUNGRY POOR OF STATE CANNOT AFFORD FOOD STAMP BARGAIN TO FEED FAMILY

The hungry poor often cannot afford the food stamps designed to give them more muscle at the market.

For a mother with nine children, $212 worth of food for $130 is a bargain she can't afford.

She usually has less than $100 left from a $413 monthly welfare check after paying for rent, heat, utilities and clothes.

About 280,000 persons—8 per cent of the state's population—are using food stamps. A state agency estimated 15 per cent of Washington residents are eligible for the program but are dissuaded by a distaste for welfare or lack of information.

The stamps are coupons which the purchaser, depending on income and family size, buys at a discount. Grocery stores accept them like cash at their face value.

A four-person family qualified if its net monthly income is no more than $355 and its resources—such as cash, savings, stocks and bonds—are no more than $1,500. The family could buy $106 worth of stamps for $80.

Those eligible are requried by state regulation to buy only their full monthly entitlement or half of it.

"It costs a lot of money to buy into the food stamp program," said Linsey Hinand, Office of Economic Opportunity planner in Tacoma. "They have to spend a said amount with no flexibility."

Hinand said some spend more than allotted in their welfare grant for housing and clothing "so they scrounge and buy food at stores at low cost."

"Hunger may be a matter of priorities," said Richard Renner, director of the Everett office of the State Division of Public Assistance.

The food stamp program, sponsored by the U.S. Agriculture Department, replaced surplus commodity distribution.

A critic said the government program's "help wealthy farmers rather than feed the people."

Food stamp recipients in Washington represented 92,600 households in January and collectively spent $2.1 million for stamps worth $7 million.

"When people ask us how the food-stamp program is working, we cite Washington as a model," said Nancy Amidei of the Select U.S. Senate Committee on Nutrition and Human Needs. "Washington has 40 to 50 per cent participation among those eligible—that's good."

One problem, according to a recipient, is "too much month and not enough money."

"The first part of the month is the best because then you can live like a human being," said a Wenatchee mother. "The last half you feel like a shoved-out puppy dog waiting for somebody to throw you something."

The Senate committee criticized the inflexibility of the program's requirement for purchase of a fixed amount.

Other requirements, such as for a fixed address and access to cooking facilities, "doesn't allow a person to get baloney and a loaf of bread" said a Seattle poverty worker.

Less than half of those eligible in Asotin County apply for the stamps, said Stanley A. Patterson, deputy administrator for the public assistance division.

"It's a matter of pride," he said. "A lot of them are older people with memories of the Great Depression of the 1930s."

Renner said 6,500 Snohomish County households use the stamps. Included are a growing number of white-collar workers. "We are seeing some people who have earned their way all their lives but are suddenly caught in the bind by the present economic situation," he said.

Bill Nicacio, director of the Mid Valley Community Center in Toppenish, said the system should include a broader section of the needy.

"They say to you 'the table is set, but first of all you have to go through the maze'," Nicacio said. "Sometimes the system discriminates against the able and willing to work."

"What I don't understand is how we are supposed to live on $45 a week," said a woman in Wenatchee. Her husband was injured at work and receives unemployment compensation.

"They expect me to pay $85 rent, $50 for oil, and last month the light bill was $19," she said. "I'm supposed to pay all that out of $45 a week and still buy groceries."

The family of six paid $37 for $144 worth of stamps but sold most of their possessions to raise the money.

Dr. Abraham Bergman, chairman of the health committee of the Governor's Advisory Council on Urban Affairs, wants to broaden the distribution of food stamps and increase surplus commodity distribution again.

SUBSIDIZED SCHOOL LUNCHES HELP PROVIDE MINIMUM DIETARY NEEDS

The subsidized lunch is thriving in Washington where schools act through a federal program to prevent another generation from maturing into the ranks of the hungry.

Administrators believe the free and reduced price meals, by the federal government, are effective. They are intended to provide a minimum one-third of the daily dietary needs of children 9 to 12 years old.

"We have no hungry kids in Bellingham," said Bud Peterson, director of the district's lunch program.

But some school officials say the cost to the districts and the pride of the youngsters keep the program from full effectiveness.

The establishment of breakfast programs has opened yet another area of debate.

"You can't be educated, learn a skill or trade if you're hungry," said Ann Vasseur, a State Health Division nutritionist.

Fifty million meals a year are served in Washington schools, according to the State Office of Public Instruction which administers U.S. Agriculture Department funding of the program. Of the 288,172 meals served each day, 52,970 are free or at reduced prices. The state received about $4 million in subsidies last year plus $4 million worth of surplus commodities.

Children from a family of four would receive a reduced price lunch if the family's net income is below $355 a month. The lunch costs 15 cents in elementary schools and 20 cents in high schools. Free lunches are available to a family of four whose net monthly income is less than $310.

The scale, which varies according to family size and income, is established by the state under USDA poverty level definitions.

Those taking advantage of the subsidized program in Seattle each day soared from 98 persons last year to about 5,000 this year. Statewide participation jumped from 36,000 a day in January, 1970 to 52,970 by the end of the year.

School officials credit the upsurge to increased federal subsidies and the broadening of qualification criteria.

But there are problems.

In a child's world, being different from his fellows is magnified in importance. Some would rather go hungry than be singled out as participants in the lunch program.

"One of my boys didn't even want to go back to school," said a Tacoma mother of nine. "I had to talk to him and point out he had to get an education so he wouldn't have to ever be on welfare."

Centralia schools serve 225 free or reduced price meals among 1,520 per day.

Jeanne Oloufa, Bremerton School district food service supervisor, said about 60 per cent of the estimated 1,000 eligible participate because of "apathy, pride and various other reasons."

The Shoreline District in north King County serves free or reduced price lunches to about 10 per cent of its 17,500 enrollment. The number of white collar families applying is increasing.

"I know there are children we are not reaching," said Harry Merner, director of food services. "They are too proud to ask for help and they do not know how to go about asking for help and they do not know the importance of a good diet."

Breakfasts at school are increasing.

Seattle has the program in 14 schools and 700 Spokane youngsters have breakfast at school daily. Spokane officials said this represents about 30 per cent of the number eligible.

Eight elementary schools in Vancouver served 2,040 free breakfasts and 7,461 paid ones during January.

"I think the program is great," said Fred Swanstrom, a Vancouver elementary school principal, but not all educators agree.

"We have no breakfast program and we won't have unless there is a need expressed," said Allen Blair, superintendent of the Ridgefield School District. "It would just be an added function. Pretty soon we'd have a supper program and a going-to-bed program."

SHIFTING ECONOMY CREATES NEW CLASS OF POOR

Society may be evolving ways to impoverish people faster than it is developing means to help them, a survey of the hungry in Washington indicates.

The chasm between new needs and old solutions widens so much daily that private efforts often reach back to the frontier spirit of neighbors helping neighbors.

Society is not prepared to think of a middle class suburban home owner with two cars in the garage as being in need of outside help to put food on his table.

But neither can that man bring himself to sell his property in order to fit the official definition of poor.

Advancing technology and shifting economic trends have combined to create a new class of poor.

They are too well-to-do to receive assistance meant for the poor but yet unable to provide for themselves.

Food banks, first established by churches as emergency help, are settling down for a longer stay in Washington's life.

The food banks are the newest addition to private charity and supplement such traditional sources as the Salvation Army, St. Vincent de Paul Society, and Volunteers of America in feeding the hungry.

They help those who find government rules rigid and help slow to come.

Many families are not eligible for public assistance because they have too much equity in a home or automobile although neither can readily be converted to cash. Others applying for food stamps have told of delays ranging up to five weeks.

A clergyman involved in one food bank program said welfare regulations reflect an attitude that the jobless and hungry are irresponsible ne'er-do-wells who cannot be trusted and the rules are written "to make sure they (recipients) are worthy."

"Hunger is hidden," said the Rev. Lowell Knutson, a Lutheran pastor in Everett. "The organized church is middle class and doesn't come into contact with the poverty stricken. Lately the adverse economic condition has brought on a situation in which some middle class people are beginning to want."

Neighbors in Need, a Seattle food bank, was begun in mid-November by the Church Council of Greater Seattle, the Ecumenical Metropolitan Ministry and the Fellowship of Christian Urban Service.

Neighbors in Need, with 34 outlets, is staffed by volunteers and supplied with food donated mostly through churches. Neighbors in Need has 34 outlets.

In the first two and a half months of operation, its food banks have provided food for more than 20,000 persons. Estimates now range up to 30,000.

"It's supposed to be an emergency program," said Pastor Harold Bakke of the American Lutheran Church. "But what can you do? Some people are living a day-to-day emergency. For me, their whole life is an emergency.

"Psychologically, we're adjusting ourselves to saying we're going to be here," he said.

"Hunger is a crisis here." said the Rev. O. R. Pigford, a leader of the Associated Ministeries of Tacoma-Pierce County.

The Pierce County Foods Concerned Committee was formed in August from various social service organizations and churches in the county.

"We got the program rolling in February but even so, in January we distributed 118 boxes of food to the needy," he said.

Such church groups taking up part of the slack left by government said they don't want to continually bear all of society's responsibility for the needy.

The Rev. Paul Pruitt of Seattle said "it should be a total concern of society. We should not be pacified by having any one agent or agency or group of people take care of it for the rest of society."

Bill Hyde, a volunteer worker for an emergency help program started by the Vancouver Council of Churches, said the situation will not improve until the employment situation brightens or private organizations receive aid for state or private funds. "We just can't carry the load on donations," he said, "we need more help, more money and fewer clients."

The traditional outlets of charity are finding their services increasingly in demand.

"The poor are always with us," said Maj. Norma Nelson of the Salvation Army in Centralia. Her office serves an average of 64 persons a month, "most in temporary emergency situations.

"There's often mismanagement involved," she said. "They may have eaten well at the beginning of the month but by the end of the month they're hungry," she said.

"We are getting more middle class people," said Col. Virginia Beaton of the Volunteers of America in Everett, "some of whom are out of work for the first time in their lives or who are out of work for longer periods than ever before."

"The one thing that will drive proud people to seek charity when they wouldn't otherwise is the hunger of their kids," said the Rev. Alan Ward of the Metropolitan Ecumenical Ministry of Seattle.

"We've had family after family which has gone without food for several days," the Rev. Mr. Ward said. "Usually the father comes in and says 'I wouldn't be here but I can't stand to have my kids hungry.' "

The church groups said their efforts challenge the historical American belief that hard work is a virtue and the person who has no job and depends upon charity for his food is sinful, lazy and weak.

"The Puritan ethic runs real strong," said the Rev. Harold Perry, director of the Fellowship of Christian Urban Service. "Somehow you haven't validated your life unless you're employed."

"We're anticipating the real kind of shock people are going to experience perhaps 20 years from now when suddenly you're in a world where there won't be enough jobs for people in the way we understand jobs now," said the Rev. Mr. Perry.

Better Food Ranks at Bottom of List

Money alone does not alleviate hunger.

Many of the hungry in Washington today wouldn't be helped even by an unlimited supply of cash.

A recent survey in a low-income area of Seattle asked families which included 1,200 children what they would do with more money.

The majority placed better housing, better clothing and higher education at the top of their list.

Better food ranked at the bottom of most lists.

Several government programs, such as the expanded nutrition program of Washington State University, are geared to educate people to eat properly.

"We feel the program is reaching not only those who are hungry for food but also for friendship, learning and sharing," said Dr. Cleo Hall, administrator of the program. "It not only teaches about nutrition but helps women to make their homes more pleasant places in which to enjoy food."

The program has dealt with 3,047 Washington families totaling 14,219 persons.

"There are two types of hunger," said Jesse Jackson of the Grant-Adams-area Extension Service. "There's not having enough to eat and there are people who do not eat what their bodies need."

"I see obesity as a result of overfeeding and anemia as the result of iron deficiency in children who stay on a milk diet too long," said Dr. Margaret Wayson, a pediatrician for the Clark County Health Department's well-baby clinic for 19 years. But Dr. Wayson says she is "not seeing the ones who are not motivated—the very ones that would be malnourished."

"I don't suppose we can really trust to our appetites," said Betty Mullay, an Olympic College nutrition instructor. "You can choose too many calories and still be undernourished in the essentials."

The expanded nutrition program, which operates in a third of Washington's 39 counties, employs nonprofessional nutrition aides, often drawn from minority groups or assistance recipients, to visit homes and explain the fundamentals of nutrition.

"The first thing an aide has to do," said Susan Morin, an assistant in the program, "is to defend herself. The homemaker asks first if we're from 'welfare.' If a homemaker is on welfare, she is particularly cautious—afraid she may be spied upon."

Weekly group sessions of from three to eight persons test recipes and teach the homemaker basic nutrition.

"So many people are in a pattern of eating," said Mrs. Morin, "that they'll buy a bag of macaroni and three pounds of hamburger because they can see five meals in them. We teach them new ways to prepare these foods to make them taste better and to get a little variety into their menu."

The recipes tested at the group sessions ran from spinach meatballs to liver terriyaki. All are low-cost items.

Mrs. Morin said the sessions emphasize what the four basic foods do for the body. "Shining hair, a clear complexion—something more obvious than just saying 'it's good for you,' " she said.

"Among many poor, food is simply something to fill up the empty place," said Agnes Badgly, director of a homemaking program for the Yakima office of the State Division of Public Assistance. "We have to try to find out what their immediate problem is," she said, "the one that's making them nonfunctional in any sense before we can attack the nutrition problem. You have problems of neglect ranging from 'don't know' and 'don't care' to the low-income women who are just waiting for something better to come along."

Nutritional problems are not limited to those who don't know. There are many who know but don't care.

"I don't cook anymore," said a 78-year-old Olympia widow. "You know when the gall bladder is gone and the liver slows down there's no appetite left.

"As I think about it the main reason for not taking the effort to cook a four-square meal is that it's plain no fun to eat alone."

One plan aimed at this attitude is Operation Roundtable, which serves from 250 to 350 elderly persons a week in Spokane.

"Sometimes its not the financial end that disturbs these people as much as the fact they're alone," said Douglas C. Yeager of the State Council on Aging. "When people eat alone they don't eat as well generally.

"We see many older people who end up in the hospital because of problems caused by not eating correctly," said Yeager. "There are even some who end up at Eastern State Hospital with psychiatric problems stemming from incorrect diet.

"The purpose of Operation Roundtable is to get people together," Yeager said. They may look at it entirely as a social function but we see it as both nutritionally and socially valuable."

Interest in nutritional programs has dropped off in Grays Harbor County, said Donald F. Ellen, administrator for the public-assistance division there.

"People on the povery level are of necessity less organized and more prone to impulse gratification," he said. "It's difficult for them to plan for the future."

Ellen said a federal-state-county educational effort conducted over a period of years "was not very successful."

"At present all that is being done is the handing out of a monthly nutritional guide listing the best food buys for that month and giving a few low-cost recipes," he said.

Indians, Migrants Suffering Poverty

A Pasco anti-poverty agency helps needy migrants with food and housing but help ends when they become needy permanent residents of the community.

Northwest Rural Opportunities received federal funds with the stipulation they be used only for migrants and for no longer than 30 days in each case.

"We can assist people who recently settled out of the migrant stream," said Kay Severance, acting director, "but anyone who is permanently living here we can't help."

Indians and migrants—many of them out of step with the present-day economy—rank high among the numbers of the hungry in Washington.

Indians have been required to make a swift transition to a cash economy from their traditional dependence on hunting, fishing and agriculture for subsistence.

"We never had to buy food in the past," said David Parker, a Makah, "but now we buy it."

The migrant workers who come to the state at harvest time also have difficulty supporting themselves in an economy that values stability.

Although state agencies lack statistics, about the precise composition of the migrant

force, many are Indians, Chicanos and Mexican citizens.

The Indians go from their present tribal lands to the land that is seasonally bountiful for the harvest. When the paychecks stop coming, it's back to the land of their people, a land of little work and sparse subsistence.

"Before the white man came, of all Indians, we were the most wealthy," said LaVerne Hepfer, Clallam tribal historian. "We had bountiful food to eat all through the year from the salt water, rivers, beaches and woods. The food awaited us. We had time to develop a culture."

"We are in between what we were and what the white man wants us to be," she said. "We tried to get into the mainstream but we experienced failure. Now we took at ourselves and know we can't change.

We're not trying to be what we're not," she said.

"A lot of people around here haven't got much money," said Matthew Dick, an Indian resident of the Nespelem in Northeast Washington. "The only way to get money is to work but there's no work here now. You can't find work anywhere."

Statistics bear him out. Unemployment among the Colvilles is 44 per cent, among the Lummmis 50 per cent year around and up to 80 percent in the winter months. For the Makahs it is up to 65 per cent and up to 90 percent among the Nooksacks.

Health care also is a problem.

"I see a lot of kids with repeated colds, bronchitis, ear disease," said Dr. David Holman who practices at the Lummi tribal center. "It's probably because of a lot of reasons: lack of clothing, housing, poor food. You know it's there and you know it's a problem but you don't have any data."

The migrants' sporadic work records often disqualify them from unemployment assistance and the lack of a permanent address and cooking facilities makes them ineligible for welfare assistance.

"These people—and we don't have any numbers of them—hibernate; they tough it out," said Robert Clarke, head of the state Employment Security office in Yakima. "Employers have to remember they are probably weak from undernourishment."

Eddie Esparza, head of the migrant program for Skagit and Whatcom counties, said unemployment among migrants is about 30 per cent.

"These people aren't going hungry but they are existing on real poor diets," he said. "Work opportunities are the biggest problem. There are no jobs. There is no training. Some people can't even afford food stamps."

"A lot of migrants don't have the time or money to provide good diets," said Jackie Zavala, another worker in the migrant program. "A family traveling between jobs in California, Oregon and Washington makes $4,000 a year but by the time they get here from California, they're broke."

"You have to remember that you're dealing with people living in a constant crisis situation," said Dr. Marjorie Wilson of the Farm Workers Family Health Center in Toppenish. "They see themselves as having so many other problems that they can't be bothered with nutrition. It's one problem too many."

Help to the migrants comes in such forms as the Okanogan Friendship Center, which serves up to 1,000 meals before the harvest begins.

"We can't even attempt to provide balanced meals," said the Rev. Lewis Hodgins, vice president of the Omak-Okanogan Ministerial Association. "We just give them the basics for the purposes of keeping them until they can get food stamps or provide for themselves."

Although Indians can qualify for food stamps, many are reluctant to apply for them.

"We are a suspicious people because we have been cheated out of so much . . . and it's still happening today," said Mrs. Hepfer of the Clallams.

A 70-year-old Indian woman in Thurston County said Indians "are too proud to stand in line and get turned down. Rules and regulations change but most of us seem to remember the first experience and will not return a second time."

A situation unique to the Indian is the per capita payment made by the federal government for a debt owed the tribe. Although it is not taxable, the state regards it as income. The public assistance division sets a time for which the payments should provide normal subsistence and cuts off other assistance until the per capita payments are exhausted.

"The state seems blind to the fact that the tribal funds are not the same as resources," said Robert Wewello attorney for three Eastern Washington tribes.

[From the Seattle Times]

GOVERNMENT FEEDING PROGRAMS ARE DESIGNED TO HELP WEALTHY FARMERS RATHER THAN FEED PEOPLE

(By Ray Ruppert and Al Dieffenbach)

In recent months, Dr. Abraham B. Bergman has rattled a barrage of letters, telephone calls and documented proposals off the walls of the Legislature, the Congress, the governor's office and various government bureaus.

His concern is hunger. One of his high priority targets is the food-distribution system of the United States Department of Agriculture.

"The basic problem in government feeding programs," Dr. Bergman said, "is that they are designed to help wealthy farmers rather than feed people."

Dr. Bergman, director of outpatient services at Children's Orthopedic Hospital here, also is chairman of the health committee of the Governor's Advisory Council on Urban Affairs.

He has been joined in his criticism of U.S.D.A. food policy by some national figures including this state's senior senator, Senator Warren G. Magnuson.

Dr. Bergman has put his efforts toward improving the food situation into a package of proposals which he delivered to Gov. Dan Evans just before Christmas, urging the governor to intervene with federal officials.

Among the pediatrician's proposals were:

1. Immediately expand to all the state and to include children up to 6 a food-certificate program for expectant mothers and children.

"This is the quickest and most effective way to get food into the hands of a highly vulnerable group," Dr. Bergman said. "It would also help retail grocers and bring in some sales-tax revenue."

2. Give away food stamps to those most in need. Dr. Bergman called this proposal "the least costly way to get more food rapidly to those most in need."

3. Begin selected distribution of surplus commodities, using National Guard personnel, trucks and storage areas as well as facilities of churches and poverty agencies.

"Commodity distribution is the most inefficient but most politically tolerable means of distributing food," Dr. Bergman said.

There has been no response from Olympia.

While Dr. Bergman has been pounding away at the state capitol, Senator Magnuson has been knocking on the door of the federal agriculture department in an attempt to break loose surplus food.

The Food and Nutrition Service of the U.S.D.A. asked Congress for $186 million for special feeding programs for the 1971 fiscal year.

The House Appropriation Committee was told that $28.5 million of this would be used for the program which provides packages of grocery items high in nutrition to pregnant and nursing mothers and infants.

The request was $17 million more than the 1970 appropriation. Food and Nutrition Service spokesmen told congressmen the increased appropriation, which was granted, would "provide full-year costs for about 460,000 people."

The latest available figures showed only 173,162 recipients participating in the program. The supplemental foods are distributed once a week at three Seattle locations to 500 mothers and children.

Dr. Bergman said, "The supplemental-food program is designed for the extra needs of families, above and beyond ordinary poverty, above and beyond the basic food-stamp allowances . . .

"This program was put forward by the U.S.D.A. a couple of years ago, but they've been trying to sabotage their own program ever since they first announced it.

"They have steadfastly refused to expand the program in this state. In this state, it's a great flop."

An aide to Senator Magnuson discovered that the U.S.D.A. was going to use its increased appropriation for feeding programs to buy up food rather than distribute it.

This finding supports the senator's criticism that the U.S.D.A. programs are designed to keep prices high for farmers rather than feed people.

The aide reported: "I specifically asked the budget officer if the $17 million was being used to buy up food or to distribute it.

"His answer was: 'To buy it up.'"

Dr. Bergman was blunt: "The government feeding programs are under the control of the Department of Agriculture and they are also under the control, in Congress, of the Senate and House Agriculture Committees, both dominated by reactionary guys who don't give a damn about feeding poor people."

The U.S.D.A. has two basic programs for feeding the hungry. The older plan provided for free, local distribution of surplus foods, given by the federal government to low-income families.

This program, generally, has been replaced by the familiar food-stamp program which permits low-income families to buy food coupons for less than face value which they can spend like money at most grocery stores.

Some observers suspect that the U.S.D.A.'s concern for helping the agriculture industry rather than the hungry shows up in a food-stamp restriction; imported foods, except tea and coffee, cannot be bought with food stamps.

Despite the growth of the food-stamp plan, commodity distribution still is used to reach persons with special needs, such as pregnant or nursing mothers and infants.

Boxes of food for distribution in the Seattle area are kept in a warehouse at Sand Point Naval Air Station.

Floyd E. Norberg, supervisor of the U.S.D.A. donable foods section, said warehouse activity has declined from 36 million pounds of food distributed a year to about 1 million pounds a year since the food-stamp program began.

Another person who has tried to pry loose some of the surplus food is Bernadine Tomasek, nutrition co-ordinator for special projects, maternity and infant care for the Seattle-King County Health Department.

Miss Tomasek wanted the U.S.D.A. commodities placed in "the most logical place—the neighborhood food banks." But officials pleaded administrative difficulties.

Dr. Bergman commented: "I think the churches have done a wonderful job (in providing emergency food for the hungry). But here you have these massive government warehouses with the same kinds of food. The stuff is just sitting there."

Senator Magnuson was joined in a letter to the U.S.D.A. on December 14, 1970, by Senator Henry M. Jackson and Representatives Thomas Foley, Brock Adams and Julia Butler Hansen.

The letter made two proposals similar to those Dr. Bergman had suggested to the governor. Supporting the proposals to the U.S.D.A. for expanded use of surplus food in

Washington State were Representatives Floyd Hicks and Lloyd Meeds.

The Washington delegation proposed:

1. That a food-certificate program now operating in Yakima be expanded to the rest of the state, that children under 6 be included and that a wide variety of food items be offered.

2. As an alternative, that the special packages program in Seattle be expanded to the rest of the state. The letter noted that the governor was prepared to provide for distribution of the food.

In a subsequent letter to the U.S.D.A., Senator Magnuson said, "Central to our concern in writing to you was the fact that the extremely heavy rate of unemployment now plaguing our state is imposing an especially heavy burden on certain groups of persons who have unique nutritional requirements."

Miss Tomasek said: "We had hoped to reach 1,500 people with the U.S.D.A. foods (under the existing supplemental-food program). But we don't have enough distribution points or staff."

Dr. Bergman explained his concern about expanding the programs:

"Food is far more important than medical care to reduce infant mortality.

"To feed adequately during the pregnant months is going to have a much greater impact on reducing infant mortality than having an obstetrician on every block feeling the tummy of every pregnant mother every week.

The pediatrician blamed public apathy for hunger.

"Sure, there are hungry people in Washington," Dr. Bergman said. "The big thing is that it is looked upon with complacency by the public and by elected officials."

"If we want to do something about some of our social and medical problems let's do it in a basic area like providing food for those who are hungry."

So far, there has been little response in Olympia or in Washington, D.C., to Dr. Bergman's pleas or to Senator Magnuson's letters.

HUNGER: A FAMILY OF FIVE DIVIDING THREE HOTDOGS

[From the Seattle Times]

Hunger in Seattle is:

A tragedy, such as three children watching their mother and father divide the last food in the house: Three wieners.

A political issue, as a coalition of the poor tries to come together to put pressure on public officials.

A challenge to the Puritan work ethic which insisted that a man must work in order to eat.

A source of rivalry and friction among agencies and institutions which feed down-and-outers on Skid Road.

A social stigma, as in the case of an elderly widow without adequate food because her tiny income keeps up her house and hides her hunger from her neighbors.

A paradox when food is stockpiled in government warehouses and emergency, volunteer food banks are without food.

An excuse for the government purchase of surplus food in order to subsidize agriculture but not to feed the hungry.

A suspicion that public-assistance administrators will hang back and let private groups plug the gaps so long as those private efforts are made.

And an urgent demand which has brought hundreds of strangers together in response to the command to feed the hungry and who have found love and compassion for their neighbors in need.

Whether hunger is a fact in Seattle is questioned by some people.

For example, Martin Johanson, executive director of the Millionair Club Charity, said, "Nobody goes hungry in Seattle."

But in three months, the Neighbors in Need food bank program of the Seattle-area churches gave food to 30,000 persons who said they were hungry.

"There's no question about the fact there's hunger around," said the Rev. Harold Perry, director of the Fellowship of Christian Urban Service, one of the agencies behind Neighbors in Need.

"There isn't a neighborhood in the city where you don't see it," he said. "There's just a lot of people who are hungry."

The Rev. Paul Pruitt, director of the High Point Christian Center which has had a food program for three years, agreed: "I would say the demand for food is nearly triple the amount a year ago, even six months ago."

What is hunger?

Mr. Perry defined it: "People at one of the food stations described going into a home and finding a man and wife and three kids dividing three hotdogs. That was hunger—for them.

"For some families it's making a decision about whether to pay for electricity and roof over your head so that you can keep the kids warm or whether you feed them."

Mr. Perry told a Seattle widow:

"She was experiencing real pain. To all outside appearances, it looked like she was living in a very comfortable, home situation. But she was starving, literally starving.

"Her meager resources were not enough to maintain her house, even though it was paid for, and still provide her with food. She said, 'I would not for the world want my neighbors to know'."

"There's a lot of that, a lot of people not wanting anybody to know."

John Peluso, executive director of the St. Vincent de Paul Society, said, "The real poor people, they cry silently. You don't know it."

The Rev. Alan Ward of the Ecumenical Metropolitan Ministry said:

"I feel that there are a lot of people out there who are eating on almost nothing, are scrounging however they can for food, eating on way too little money to have any kind of diet that they can live on in a healthy way, that are not coming for help because of the shame."

Mrs. Frances Johnson, director of the Welfare Services Bureau of the Salvation Army, said: "A whole new population is suffering for the first time."

Being without enough food has other effects than an empty stomach.

Mr. Pruitt said, "The man who has seen himself as able to perform in society as a provider, suddenly is finding that he cannot—at least for the present.

"That's a real shock. Some men have contemplated suicide."

Mr. Perry said, "Tremendous strains on marriages and family relationships are evident as those who had been providers found themselves unable to provide.

"We know of several marriages that cracked during the Christmas season particularly, and we continue to hear of instances where it is happening."

There is both hope and frustration about the future.

Mr. Pruitt was hopeful: "I don't think we need to have the poor always. The statement we make in the Gospel—you know, Jesus said the poor you always have with you—I don't think it is necessarily prophetic."

Mr. Ward expressed some frustration: "I don't see any proposals from the state or federal government that will be sufficient to keep people from going hungry."

Some 280,000 state residents used food stamps in January to buy more than $7 million worth of food. An average of 5,000 youngsters a day receive subsidized lunches in Seattle Public Schools.

The Bureau of Labor Statistics estimated that a family of four in Seattle needs $158.75 for food for a month. The Department of Agriculture recommended $133.60 for a family with children in school, $115.20 if the children are preschool age.

Under the new "flexible maximums" which will be imposed by the State Division of Public Assistance for welfare grants on April 1, a family of four will have a food allowance of $98 a month.

Hunger is—here.

ELMO ROPER—AN AMERICAN

Mr. COOPER. Mr. President, America lost an esteemed and talented citizen in the death of Elmo Roper on April 30, 1971. Every American knew him as the founder of the Roper poll, as a thoughtful reporter on American public opinion. I knew him as a warm and generous friend.

I had hoped to be able to attend Elmo Roper's memorial service in Redding, Conn., on May 3, 1971, but was unable to do so. The distinguished Senator from Idaho (Mr. CHURCH) was able to attend and delivered a fitting and eloquent eulogy to Elmo Roper.

Senator CHURCH characterized our mutual friend as "an independent thinker; a pollster without peer; an eminent citizen, commentator, columnist, and professor—a man who possessed the gift of friendship, who willingly served his country in its time of need. . . ." Elmo Roper was all these and more. He gave of himself in generosity and competence.

I ask unanimous consent that Senator CHURCH's eulogy, as well as some of the obituaries appearing in the press be included in the RECORD.

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

REMARKS OF SENATOR FRANK CHURCH AT THE FUNERAL SERVICES FOR ELMO B. ROPER

REDDING, CONN., *May 3, 1971.*

What a pity that it's raining so, here beside this beautiful pond on these grounds which Elmo Roper cultivated with such loving care. What a pity it isn't a shining, sun-filled afternoon.

Yet, somehow I have a feeling that Elmo might have taken a different view. "Don't complain about the rain, Frank," I can hear him say, "It's good for the lawn and the flowers and the trees!"

A funeral service is hardly the proper place for heady oratory, but it is an altogether appropriate place for a few plain spoken words concerning the man for whom we gather here to pay our last respects.

Elmo Roper was a man of this Century, born in Hebron, Nebraska, in the year 1900. For more than 70 years, he was witness to greater changes than had occurred throughout all the previous history of the human race. In the year he was born, man had been lifted into the heavens no higher than he could be carried in a wicker basket suspended from a gas-filled balloon. Elmo Roper lived to see men lifted to the surface of the moon. In the year he was born, the Wright Brothers had not yet flown the first airplane, and automobiles had not yet become vehicles of common conveyance. Perhaps this was why Elmo developed so strong an affection for passenger trains. He loved them with that fierce nostalgia of a country boy. He used to say, in his later years, that he hoped the passenger trains would last as long as he did. On the day he died, 70% of all our remaining rail passenger service came to an end.

So the book closed on a remarkable life that had led Elmo Roper through the public schools of Nebraska to the University of

Edinburgh, and into a fortuitous marriage to a lovely wife who gave him constant companionship and who mourns his passing today most deeply of all.

Dear Dorothy could tell us best how Elmo first commenced to earn their living as an entrepreneur of a small jewelry store in Iowa, where he entered the life of a Main Street businessman, joined the Rotary Club, and was soon elected president of the local jewelers retail association. Elmo found the going tough. He decided to investigate why his store was failing to do as well as he thought it should. He began to sample the opinion of his customers, only to find that their taste in jewelry differed from his own. So he faced the choice either to change his line of merchandise to accommodate prevailing tastes or to quit the business. With characteristic independence, Elmo quit the business. He turned to selling clocks.

The depression had struck the country hard. While his fellow salesmen kept reporting fewer sales, Elmo kept reporting more. Once again, he had commenced to sample public opinion, this time to determine the kinds of clocks people most preferred. Giving emphasis to these types, he was able to build a sales record so impressive that he rose in the ranks of the company to assistant sales manager, before tendering his resignation and taking Dorothy to New York City, where he entered into his first partnership as a pollster.

Thus began a career that was to make Elmo Roper famous. He rapidly perfected the technique of measuring public opinion on the basis of a small sampling, scientifically chosen. Though his purpose at first was to provide a new tool for merchandising, he tested the accuracy of his methods by forecasting election results. In 1936 and, again, in 1940 and 1944, Elmo Roper made the most accurate forecasts of the Presidential elections.

He soon became a kind of oracle; he analyzed election results for CBS on election night; he published a column on public opinion, as it related to a myriad of different issues, which appeared in many newspapers from coast to coast. Beyond this, he established a standard of scrupulous conduct which became a code of ethics for all reputable pollsters, raising the practice to the level of a profession.

Not content to relegate poll-taking to the market place, Elmo Roper developed a philosophic concept for the role that public opinion, objectively measured, should play in a free society. He founded the Roper Center on Public Opinion Research at Williams College, where the largest collection of public opinion polls in the world has been gathered, and the data put in such form as to constitute an important source for research in future years.

When the Second World War broke out, Elmo Roper became a "Dollar-a-Year" man. He served in different capacities, ending up as Deputy Director of the Office of Strategic Services, the nerve center of our intelligence operations.

When the war was over, Elmo Roper returned again to an active life of good citizenship. He was a member and, later, Chairman of the Connecticut Commission of Civil Rights; Chairman of the Board of the Fund for the Republic, and Trustee for Freedom House. He was a part-time professor of Journalism at Columbia University; a part-time farmer, pursuing new agricultural experiments on his ranch in Nebraska, and he was a leader in promoting causes of great importance to his country.

One such cause was the pursuit of peace, itself. Elmo Roper understood how clearly the cause of peace would be furthered if the democratic nations of North America and Western Europe could join forces by forming a more perfect union.

Elmo Roper was an enthusiastic member of Federal Union. I first met him in this connection, and worked with him to secure the passage of legislation authorizing our participation in a NATO Citizens Conference in Paris.

To the end of his life, Elmo Roper's interest in strengthening the structure for peace never flagged.

As a man raised on the prairies, Elmo Roper also understood that the earth has a maximum carrying capacity—not only for animals, but for men as well. He was deeply concerned about the population explosion and the growing burden it placed upon the limited resources of the planet. With that clear-minded vision that so distinguished him, Elmo worked for enlighted legislation in the field of family planning in order to stabilize population growth.

In connection with all these interests, Elmo Roper became a generous participant in the political process. I don't mind saying that he was a good Democrat who circulated principally among Republicans, but he supported men he believed in regardless of their party affiliation. He contributed to their campaigns and urged his friends to do so.

I remember my own embarrassment, after he had given me his help in one of my campaigns, to find myself in disagreement with him soon after the election. We were arguing, and Elmo, sensing my discomfort, asked me whether I was acquainted with "Roper's Law?" It went this way, he explained: "If a man agrees with me 60% of the time, I'm well satisfied; if he agrees with me 75% of the time, I'm delighted; but if he agrees with me 90% of the time, I'm concerned. No two men can do their own thinking and agree with each other that much of the time."

That is how I will remember Elmo Roper: an independent thinker; a pollster without peer; an eminent citizen, commentator, columnist and professor—a man who possessed the gift of friendship, who willingly served his country in its time of need—an affectionate grandfather; a parent who inspired the loyalty and respect of his two sons; a devoted husband, faithful and enduring all his life through.

If there is any solace I can give as we bury him today, it is only that which comes from the realization that his was a life well-spent. If each American were to contribute a tenth as much to the well-being of his country as did Elmo Roper, what a wondrous land ours would be.

Now, his many labors are over.

May God grant him peace.

ELMO ROPER, POLLSTER, IS DEAD; PREDICTED 1936 ROOSEVELT VICTORY

(Adapted Sampling Technique in Marketing Research to Scientific Political Polls)

WEST READING, CONN., APRIL 30.—Elmo Roper, the public opinion analyst who was among the first to develop modern political polls, died today in Norwalk Hospital at the age of 70.

IMPORTANT IN POLITICS

Elmo Burns Roper Jr. acquired national fame in 1936 for creating what was to become a 20th-century phenomenon in political forecasting—the scientific poll. Adapting the sampling techniques he had developed as a marketing consultant, he predicted with remarkable accuracy the re-election of President Franklin D. Roosevelt.

Along with his rivals, George Gallup and Archibald Crossley, Mr. Roper became an increasingly important figure in the world of politics. As polling became a staple of campaigns, pollsters, as they came to be known, proliferated. Louis Harris, currently one of the leading practitioners, got his start in the Roper organization.

Mr. Roper's technique consisted of using a cross-section of the public that was comparatively small but carefully picked to be as representative as possible.

The 1936 Presidential election was his most sensational triumph. He predicted the Roosevelt victory with 61.7 percent of the popular vote. When the vote was tallied, Mr. Roosevelt had received 60.7 per cent.

Meanwhile, the rival Gallup and Crossley polls found themselves embarrassed by their predictions that Alf M. Landon, the Republican, would be the winner.

Again in 1940 and 1944 Mr. Roper predicted within 1 per cent Mr. Roosevelt's margin of victory. But the streak was spoiled in 1948 when, along with almost all the other pollsters, he forecast Thomas E. Dewey as the victor over President Harry S. Truman.

He was wrong again in 1960, but not by much. With John F. Kennedy defeating Richard M. Nixon by one of the closest margins in history, Mr. Roper's margin of error in picking a Nixon victory was only slightly in excess of 1 per cent.

However, even before the Truman upset, Mr. Roper had come to consider simple predictions as "socially useless."

He was more interested in his finding that the "average" citizen was often uninformed on vital matters of public policy. He argued that opinion polls could explore those areas of public ignorance to see where more information was needed.

When the public had sufficient facts, he said, "it is likely to steer just as wise and fair a course as that plotted by any of its leaders."

Mr. Roper was born July 31, 1900, in Hebron, Neb. After graduating from high school there, he attended the University of Minnesota and the University of Edinburgh.

He started his business career by opening a jewelry store in Creston, Iowa, in 1921. Seven years later, he gave up the store to become a clock salesman. He said later that one of the reasons he was able to make a good living at that job during the Depression was his technique of polling his customers on their likes and dislikes in clock styles.

Mr. Roper came to New York in 1933 and became a partner in a market research firm that did polls for various products. The firm, which eventually became Roper Research Associates, Inc., was engaged by Fortune magazine in 1935 to survey public opinion on broader issues and Mr. Roper was on his way.

SYNDICATED A COLUMN

In addition to election polls, Mr. Roper did public opinion research for Fortune for 15 years. He also wrote a syndicated column and was an editor at large of The Saturday Review. During World War II he served as a deputy director of the Office of Strategic Services.

Mr. Roper retired from his firm in 1966 although he retained the title of senior consultant. In recent years he had lived in his big Colonial home in West Redding.

Last February, in one of his last interviews, Mr. Roper spoke with a visitor about the swamp, once owned by the photographer Edward Steichen, outside his home. Mr. Roper was among the residents who contributed to an investment group that purchased some of the Steichen land for use as a community recreational area.

Looking wan and tired but still mentally alert, Mr. Roper noted that the neighborhood might become a little noisier when the recreation area opened. "But the swamp will be good for kids," he said. "And I'd rather have people than housing developers."

His widow, Dorothy, and a son, Burns, survive.

A funeral service will be held at Mr. Roper's home Monday at 2:30 P.M. A spokesman for his organization said the eulogy would be delivered by Senator Frank Church, Democrat, of Idaho.

ELMO ROPER, 70, DIES; PIONEER IN OPINION POLLS

NORWALK, CONN. (UPI).—Elmo Roper, 70, who launched the era of public opinion

polls and revolutionized the marketing field, died at the Norwalk Hospital early yesterday after a long illness.

Mr. Roper, a resident of West Redding, Conn., entered the hospital two months ago and had since undergone surgery three times. The exact cause of death was not known immediately and an autopsy was ordered.

A native of Hebron, Neb., and a graduate of the universities of Minnesota and Edinburgh, Scotland, Mr. Roper began formulating his philosophy of market research based on the opinions of the buying public while he was a salesman of jewelry and clocks.

He entered the market research field in New York City in 1933, founded Roper Research Associates, and conducted his first nationwide poll in 1935 for Fortune magazine. He was chief researcher for the Fortune Survey of Public Opinion from 1933 to 1950 and a former columnist in the Saturday Review.

For many years he appeared on a nationwide NBC radio show on Sunday afternoon.

Mr. Roper and many of the nation's other pollsters predicted in 1948 that Harry S. Truman would be roundly trounced in the presidential election by Gov. Thomas E. Dewey of New York. Just the opposite happened and for a while pollsters in general operated under a cloud.

Mr. Roper helped mold the corporate image of many of the nation's biggest business firms ranging from Tiffany's to Home Life Insurance. But he always warned that the value of image is exaggerated and a good product "is still the best advertisement a firm can have." He was a former president of the American Market Research Council and a consultant to the Army services during World War II.

He is survived by his wife, the former Dorothy Shaw, and a son Burns.

ELMO ROPER, OPINION POLLSTER, DIES

(By Martin Weil)

Elmo Burns Roper, 70, one of the founders and leading practitioners of modern marketing research and public opinion polling, died yesterday in a Norwalk, Conn., hospital after a long illness.

A student of public preferences since his days as an Iowa jeweler in the 1920s, Mr. Roper spent more than 35 years as a full-time analyst of popular attitudes toward public issues, political candidates and manufacturers' products.

The writer for many years of a syndicated newspaper column and the Fortune Survey, which began in 1935 as the first published opinion poll, he surveyed voter preferences from the Roosevelt through the Nixon administrations.

In 1936, Mr. Roper came within 1 per cent; in 1940, within 0.5 per cent, and in 1944, within 0.2 per cent, of predicting Franklin D. Roosevelt's percentage of the popular vote. It made him a national oracle.

Mr. Roper and his friends and rivals George Gallup of the Gallup Poll and Archibald Crossley of the Crossley rating, became the nation's best known pollsters of the time.

But the major polls foundered in 1948, when Harry S. Truman defeated the late Thomas E. Dewey in one of the most startling upsets in American political history.

In that year, Mr. Roper had stopped polling in September with the assertion that further polls were purposeless since it was clear that Mr. Dewey would win.

Polling techniques were changed after 1948 to take account of George Gallup's suggestion that failure to keep questioning voters up to election day made it difficult to detect shifts in voter attitudes.

A good humored Nebraska native, Mr. Roper was not reluctant to admit his errors.

In 1960, he wrote that he was "convinced that it was the Gallup Poll and ours that were more responsible than anything else for the 'do nothing campaign' that Dewey waged in 1948."

He added: "I also think the polls lulled many Dewey supporters into complacency and caused them to play golf on election day."

Mr. Roper noted that he had at times considered giving up pre-election polls, which he had once called "a socially useless function."

However, he explained, he continued political polling because "it gives us such a wonderful opportunity to calibrate the instrument we are trying to help perfect."

As did a number of others, his polling techniques depended essentially on attempts to guage the attitudes of the public as a whole from interviews with a sample.

Mr. Roper expressed the belief that the polls' main purpose should be to educate, and to "point out areas of ignorance. . ."

Although some have sought to elevate the status of opinion surveying to that of a science, Mr. Roper maintained that there is a considerable amount of art involved.

"Predictive polls," he maintained in 1957, require too many "judgmental decisions" in addition to a certain amount of "political sagacity" to be accorded scientific status.

In the area of marketing research, Mr. Roper showed skepticism toward the theory of "motivational research" that sought to link acceptance or rejection of a product with deep-seated psychological drives.

He appeared at a debate on the subject before the American Association of Public Opinion Research in 1955 wearing a medical gown and calling for the creation of a square egg.

Parodying the theories of motivational research, he asserted that square eggs are needed because while normal eggs look and taste good, they are prone to roll, thereby creating deep-seated feelings of insecurity.

In his prime, Mr. Roper was described as a lean, quiet six-footer, with curly brown hair parted in the middle, brown-eyed and bespectacled, with a pleasant thin-lipped face.

A Democrat, he raised funds for candidates of both parties, and applied to them "Roper's Law."

According to the law, if an officeholder agreed with him 60 per cent of the time he was pleased, 75 per cent delighted and 90 per cent concerned.

He asserted that he did not believe that thinking men could agree so often.

Born July 31, 1900, in Hebron, Neb., he attended the University of Minnesota for one year and then studied moral philosophy at the University of Edinburgh, in Scotland, but never obtained a degree.

In 1921, he returned to the U.S. to open a jewelry store in Creston, Iowa.

Although the store did well, he set out to learn why it did not do even better, and concluded that he was trying to sell what he liked, not what his customers did.

Studying their preferences, he decided he did not want to sell "the kind of jewelry the Iowa farmers liked," and so gave up the store in 1928 to begin selling clocks.

After five years of sales success in which he carefully queried his customers as to their likes and dislikes, he gave up selling and entered marketing research full time.

According to a close associate, Mr. Roper, who conducted many surveys in recent years for major corporations, always regarded himself as half marketing consultant and half public opinion analyst.

Although the newspaper column was discontinued, Mr. Roper conducted and published a number of studies of public attitudes in recent years, through Elmer Roper and Associates and Roper Research Associates.

A major study of opinion leaders, made in 1966, showed a growing concern with environmental issues, considerably before the question of ecology had aroused wide public interest.

Another recent survey sought to determine the social responsibilities of business, a topic of major interest to Mr. Roper, who sat on the board of directors of a wide variety of corporations and foundations.

He maintained offices in New York and lived in West Redding, Conn. Survivors include his wife, Dorothy; a son, Burns W., four grandchildren and a great-grandson.

PIONEER POLLSTER ROPER DIES—IMAGE MAKER

NORWALK, CONN.—Elmo Roper, who launched the era of public opinion polls and revolutionized the marketing field, died at Norwalk Hospital early Friday after a long illness at the age of 70.

Roper, a resident of West Redding, Conn., entered the hospital two months ago and had since undergone surgery three times. Exact cause of death was not known, and an autopsy was ordered.

A native of Hebron, Nebr., and a graduate of the University of Minnesota and Edinburgh, Scotland, Roper began formulating his philosophy of market research based on the opinions of the buying public as a salesman of jewelry and clocks.

He entered the market research field in New York City in 1933, founded Roper Research Associates and conducted his first nationwide poll in 1935 for Fortune Magazine. He was chief researcher for the Fortune Survey of Public Opinion from 1933 to 1950 and a former columnist in the Saturday Review.

Roper helped mold the corporate image of many of the nation's biggest business firms ranging from Tiffany's to Home Life Insurance. But he always warned that the value of image is exaggerated and a good product "is still the best advertisement a firm can have."

He is survived by his widow, the former Dorothy Shaw, and a son, Burns.

ELMO ROPER DIES; DEAN OF OPINION POLLS

NORWALK, Conn. (UPI)—Elmo Roper, who launched the era of public polls and revolutionized the marketing field, died at Norwalk Hospital at age 70, Friday, after a long illness.

He entered the market research field in New York City in 1933, founded Roper Research Associates, and conducted his first nationwide poll in 1935 for Fortune Magazine. He was chief researcher for the Fortune Survey of Public Opinion from 1933 to 1950 and a former columnist in the Saturday Review.

Mr. Roper helped mold the corporate image of many of the nation's biggest business firms ranging from Tiffany's to Home Life Insurance. But he always warned that the value of image is exaggerated and a good product "is still the best advertisement a firm can have."

E. B. ROPER JR. DIES; PIONEERED POLITICAL POLLS

WEST READING, Conn., May 1—Elmo Burns Roper Jr., the public opinion analyst who was among the first to develop modern political polls, died yesterday. He was 70 years old.

Mr. Roper acquired national fame in 1936 for creating what was to become a twentieth-century phenomenon in political forecasting—the scientific poll. By adapting the sampling techniques that he had developed as a marketing consultant, he predicted with remarkable accuracy the re-election of President Franklin D. Roosevelt.

Mr. Roper's technique consisted of using a cross-section of the public that was comparatively small but carefully picked to be as representative as possible. He was senior consultant and director of the Roper Research Associates, Inc., at the time of his death.

ELMO ROPER, PIONEER POLLER OF PUBLIC OPINION, IS DEAD

NORWALK, CONN.—Elmo Roper, 70, one of the nation's leading opinion pollers, died at Norwalk Hospital yesterday. He had been hospitalized for several months. He lived in West Redding, Conn.

A native of Hebron, Neb., he entered the field of marketing research in 1933. He was senior consultant and director of the Roper Research Associates at the time of his death.

A pioneer in modern survey research, Roper conducted the first poll published in this country, the Fortune Survey of Public Opinion, which ran every month in the business magazine from 1935 until 1950, a Roper organization spokesman said.

He came to prominence in 1936, when he correctly predicted Franklin D. Roosevelt's presidential election victory over Alf Landon.

In recent years, Roper was concerned with three issues—environment, population control and the concept of an Atlantic union, an associate said.

During World War II, Roper worked in a number of government agencies and was deputy director of the Office of Strategic Services from 1942 to 1945. He was also a consultant to the Navy and the Army Air Forces.

He served as a member of the Connecticut Civil Rights Commission, vice chairman of the Population Crisis Committee, former chairman of the board of directors of the Fund for Republic, a member of the National Book Committee and editor-at-large of the Saturday Review.

In 1968, Roper told a meeting of the American Statistical Association in Chicago the disrepute into which polls had fallen was more the fault of politicians than the poll takers.

He said some politicians commission their own polls, then release only those results that reflect favorably on them or their political friends.

ELMO ROPER—PIONEER IN PUBLIC OPINION POLLS

NORWALK, CONN.—Elmo Roper, one of the nation's leading pollsters, died yesterday at Norwalk Hospital. He was 70.

Roper had been hospitalized for several months, a family spokesman said at his home in West Redding, Conn. He had undergone surgery three times.

Roper was a native of Hebron, Neb., and entered the field of marketing research in 1933.

He was senior consultant and director of the Roper Research Associates, Inc., at the time of his death.

Funeral arrangements were incomplete. Sen. Frank Church (D–Idaho) will deliver the eulogy, a spokesman for the Roper organization said.

A pioneer in modern survey research, Roper conducted the first poll published in this country. It was the Fortune Survey of Public Opinion, published every month in the business magazine from 1935 to 1950, the spokesman said.

Roper first came to prominence in 1936, when he correctly predicted Franklin D. Roosevelt's presidential election victory over Alf Landon.

In recent years, one of his associates said, Roper was mainly concerned with three issues, — environment, population control and the concept of an Atlantic union. In connection with his concern for the environment, Roper actively fought to save the nation's railroad service from cutbacks.

He was a director of several corporations, including the Encyclopaedia Britannica Corp., Tiffany & Co., and Home Life Insurance Co. In 1942, he was elected president of the Market Research Council.

During World War II, Roper worked in a number of government agencies and was deputy director of the Office of Strategic Services from 1942 to 1945. He was also a consultant to the U.S. Navy and U.S. Army Air Forces.

He served as a member of the Connecticut Civil Rights Committee, vice chairman of the Population Crisis Committee, former chairman of the board of directors of the Fund for Republic, a member of the National Book Committee and editor-at-large of the Saturday Review.

In 1968 Roper told a meeting of the American Statistical Assn. in Chicago that the disrepute into which polls had fallen was more the fault of politicians than the pollsters.

He said some politicians commission their own polls, then release only those results that reflect favorably upon them or their political friends.

Pollster Louis Harris commented on Roper's death, saying that he "was one of the truly great pioneers in the field of opinion research."

"I personally learned a great deal during the nine years I served in his organization. All of us in the field will sorely miss him," Harris said.

George Gallup, another pioneer in the field, said:

"His tireless effort on behalf of his profession, covering a period of almost four decades, and his constant devotion to the truth have contributed in great measure to the stature and acceptance in which public opinion research is held today both in the United States and abroad.

"Elmo Roper was philosopher, as well, and his comments on the American scene revealed the depths of his understanding of—and compassion for—people in every walk of life."

SENATOR RANDOLPH STRESSES NEED FOR NEW PENSION PLAN LEGISLATION

Mr. RANDOLPH. Mr. President, private pension plans have become gigantic operations and a potent economic force in our country. Such plans now encompass 30 million participants and their assents total a staggering $130 billion. Although the Congress has in the past enacted legislation designed to protect the participants in such plans, the time is long overdue for a new law which will be responsive to the massive human needs of working people across our Nation.

The Welfare and Pension Plans Disclosure Act was enacted in 1958. In that legislation the Congress expressed in part the following declaration of policy:

It is hereby declared to be the policy of this Act to protect interstate commerce and the interests of participants in employee welfare and pension benefit plans and their beneficiaries, by requiring that disclosure and reporting to participants and beneficiaries of financial and other information with respect thereto.

The act was amended in 1962 to make theft, embezzlement, bribery, and kickbacks Federal crimes if they occur in connection with welfare and pension plans. The amendments also authorized the Secretary of Labor to conduct investigations and impose regulations with respect to such plans.

Some abuses of pension plans have undoubtedly occurred, but most plans are administered honestly. The urgent need for new pension plan legislation does not relate to the breach of fiduciary duty by the administrators of such plans, although additional safeguards are needed, but rather to the existence of a system which denies a large number of workers their pensions—for most, the pot of gold at the end of the rainbow.

In 1968, then Assistant Secretary of Labor Thomas R. Donahue testified before the Senate Labor Subcommittee on pending pension plan legislation. He stated with brevity, yet with eloquence, the essence of the problems which have prompted the characterization of pension plans as "a cruel delusion":

In all too many cases the pension promise shrinks to this: "If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there is enough money in the fund, and if that money has been prudently managed, you will get a pension."

No pension plan legislation was enacted in the wake of that incisive statement, nor was such legislation enacted in 1969, nor in 1970. The time to enact a good, comprehensive, and protective law is overdue.

On March 31, the Senator from New Jersey (Mr. WILLIAMS), chairman of the Committee on Labor and Public Welfare and of its Labor Subcommittee, and the Senator from New York (Mr. JAVITS), ranking minority member of the committee, conducted a joint press conference to announce the preliminary results of a study and survey on the operation of private pension plans. The study encompasses a 20-year period, from 1950 to 1970. Although the analysis has not been completed, the tentative work is thorough, impressive, and quite disturbing.

Mr. President, the citation of but two statistics from that study should prompt the concern of us all. In 51 private pension plans with $10 billion in assets, in which 11 or more years of employee participation is required for vesting of benefits, only 5 percent of the participants who left the plans since 1950 have received benefits. In 36 plans, with assets of $6 billion, in which 10 or fewer years are required for vesting, only 13 percent of all participants who have left the plans since 1950 have received a benefit. Behind these statistics are the dashed hopes and expectations of workers and their families.

As a matter of equity and fair treatment, an employee should not have to work his entire productive life for one company in order to receive a pension. A worker, after a reasonable period of service, is entitled to protection of his retirement benefits against any termination of his employment. If the private pension system is to be a partner with the public social security program, as it should be, pension plans must be considerably more enlightened. Labor mobility is now the rule in this country, not the exception.

Mr. President, I commend the efforts of the chairman of the Committee on Labor and Public Welfare (Mr. WILLIAMS) the ranking minority member

(Mr. JAVITS), and the participating staff in developing and bringing to light this study. I urge that consideration of new pension plan legislation be undertaken without undue delay so that such legislation be enacted during this Congress. To provide American workers with security and dignity during their retirement years must be a priority issue.

FLAME OF FREEDOM IN RUMANIA

Mr. HRUSKA. Mr. President, no matter how the Communist conquerors of Rumania try to mask the fact and divert attention from it, May 10 was a beloved national holiday for the Rumanian people. It is good for us, therefore, to take note of this event and the importance it holds for the freedom-loving Rumanian people, both in their native land and in exile throughout the world.

There are three great events which are commemorated on May 10:

First. On May 10, 1866, Prince Charles was proclaimed Prince of Rumania. This event signaled success in the country's fervent efforts to elect as its ruler a member of the sovereign family of a neighboring country, in order to stop rivalries among native candidates.

Second. On May 10, 1877, Rumania proclaimed her independence by severing the bonds which linked her to the Ottoman empire.

Third. On May 10, 1881, Prince Charles was crowned Charles I, King of Rumania, launching a prosperous and glorious era which lasted more than six decades—even through World War I.

Up to the present time, Rumanians have therefore cherished May 10 as their national holiday, the anniversary of the happiest and most glorious events in their history.

Not even the subterfuge of Rumania's Communist oppressors can erase the devotion of Rumanians to May 10.

In an effort to destroy the Rumanian people's attachment to the date and to alter its significance, the Soviet puppet government has now established May 9 as the official national holiday, commemorating the anniversary of the Soviet takover. People in the homeland of course are required to observe this anniversary instead of May 10.

The celebration in the hearts of the Rumanian people however will continue to be held on May 10, until the day when control of the homeland is returned to their hands.

Mr. President, I suggest we pay tribute to the flame of freedom which has not been extinguished in Rumania, and which will not be extinguished.

CLEAR CUTTING OF TIMBER

Mr. MAGNUSON. Mr. President, I ask unanimous consent that an editorial from the Seattle Post-Intelligencer of April 14, 1971, be printed in the RECORD.

This editorial discusses the issues involved in the recent controversry regarding the clear-cutting of timber on U.S. Forest Service land.

The editorial clearly indicates that different areas of the country may have separate and distinct problems with clear-cutting.

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

CASE FOR CLEAR-CUTTING

(AP-I View: A Ban on Clear-cutting of Timber Would Damage the Region's Economy as Well as Destroy Re-forestation Programs)

With the Pacific Northwest's aerospace industry reeling from the recent knock-out blow by SST opponents, the region faces a new Congressional threat to its other major industry—forest products.

The threat is embodied in pending legislation to eliminate the clear-cutting of timber on U.S. Forest Service land.

Public misunderstanding about clear-cutting is widespread and the lack of understanding appears to have affected certain members of Congress, notably Wyoming Sen. Gale McGee, who would impose a two-year moratorium on clear-cutting on national forests throughout the nation.

Clear-cutting is the time-proven and scientifically sound practice of harvesting all timber in a limited area at one time. Modern forest management technique to clear-cut, then to re-forest the cut over area. Within 10 years the area again is covered with greenery and in 25 years a new forest has been created.

There are some species of trees which can thrive in selectively cut forests but other species—among them the Douglas fir—are resistant to shade and cannot be reproduced well except in clear-cut areas.

The Douglas fir, of course, is the mainstay of the Northwest timber industry and the greatest source of the nation's softwood and plywood supply. It's estimated that a clear-cutting ban in the national forests would reduce Douglas fir production in Washington and Oregon by 25 per cent, representing a loss of nearly 9 billion board feet of lumber per year, Naturally, this would lead to skyrocketing lumber prices and severe restrictions on home-building.

John Muench Jr., of the National Forest Products Association, said last week in reaction to the proposed clear-cutting ban:

"Aside from the economic havoc which abandonment of this proven timber production method would impose on the nation, it would also set back the cause of forest regrowth indefinitely. Many species of trees require sunlight for growth. Clear harvesting is the only means to open up areas where seedlings of these species can flourish."

If destruction of re-forestation programs, which is what the blanket McGee moratorium would achieve, is ecologically sound and good conservation then the meaning of the terms has been badly distorted.

Washington Congresswoman Julia Butler Hansen, in a letter published last week in this newspaper, warned that "the same people who opposed the SST are opponents of the timber harvest."

Mrs. Hansen's words were both timely and prophetic.

This is one battle the Pacfic Northwest must not lose in its new confrontation with Congressional forces which would wreck the region's economy under the false and demagogic banner of environmental protection.

ANGKOR WAT DAMAGED

Mr. CHURCH. Mr. President, I grieve today not only because of the continuing loss of life and property on the Indochina battlefields, but also because of the news report that artillery fire has damaged one of the world's most beautiful stone sculptures, the temple complex at Angkor Wat in northwestern Cambodia. Angkor Wat is one of the unique symbols of high civilization of which succeeding generations of all societies can be proud. I visited Angkor Wat in 1961, and I abhor what I have read of the damage done to it. Let us all hope and pray that the uselessness of destruction of life, limb, and national architectural treasures as well, will end soon in Cambodia, Laos, and Vietnam.

I ask unanimous consent that an Associated Press story from Phnom Penh be printed in the RECORD.

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

[New York Times, May 12, 1971]

ANGKOR WAT REPORTED DAMAGED BY CAMBODIAN SHELLS

PHNOM PENH, CAMBODIA, May 11.—Authoritative sources said today that Angkor Wat, Cambodia's national treasure and the most famous temple of the ruins of Angkor in northwestern Cambodia, had been severely damaged by a Cambodian Army artillery barrage.

Reports of the shelling came from travelers returning from Siemreap, the town nearest Angkor, which is controlled by Vietnamese communist forces. The reports were later confirmed by a Government expert who saw photographs of the damage.

The shelling was said to have killed or wounded about 10 peasant refugees in a nearby pagoda and to have heavily damaged the south side of the 12th-century temple. The shelling occurred three months ago but has been kept secret by the Government, the informants said.

The temple, Cambodia's national symbol, was occupied by Vietcong and North Vietnamese troops last June, after the war spread across Cambodia. Government forces were ordered not to attack for fear that fighting would destroy the temple.

The barrage, fired by a 105-mm. howitzer battery, hit the south side of Angkor Wat, destroying the third floor of the southern gate, the sources reported.

One shell smashed into the second-floor gallery, the sources continued, and three more exploded in the gallery of history on the first floor, damaging a fresco depicting the story of the Khmer, or Cambodian, Empire.

Seven rounds also hit the nearby pagoda where the refugees were living, the sources said.

Angkor Wat is the largest single edifice in the vast complex. It covers nearly a square mile and includes a moat, a wall 6,000 yards around and vast courtyards. The whole Angkor complex includes Angkor Thom, a city whose walls are nearly eight miles in perimeter, as well as 500 other monuments, shrines, buildings and statues. Angkor, begun in the ninth century covers nearly 40 square miles.

Built in the 12th century by the Khmer King Suryavarman II, and abandoned in the 15th century, Angkor Wat has been thought by some archeologists to be a tomb as well as a temple.

The history of the Khmer Empire is depicted in its carved stone frescoes, considered among the world's outstanding examples of ba-relief art. Angkor, before its abandonment in favor of Pnompenh, was a capital of the Khmer Empire.

Details of the damage are known because two Frenchmen from the Conservation d'Angkor, a society that has worked for years to restore and preserve the temples, are being allowed by the occupiers to continue their work inside the ruins.

LITTLE OTHER ACTION

Their report was apparently submitted to the National Museum in Phnom Penh, the

archeology department of the University of Fine Arts and top Government officials.

Informed sources said that the artillery barrage had been ordered by a battery commander without permission from higher authority. The sources reported that the officer, a captain, had been transferred to another unit outside the Siem Reap area but had not been punished, apparently because the high command believed that punishing him would damage morale in the Cambodian Army.

Travelers said that in the year that anti-Government forces have held the temples there has been little other action in the immediate area. The Vietcong and North Vietnamese are reported to have set up an anti-aircraft position about two miles north of Angkor Wat, but it has not been active and there has never been bombing in the temple area.

Sources say that most of the North Vietnamese and Vietcong have moved out of the temples into the surrounding jungle or back across the country to base areas in eastern Cambodia. Khmer Rouge, or Cambodian Communist, forces garrison Angkor.

About 2,000 to 3,000 Cambodians who fled their homes in the nearby countryside after war broke out sought sanctuary in the temples and have lived there since.

NEBRASKA, HOME OF HEALTHIEST PEOPLE IN NATION

Mr. HRUSKA. Mr. President, most of my colleagues will recall that Nebraska achieved the No. 1 rating among the Nation's football teams last season. We in the Cornhusker State were understandably proud of that fine accomplishment.

Today, I wish to take due note of another and even more important area in which Nebraska ranks No. 1 in the country. This ranking has long been recognized but perhaps is not often enough publicized.

I am referring to Nebraska's reputation, based upon statistical data, as the home of the healthiest people in the Nation.

Computerized statistics supported by the careful study of a Public Health Service scholar of longevity indicate the healthiest spot in the United States to be the Nebraska prairie south of the Platte River.

There, it is reliably said, a middle-aged male's chances of having a fatal heart attack, stroke, cancer, or even automobile accident are approximately 30 percent less than they are in the Nation as a whole.

That is, indeed, a fact worthy of careful consideration, especially for the male population between the ages of 44 and 65.

The authority for these observations is Dr. Herbert Sauer who in 12 years of study has become convinced of the geographic connection with longevity. He believes Nebraska's 40-year-old record as having the Nation's healthiest spot is proof of his theories.

This subject is brought to the forefront by the latest issue of Amerika, the U.S. Information Agency's Russian-language magazine. Amerika republishes a 1969 article by Joan Younger Dickinson in Holiday magazine, in which she investigates the whys and wherefores of Nebraska's remarkable record.

Neither personal investigation nor Dr. Sauer's scientific studies has turned up scientifically acceptable reasons why Nebraska should be the healthiest spot in the Nation.

It is however difficult to argue with the statistics, and anyone who has spent any amount of time in Nebraska will surely attest to the relaxing, friendly way of life, the relative freedom from pollution and the generally inviting existence. Surely these aspects of Nebraska living, among many others, have a great deal of bearing upon the healthful results which are achieved.

The area south of the Platte River, with the exception of Lincoln, is an evenly populated rural mecca with farming land in the east gradually giving way to wheat and cattle country in the west. There is room to breathe and room to accept newcomers.

Perhaps one reason Nebraskans have not publicized the healthful magic of the area more vigorously is that instinctively we have felt too much publicity would bring growing crowds of people to the area, thereby eventually destroying its tranquility.

At the risk of stimulating a trend of movement to the Nebraska plains which eventually will overpopulate the State, I ask unanimous consent to have the Holiday article printed in the RECORD.

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

THE HEALTHIEST SPOT IN AMERICA

(By Joan Younger Dickinson, courtesy of Holiday)

The healthiest place in the United States for a middle-aged male is a stretch of Nebraska prairie south of the Platte River, but nobody knows why.

There amid tall, windswept grass, corn and cattle, the chances of a man's succumbing to heart disease, of being felled by a stroke, of wasting away with lung cancer or even being run over by a car between his 44th and 65th birthday are about 30 per cent less than they are anywhere in the United States as a whole.

It's super-super healthy in the villages and towns which lie in the valleys of Nebraska's so-called Big Blue and Little Blue rivers. But even in the bustling capital city of Lincoln (pop. 161,000) men are so healthy that their death rate from any cause whatsoever is only slightly higher than it is for heart and kidney disease alone in Scranton, Pennsylvania, even if Scranton is about the same size.

Any place in the Great Plains area, from Minnesota to western Texas, a man has a good chance of being around for his golden wedding anniversary, but he stands a better chance of enjoying it in this stretch of Nebraska—no matter whether he's poor or rich.

In short, south central Nebraska is a place where a man can expect to achieve his three score and ten, as the Bible says, in fine fettle and then a few happy years more.

These didactic statements, astounding and annoying although they may be to medicine men, non-Nebraskans and dissidents in general, are supported not only by government statistics run through computers but also by the careful thinking and testing of an earnest, cautious Public Health Service scholar who is a real-life middle-aged male himself. For almost a dozen years Dr. Herbert Sauer has been analyzing local and national heart-disease death rates and with mounting fascination has become convinced that the geographic link with healthy longevity is genuine—and that Nebraska's 40-year-old record is its most cheerful proof. (Dr. Sauer's statistics are restricted to white males because of a wide variation between figures for white and non-white males: for example, heart diseases in 1967 caused the deaths of 421.2 per 100,000 whites and 257.5 per 100,000 non-white.)

"This is no statistical fluke," Dr. Sauer told me generously passing out charts and reports in his office at the University of Missouri's new medical building. "We've checked the geographic variable against ethnic background, cigarette sales, in- and out-of-state migration, sex ratios, medical facilities, and we've sampled enough in depth to make sure we're not dealing with basic errors like carelessly filled out death certificates, guesses on age, inaccurate medical diagnoses, or errors in computation. Consistently, for 40 years, this stretch of Nebraska comes up smelling like a prairie rose."

Just what the geographic-health link is, however, remains an enigma.

"It could be something physical in the environment—some super-something in the soil, the air, the water," Sauer continued; "it could be something *not* in the environment, or it could be geocultural, that is, it could be the diet, the exercise, or the attitude towards life encouraged by the Great Plains geography in general and by this 11-county stretch in Nebraska in particular. Or it may be a combination of things which is peculiar to this area. All we know for sure is a few things it isn't. There have been a lot of myths around for a century or more about hard water being healthier than soft—witness all the mineral salts—but we couldn't get any substantial correlations and suspended judgment. Another theory—big at Yale University not long ago—was that an equable climate bred equable men, or men without hypertension, and that's obvious nonsense, for the Great Plains climate is full of extremes."

I came in late on Dr. Sauer's mystery but being something of an oddball thinker with a warm and friendly prejudice in favor of healthy middle-aged men I was involved from the moment I read his 1968 pamphlet and eager to try my luck in search of secret health agent number one. After studying the charts, the reports, and talking with Sauer and his ecological colleagues, I decided to try my own thing: a mixture of feminine intuition and on-the-spot noseyness to see if something visible in the style of Nebraskan life made it a veritable if unheralded spa of spas.

Well, now that I have been to Healthyville, I would like to be able to report that amid the tall, fragrant grass, life is tranquil and sweet, as rhythmic as nature itself, empty of strain and full of lean, strenuous men tilling the soil, herding the cattle and singing cheerfully "Oh Bury Me Not on the Lone Prairie" while back at the farmhouse their wives laugh tenderly and toss the salad greens for dinner.

But it's not that way at all.

It is true that your average Nebraskan male in the health belt rises early and sacks out after the late news which comes an hour earlier (at 10) out there than it does in the East. It is true that instead of driving the old bus to the station every morning, he drives the tractor or the reaper or the uphill plough around the place. It is true that instead of milling around through crowds of people he mills around among the cows or the pigs and if more than 20 people get together who are not relatives, it's either a party or a funeral. But the diet alone would drive any self-respecting cardiologist mad. These middle-aged male Nebraskans are the heartiest eaters I've ever seen, and have the sweeth tooths of teenagers.

Take breakfast: fruit, eggs, [potatoes] hashbrowns or corncakes or both, ham or pork chops or bacon, or the works, and toast and coffee. *Plus* syrup on the corncakes, jam on the toast.

Lunch includes: thick slabs of beef or pork or ham or fried chicken, homefries or mashed-with-butter potatoes, and the vegetable in season—whipped squash when I was there since I'd just missed the sweet corn harvest. Plus a slice of apple pie with cheese *and*—I saw it, I ate it—cinnamon and sugar syrup over all.

Dinner rolls on at six p.m. as if lunch had not been eaten a mere five hours ago: meat, two vegetables, dessert and coffee. Dessert may even be a little fancier than at lunch: one dandy new recipe for custard pudding I brought back mixes nuts, peaches, eggs, whipped cream and sugar, and is topped with gooseberry cordial.

(Servings throughout are generous to the point of being startling. A real trencherman can eat a dozen ears of corn as a side dish alone.)

Salad is not a staple dish in the homes. "We do eat a lot of apples though," one man told me, obviously thinking about the old adage that an apple a day keeps the doctor away. Apples are sold at drugstores, at the cashiers' desks in the eating places and it is not uncommon to see a grown man walking down the street munching on a large one.

The real snack of the Nebraskan day, however, is not an apple; it is a slice of pie or cake and cup of coffee taken after or during the 10 p.m. news. "It doesn't do for a man to go to bed on an empty stomach," was the dietary advice I gleaned from this experience.

What's unnerving about all this delightful eating is that it has so few bad results. Obesity is rare; while not skinny, the men are straight up and down and fit-looking and the women, although considerably more rounded than your chic New York matron, could at worst be only called plump.

There was an average amount of smoking. Even in places where there wasn't a phone booth, there were built-in cigarette machines. And the pipe clenched in the teeth etched itself into the country man's costume below a visored vinyl cap and above a blue jacket and blue Levis.

Does the middle-aged healthbelt male drink? Some do, and some don't. There are cocktail lounges in all the hotels in Lincoln and they fill up during the late afternoon news show—in full color at 5:30—and empty out afterward. Bourbon is the favorite among the hard liquors but beer is more popular than anything. In the Czech areas beer was called *pevo* and I was told it was so well-liked that on Saturday nights some men even drank "too much for their own good."

Hunting with or without bourbon is big in Nebraska, and apparently it is how modern Nebraska man gets his exercise. The south central Nebraska farm (average size, 160 hectares, 400 acres) hasn't been worked by hand or horse for 40 years or more; this is where barbed wire was invented, bringing the doom of the cowboy roundup. It's been decades since my Nebraskan pitched hay with a fork or heaved corn with a shovel.

When I went to call on a doctor of some 30 years' experience in the area to see what he thought of hunting for health, unexpectedly, he skipped the medical and zeroed in fast on the spiritual values.

"It's our philosophy of life that supports us, not drugs or diets," he said. "We're God-fearing people, part of the Bible belt, but we're not fanatics. We believe in sharing each other's trouble and worries, but we're also independent thinkers."

No one, of course, has to attend church to share his brother's problems. There was evidence on sharing both pro and con. On the pro side: In the lobby of the Cornhusker Hotel in Lincoln there was a kindly sign declaring: "Welcome! Eat and Rest where Food is Best." In De Witt there were four men and one expert interested in the fact that the loose fan belt on my car had knocked out the generator. Near Hastings a farmer let me wade in the Little Blue River just in case it might be truly a fountain of youth. In Surprise, the cemetery caretaker directed me to the oldest part of the cemetery, carefully cutting a path through the grass for me with his rotary so that I wouldn't get my shoes dirty.) And all the people in the historical museums, homes and offices I met racked their brains or their files for anything which might help to explain the mystery of their healthy longevity.

On the other hand: I eavesdropped on one drugstore conversation between a woman and her sister about a son who had turned petty thief. "I just had to tell someone," she repeated tearfully. "I'm all pent up. If anyone finds out what he's done no one will ever speak to us again." In the newspapers there are the usual stories of murder, rape, divorces, battles and impending danger, and on the radio it was announced repeatedly that the Optimist Club met weekly. "We're a highly literate state and we get as much bad news here as any place," one woman commented. "Maybe that's what's meant by sharing."

The doctor's suggestion that independence also helped was next on the list. Since it is another hard thing to test, I got mixed results. For instance: The records show one man in three over 65 is still in the labor force (that is, they are drawing wages) and that only a mere handful were living on Social Security. A mixture of independence and dependence was also evidenced by the generally large number of youngsters leaving the farms for the larger towns because "there was nothing to do at home."

There was still one more suggestion of the locals to be tested: a lack of hostility. At first glance, these Nebraskans seem to be a calm sort, not very loquacious, pleasant and even somewhat easygoing. There are few protestors at the University of Nebraska, and little long hair among the boys; and no one has seized anything since the days of the Indian wars, which were, admittedly, definitely on the hostile side. There are also no racial problems; Nebraska's Negroes constitute a mere 1.5 per cent of the population and only one family kept Negro slaves long ago—indeed, there was a period when Nebraska was called the nation's "white spot." Similarly, the battle of the sexes seems muted, and the current generation gap doesn't seem to bother most people very much—indeed, they seem to like it. But there is plenty of hostile weather.

Might the geographic-health link be Nebraska's weather? The weather is unpredictable, unkind and capable of incredible extremes—from 117° (47° C.) in the summer to 29° (−34° C.) below in the winter—and as Willa Cather, a Red Cloud, Nebraska, girl, once wrote: "Winter lasts five months and spring but one." The weather also includes the whipping wind, blazing sun, tornadoes, droughts and hailstones in the early summer—Nebraska holds the national record for the largest hailstone ever entered in the record books: one and one half pounds (.68 kilogram).

Certainly the air is as smog-free and clear as a child's eyes and it is often so quiet that as Senator Eugene McCarthy once said, "You can hear the cattle breathe." But that is on still days and they don't come often; as likely as not the whine of the wind drowns out even one's own breathing.

Grasshoppers smothered the area in the 1880's; droughts and dust storms nearly wrecked it in the 1930's; even in a good year there are only 20 inches (50 centimeters) of rain and if it doesn't come in the spring, when it's expected, it creates all sorts of havoc. "I guess if you really want to know what's special about Nebraska," one farmer said thoughtfully, "you have to admit it's the weather. We've got more weather than just about anybody."

(Cruel weather allegedly creates stress and frustration, which in turn encourage high blood pressure and heart disease. Strong winds age the skin and dry up the body fluids and encourage respiratory disease. Studies verifying these processes have been done in all the leading hospitals. So the question becomes: why do the middle-aged males of south central Nebraska enjoy such good health while suffering such foul weather?)

"It's our stock," one sturdy Swedish giant told me, puffing on his pipe. "Everyone knows pioneer stock is good stock." The truth is, however, that some pioneers were healthy and some were not and it is difficult to track the influence of the good versus the bad through the generations which have intervened. There are a great many Swedes in the northern part of the health belt; predominantly Czechs in the south and Germans and Irish scattered throughout. There has been intermarriage between these groups, and there were also some Danes, some English, a few Italians and some Norwegians who got melted into the Nebraskan stewpot too. The result is a statistical nightmare. But as Sauer himself had told me, "A great part of the country was settled by the same ethnic groups as was this part of Nebraska and so why aren't other areas just as healthy?"

I began looking in the cemeteries to see how the settlers in this stretch of Nebraska fared in the 19th century—when the women died before the men and nobody lived much beyond 50. These Nebraskans were different even then. For instance, in the Methodist-Baptist cemetery near Surprise—where one local reporter claims, "No one hardly ever dies"—the first grave was dug in 1882 and there were about 100 graves in all. Yet there were so many people there who had lived more than 70 years I stopped counting them and started looking for those who lived more than 90 years. I found two: 1848–1943, and 1839–1931, plus a handful of octogenarians. In the town itself (pop. 79) there was plenty of activity among the oldsters—including twice-a-month square dances and three television channels—but they claimed it was the slow pace and the relaxed atmosphere which kept them and their parents healthy. "It's a sort of corny Shangri-la," old-fashioned and out-of-the-way one 84-year-old man said. "But it wasn't healthy for the buffalo."

"We people of this town, Surprisers die only because we stop breathing," a genial old lady added solemnly, her eyes twinkling. "Otherwise . . ." I thought about the line on an old woman's grave I'd seen: "God knows she needed the rest," and decided there were no new clues for me here or anywhere.

The healthiest place in the United States is a stretch of corn and cattle country in south central Nebraska, but nobody knows why. Including me.

SENATOR RANDOLPH SUPPORTS OBJECTIVES OF THE OCCUPATIONAL EDUCATION ACT OF 1971

Mr. RANDOLPH. Mr. President, I strongly support the objectives of the Occupational Education Act introduced last week by the able Senator from New York (Mr. JAVITS). I am privileged to cosponsor this measure which has two objectives: first, establishment and expansion of postsecondary occupational programs which prepare the individual job entry rather than a baccalaureate degree; and second, occupational counseling and preparation in elementary and secondary schools on an equal footing with academic preparation.

The purpose of education is to seek and free the individual's precious potential. Education must meet the real needs of the individual and the economic demands of the real world. To achieve this

goal a variety of education programs are necessary, covering a broad spectrum of learning and training.

Education should prepare young people to live in the complex technological society we have created. Our goal should be that a young person completing a school program at grade 12 be prepared to participate in postsecondary academic programs or career training. We must stop our present course of producing millions of high school graduates who are unskilled and lack a meaningful education. And we must advance beyond the postsecondary level to train those whose innate skills have been untapped after a dozen years of schooling.

There are many people today who are worried about the logic and relevance of what is being taught our youngsters, particularly in the light of the amazingly complex and rapidly changing career situations they will face after completing high school. The jobs that many students now in school will fill in the years ahead have not been invented. And yet we cling to the status quo of education, the production-line movement of millions of young people through listless curriculums that turns too many off and too many out.

Dr. Sidney P. Marland, Jr., the U.S. Commissioner of Education, testified before our Subcommittee on Education recently. I think the problems of career education he outlined must be considered and overcome now rather than later.

Dr. Marland said:

Of those students currently in high school, only three out of 10 will go on to academic college-level work. One-third of those will drop out before getting a baccalaureate degree. That means that eight out of every 10 high school students should get occupational training of some sort. But only about two of those eight are, in fact, getting such training. Consequently, half of our high school students—a total of approximately 1.5 million a year—are being offered what amounts to irrelevant, general education pap.

We are all aware of the continuing controversy among educators between things academic and things vocational. The false dichotomy that places useful training beneath academic attainment must be diminished. Every young person in school is involved in career education, whether he is preparing to be a surgeon, a bricklayer, a clerk or a Congressman.

The provisions of the Occupational Education Act of 1971 will go a long way toward giving our young people an opportunity to proudly pursue a productive career that challenges their interest and ability, rather than satisfying a social need of providing proper credentials for entry into the job market.

This bill was developed in consultation with the American Association of Junior Colleges and the American Association of State Colleges and Universities. Members of these educational groups are constantly aware of the needs for post-secondary careers training. I urge that Members of the Senate give this bill searching consideration and support the efforts to make education a means to an end, rather than an end in itself.

SPEECH BY DEIDRE BURROUGHS OF COKER, ALA.

Mr. SPARKMAN. Mr. President, recently I had the privilege of meeting with more than 100 school children from Northport, Ala., along with my colleague, Senator ALLEN, and other Members of the Alabama Congressional Delegation. At that time, some brief speeches were made by some of the students. One of these was Deidre Burroughs of Route 1, Box 352, Coker, Ala., on the subject, "What's Right With America."

I was greatly impressed with the presentation by this young lady—both the substance of her speech and her delivery of it.

I ask unanimous consent that it be printed in the RECORD.

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

"WHAT'S RIGHT WITH AMERICA"

(By Deidre Burroughs)

It is very difficult to decide how to begin to tell of the many "Rights" we encounter daily in America. So many things we take for granted when people in other countries over the world are practically prisoners in their own homes. One thing that makes our country so unbelievable is its youth. Just think, even as recently as 200 years ago the United States did not exist. But during those 200 years with the belief in "Life, Liberty, and the pursuit of happiness, the United States has developed its unique culture and grown to maturity.

Compared to older countries of the world such as England, France, Italy, and China our country is still a baby. Yet with a start much like our own, these countries' founders must have lacked our forefathers' determination, faith, and ability to realize that with a firm foundation such as our Constitution and Bill of Rights, a great nation could be created.

We have had our many disagreements with other nations, and we have had a "Civil War" within our boundaries. These have left us much wiser closer together and taught us very costly lessons.

After all these troubled years the United States has always strived for what she thought was the right and just. Today, we sometimes fail to realize how fortunate we are to be living here. In many other countries we would not be permitted to:

Go to the church of our choice.
Work where we're capable of working.
Spending our money as we wish.
Talk to whom we wish.
Think what we please.
Read what we wish.
Choose our own friends.
Vote in elections for the people of our choice.
Disagree with anyone or anything.
Go anywhere we please.

These are only a few of the thing that are right about America. Anyone want to leave all this? Not me. America—your the greatest!

DEIDRE BURROUGHS.

THE STATUS OF INDIAN HEALTH IN OKLAHOMA CITY

Mr. HARRIS. Mr. President, on March 18, 1971, I held an important hearing on the status of Indian health in Oklahoma City, Okla. The hearing revealed that the Federal Government is failing in its efforts to provide decent health care to the American Indian. The situation is reaching such an intolerable state, that it can truly be said that Indian health care is a national disgrace. As in past years, I intend to seek increased appropriations for Indian health care to meet this growing problem.

I have already placed in the RECORD other portions of this testimony. What I am submitting today represents the final segment of the testimony, and as in the case of the other segments, I think it will be helpful to my colleagues in understanding how severe this problem really is.

Mr. President, I ask unanimous consent that the final segment of the Oklahoma City hearings on Indian health be printed in the RECORD at this point in my remarks.

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

INDIAN HEALTH IN OKLAHOMA CITY

Senator HARRIS. I want to call Mr. James Wahpepah, McCloud, Chairman of Kickapoo Tribal Business Committee. James.

JAMES WAHPEPAH. I want to repeat what has been said by a number of people. I'd like to take a few minutes to read from a Tuberculin Screening project that has been carried out in my area which is Eastern Oklahoma County.

"Between September and October of 1970, we diagnosed three active cases of tuberculosis in one family of Kickapoo Indians. During the course of our contact investigation, we discovered a six year old boy with primary TB, inactive. A one year old infant, while being evaluated at the Medical Center for physical and mental deficiencies, was diagnosed as active, primary TB. This family consisted of at least three generations, living out of a truck, traveling about the western part of the United States doing "stoop" labor where they could find it. They usually move into a home with the resident Kickapoos, in an already overcrowded household, staying until the food is gone, then moving on to the next household. Because of this tradition, the City-County and State Health Departments were quite concerned, not only because of the number of contacts, but that we might not be able to diagnose all of the cases of active disease.

For this reason, we set a mobile X-ray unit at two locations in the community where these people were living. At the first location, we were able to X-ray some of the contacts that we knew about, but not all of the ones we were trying to reach. At the second site, we skin tested 98 and X-rayed 49. Of the 98 skin tested, 19% were positive and placed on preventive treatment. We could not X-ray children under thirteen years of age with our X-ray unit, so these children were referred to Shawnee Indian Health Service Center for follow-up. As far as we can determine, all of these children have been X-rayed and placed on preventive treatment. We have placed or recommended, every Kickapoo Indian with a positive skin test be placed on preventive treatment, regardless of age, because of the large number of active cases found in the area. We do not feel we have reached every contact of those cases so far, nor will we ever be able to. We are unable to keep all of these people on their preventive treatment for the prescribed length of time because of the language barrier, and the seemingly resignation of the American Indian that it is part of his way of life to die from tuberculosis.

The living conditions of the Kickapoo contribute considerably to the spread of the disease from person to person, because the germs are spread in the form of tiny droplets formed in coughing, sneezing, and talking. The most susceptible are children, teenagers, and young adults. In one of these households, twenty-five people were living in a small two room house. The type of diet

most of these people have does not help them to build any resistance to any disease.

To solve the problem of tuberculosis among the Kickapoo Indian requires an educational health program; a representative from the tribe to help us implement this program by interpreting, and helping us to transport these people to the clinic indicated. This representative could also help us keep track of the patients we are trying to follow. Another solution to the problem would be to set up a satellite clinic in this community, and have it open at least two days a week to dispense TB drugs and give streptomycin injections, with the hope we can at least get some drug therapy given.

I don't want to take up any more of your time but essentially we have the same problems that you have in your community but we're really rather fortunate that we are only 25 minutes from downtown Oklahoma City. We have access to county facilities.

I'd like to introduce Mr. Jim Thompson who is my County Social Worker. Jim would you stand. Jim is working on a program of instruction on safety at the home level. We're going to implement this program next week through the co-operation of the Red Cross Chapter here in Oklahoma City but basically I think we all need essentially the same increase in appropriations from the Congressional delegation support.

I want to commend the Senator and his office for taking the time to come here and ask our views. Thank you.

Senator HARRIS. I want to call on Lee Motah who wanted to make a motion before so many left and then I'll finish up with those that have to be heard. Lee why don't you read that quickly yourself and make that part of the record.

LEE MOTAH. We didn't want to leave anybody out. There are a lot of people here that didn't make a statement but are here because they're concerned and I'd like to go on record here.

"Senator:" "I move that all the statements go on record, and all the people that are here because they are concerned. I move also that wer recommend $200,000,000 because that some areas are not here. I move the adoption."

Senator HARRIS. Ok. Motion has been made and seconded all in favor say AYE—Opposed No!—Ok that will be the official action of this body. Now we've got some people who, one way or other did not actually get on the prepared agenda that would like to be heard and I hope maybe that we can be as brief as possible but I want everybody who has come all this way and waited all this time at least get a chance to say something. Johnny Narconey, Chairman of the United Urban Indian Club.

JOHNNY NARCONEY. Thank you. I'll try to be as brief as possible because I've got to leave in the next five minutes to go to the Shawnee Clinic. The main objective of the United Urban Indian Club is promoting the general welfare of the Indian residents in and around Oklahoma City.

Our club, although relatively new, has helped several families in emergency situations, but there are a number of emergency needs we have not been able to accommodate, simply because there exists no Health Program whereby we as Urban Indians can take advantage of or refer our people.

There are other existing Indian organizations here in Oklahoma City who suffer the same need. This should be a high priority with respect to any future endeavor to alleviate Indian health needs.

There are approximately 70% Indian people who live in this immediate area who have difficulty receiving medical services unless they go to Lawton or Shawnee, these are very low-income people, if they have transportation, which is unlikely, they do not have finances to purchase gas.

There is an O. E. O. funded clinic located here in Oklahoma City that frowns upon giving medical services to Urban Indians they feel the Indians should go to Public Health Clinics or hospitals.

There is more opportunity for rural Indians to receive services than the Urban Indian.

Senator, we request that when you appear before the Senate Appropriation Subcommittee, that these funds be ear-marked toward the Urban Indian Health needs. It is an established fact that rural Indians have Health Services, and though they are in need of additional facilities and personnel, we feel that it is urgent that we began to consider the Urban Indian. Our reasoning on this matter is based upon the statistics that indicate rural Indians are migrating into the metropolitan areas.

In most cases, where the Urban Indian suffers a medical need and it is not taken care of—he begins to suffer in many other ways. He is unable to work, in some cases; loses his home, moves in with close relatives or friends, loses his family life and as a result—returns home defeated.

There are many contributing factors toward creating a medical need—the factors increase as the rural Indian relocates to the Urban area. He has a smaller place to live, more responsibility—he has to be responsible for rent, for provision of food, transportation, clothing the family, taking care of school children needs and utilities. Many families have suffered from malnutrition, rat bites, influenza as a result from living in dwellings which are below Health standards and from inability at times to pay utility bills.

We must admit there are many needs back home where our relatives live; but we also must admit there are a number of families in the Urban area who deserve similar services, therefore, we place priority number one at this time on the Urban Indian Health needs.

Thank you.

Senator HARRIS. We go now to Harry Tonemah.

HARRY TONEMAH. As you know I'm from the Lawton area. I'm happy to be here. On behalf of all of our Indian people, we, representatives of the Lawton Indian Hospital, humbly request your immediate attention to the matter of providing our hospital with more staff and more funds to meet the health needs of our Indian people. Southwest Oklahoma population is 10,000 of 12,000 Indians, seven tribes in ten counties.

Ever since our new hospital was built, our Indian people have been continuously promised that they would receive more and better patient care. This has not been the case, as the hospital has been constantly plagued with shortages of staff and funds. The following facts are cited for your honest evaluation:

(1) We, the Indian people, have been told that maternal and child health is one of the highest priority areas for helping our health conditions but, due to a lack of sufficient nursing staff, our hospital's Pediatric Ward has been closed down and our children are admitted to the surgical or medical wards. On the hospital's maternity floor, one and sometimes two, nurses are responsible for the hospital's newborn nursery, labor room, delivery room and maternity ward. When three or four of these sections are filled with patients and babies, our Indians suffer, as one or two nurses on duty cannot provide care for everyone.

(2) We have a new, 80-bed hospital, but it is usually half-filled. Why? Because, we are told, that the hospital does not have enough staff to provide proper care to our people. Specifically, many of our people who need to be placed in the hospital are told that they cannot be admitted because their conditions are not severe enough to warrant hospital care, as a result of the hospital's limited staff.

(3) Indian people are usually required to wait for hours to obtain care from the outpatient clinic. Why? Because we are told that there is not enough clerical help in Health Records to pull our charts, or because all of the nurses in the clinic are too busy helping the doctors, holding patients or because there are not enough pharmacists to fill prescriptions as they are requested.

(4) For those Indians who are admitted to the hospital, many of them are forced to sit and lay in bed for hours without seeing a nurse after she has been called. Why? Because the two or three people on duty are not enough to take care of the needs of all of our people.

(5) Our people are frequently denied an operation because it is considered to be of an elective nature and because there are not enough funds available to pay for the operation themselves.

(6) Some of our school children are requested to wait for several months before glasses can be purchased for them, because there are never enough funds available to purchase glasses when they are first requested.

(7) The hospital employees, many of which are Indians, frequently complain about being overworked; doing tasks that they normally would not be responsible for if sufficient staffing was available; and not having enough assistance to help them perform the tasks that are assigned to them.

(8) The hospital has requested and justified the need for at least 17 new positions for this year. It has been made known to the Service Unit Director and the Hospital Administration Officer that our hospital will receive 7 new positions to relieve the intolerable staffing conditions that exist. The idea of providing only 7 new positions, rather than the 17 or 20 positions that are needed, is both intolerable and unjustified to the Indian people.

As our Indian people have been plagued with disease and sickness, and as we depend upon our hospital to cure us and relieve us of our suffering, our hospital and the Indian people deserve all the assistance that is available.

Thank you.

Senator HARRIS. Thank you very much. I want to call now on Eva Riddles of Walters, Oklahoma.

EVA RIDDLES. I have been asked to introduce some people but I see that they have all gone so I think we still have maybe one back there. Houston Clincoe will you stand up. Houston is title manager of CHR.

I'd like to clear the statement that was made that we are all community health representatives for our immediate tribes. We go out to different homes and somebody all along these talks I have heard that they are all in bad need of transportation. We try to furnish transportation to these people but we can't supply all of it, because we have so many people we are working with and there is only one in the area that we are working. At the present I cover three counties and sometimes four and there is only one of me and only one car so we find that we do have problems with our transportation but we do try to see that our patients are taken care of. We also try to meet the needs of these people. I find that many of our Indian People are not demanding and that they're patient with us and are understanding. They are glad that we are trying to help with their transportation problems. We first try to see that their appointments are kept and other things that are coming up in the next few days. We jot these down while we are at the PHS Hospital so that we can have these appointments ahead of time then we go to these people and remind them that they are to come at certain times and that we will pick them up. Then sometimes we don't do this because we have limited time and then they call us.

This helps quite a bit but we still have a lot to go. The program is young yet only 3 years old.

I just came from Tuscon, Arizona, where we had some extensive training in community development and out there we had several CHR's who were from this area that was also out their training.

On my observation I work one day a week at the PHS hospital in Lawton and I find that we have many problems there and I think our first problem is that we need an out-patient clerk. So many times we wonder why we are in bad need of one, but it would help in the cause of the receptionist or clerks to understand the problem.

This is the whole of why the patients are waiting out in the waiting room so long. Their charts are mixed up; the doctor will not see these patients until that chart is processed. For the time we have is from 4 to 15 minutes fixing the chart for the doctor. Now we may wonder why the processing of these charts is so important but you will find if the chart is not processed the doctor will not see that patient. He wants to know what the patient's problem is and everything so if X-rays are needed or something like this he can order it. Nothing is done without the doctor's order. So you see everything falls back to the charts. If we had an out-patient clerk she could understand the problem before it got to the nurse in the clinic; therefore she could be in direct contact and know what the patient wants before the chart ever gets down to the nurses station and so the patient would not have to wait as long as he has to at the present. These patients wait sometimes from 8:00 A.M. until 3:30 P.M. because a chart has been lost.

The CHR is doing a great job and for the time they have to do it in and the miles they have to travel. We lost a CHR member three weeks ago in a car wreck.

Thank you.

Senator HARRIS. I'd like to call now on Naomi Tomashsah of Taxon, Oklahoma.

NAOMI TOMASHSAH. Senator Fred Harris and my Indian people, I'm happy to be here to speak on behalf of the Haskell needy. I am a mother of a handicapped child and I see many other mothers with their handicapped children. My daughter will be 22 years old this November 23 and she's had 21 surgeries and Mrs. Thomas has brought to the hospital through the OIO to be fitted with shoes; you look at her now she does not have any feeling from the waist down.

I had a little run in at the Indian hospital because they would not let me see our specialist, Dr. Shore. Through the OIO I have her in the University Hospital and we have our specialist. Maybe it's due to the fact that we do not have enough funds for these special treatments.

I look upon my elder people and I see them sitting up at the clinic the early part of the day till late in the evening as the ladies pile up the charts instead of rotating them. That is my testimony that our hospitals does need more money and more help.

Senator HARRIS. Thank you very much. Thank you. I have a Sylvia Walczuk.

SYLVIA WALCZUK. I guess Senator Harris is just about convinced about our inadequacy of Indian health. I hope all the Senators in Washington realizes that after this meeting.

I have a mother 84 years old and she was going blind. She is blind in one eye and is going blind in the other. I brought this to the attention of the Indian Health Department. I live here in Oklahoma City and my mother lives in Johnson County in the Tishomingo, Oklahoma area so the director here advised me to put her through the Indian Health Department there and they would take care of her. Well I did and after I had already; well first let me say this. The director here told me she could have the work done in any hospital she wanted to because I particularly asked if I could bring her here because I wanted to take care of her and I couldn't be going down there. He assured me that she could so I made this appointment. She had an appointment made at the Tishomingo clinic, an Ada doctor; well he couldn't do the job because he had to have a transplant. Then I brought her up here since they told me she could have the work done anywhere she wanted to. I brought her here to Oklahoma City to Dr. Acres and I paid $25.00 for this examination so he in turn sent her to another specialist and he is the doctor that operated on her eyes. His name is Dr. Munsler. Well after I had made all the arrangements and the appointment and waiting and everything I went back and talked to the director here and then they start hum-hawing around about this and I felt like they were going to turn me down and they did.

They told me to go back to Tishimingo area. I did all of this by phone because I couldn't go back and forth down there all the time. They told me then they would write a letter. They wrote to Dr. Munsler and told him if she had insurance it would be much easier for them to pay him because it would pay the most of it and they would just have to pay the balance. She has the hospital bill taken care of which the balance was only $52.00 and the Indian Health Department wouldn't pay it so I had to. I had $850 to pay the doctor bill and I've paid $450.00. So that makes $502 so far that I have paid and I have a balance of $400 of the doctor bill plus prescription glasses that she is getting next week and I don't know how much that will be but when Dr. Munsler got this letter he asked if I still wanted her on the waiting list and I told him just to cover my face I wasn't going to be ashamed and I wasn't going to be ashamed of my people so keep her on the waiting list. I would pay it if I had to go out and work, which I am going to have to. I had to borrow a thousand dollars to take care of this and so now I only have $98 left and I don't know how much her glasses are going to cost, but I will next week. All of this is inadequacy, facilities, medicine, whatever we need we just don't have it. I think it's about time we all get together and do something about it and this is our opportunity.

I have been fortunate enough that I have never had to use Indian Health service. I tried to once in the early 60's in Talihina, Oklahoma, and they told me I had no claim to Indian rights because I lost all of my Indian rights and I wasn't an Indian any longer because I was married to a white man. So ever since then I've been fighting for myself and taking care of myself but my mother lives in a rural area and she is 84 years old and can't get out and work to pay for her medicine or assistance or anything and I think it's a shame. I also think this health director should have explained it to me better so I would have known and expected something.

I feel like whatever I can do to help, well I do realize that there are people who really do need help.

Thank you.

Senator HARRIS. Thank you, now we're going to have to close up, but I want to hear also from Rosemary Nimsey. Is she here?

ROSEMARY NIMSEY. I think everything I have to say has already been said.

I'm a representative with Zadoka. I have quite a few things about the medical service provided for Indian people from the Public Health Service.

To begin with, I would like to tell you about my experience with the dentists at Lawton, Shawnee and Anadarko. I went to Anadarko Clinic to have one tooth pulled. The doctor wound up pulling three teeth and advised me to come back and have all my lower teeth pulled and a plate made. However, my car broke down when I was supposed to go back and when I tried to have a new appointment, they told me I wasn't eligible because I didn't keep my appointment.

Another time, I took my daughters down to Anadarko to have their teeth worked on and the dentist dropped an instrument down my second oldest daughter's throat. He told my girl to go ahead and swallow it, even though she was choking. She swallowed it and was ok, but the dentist said for me to check her stool and find the instrument and bring it back, since it cost a lot of money and it would take at least six months to order another instrument.

Another thing too, the dentists say they aren't authorized to use braces to fix crooked teeth. They can only pull or fill teeth. They also say they can't make false teeth anymore. We need braces for our children's teeth.

There is also a waiting list of eight months to one year for dental appointments. If you miss your appointment you have to go to the bottom of the list and wait another 8 months.

I want to mention also that you cannot get into see a doctor for sometimes 4 hours or more. When you go in you have to sign a register before 10:00 or you will have to go home and come back the next day. For me or anyone in Oklahoma City, to travel that far and be told to come back the next day is a hardship.

Also, if you are waiting at 5:00 to see the doctor, he won't stay after 5:00 and you have to go home and come back again the next day. On days when they are just working with pre-natal or diabetics you can't see the doctor even if it is an emergency. They tell you to come back.

You are also sent home if they don't think you are sick enough. I know of people who have been sent home because they said there weren't any beds and yet the maternity wards were full of unused beds.

My sister, Barbara Yeahque, was turned down for glasses and told that urban people weren't eligible. A lot of the school children in Oklahoma City need glasses but can't get them, because the hospitals at Lawton and Shawnee take the local Indian children first and can't work the urban Indian children in or so they say.

With almost 30,000 Indians in Oklahoma City, it seems that we could have at least a small clinic here so we wouldn't have to go so far. When anyone here gets real sick and it is an emergency, we have to go to Shawnee or Lawton, because we can't get into the hospitals here in the city. We have to have authorization from Shawnee or Lawton before they will let us in and that takes too much time.

One time, I was hemorrhaging and my husband had to take me all the way to Shawnee. We got there at 8:00, but it was 2:00 before the doctor saw me.

A lot of the doctors and nurses at these hospitals don't like Indians and you can tell it by the way they treat us.

My sister was authorized by a doctor at Shawnee to go to the University Hospital and they sent her to McBride Hospital. The hospital sent her a bill so she called Shawnee and they said they would not pay it.

I had an ear infection that has cost me the loss of hearing in one ear. The doctor at Shawnee told me that if I went to an ear specialist in Oklahoma City the next day, that the Public Health Service would pay for it. But the doctor in Oklahoma City said I couldn't be admitted the next day, when I told the doctor at Shawnee, he said that they would have to send the money back to Washington if I didn't get into the hospital that day. I didn't get in, so I finally had to have my ear drum taken out and I don't know if my hospital bill of $1,000 has been paid yet.

The facilities at the Indian hospitals are

not up-to-date and they don't have the best medicine or the best doctors. A lot of the doctors especially the ones contracted to work two or three hours a day at the Indian hospitals, don't like Indians and don't stay up on all the new medicine.

One family I know of told me their boy broke his arm and it was not set properly. Now it is growing crooked. The doctor at Lawton said that they didn't have the facilities at the hospital to reset it. It has been a year now and it is still crooked.

Some things I want to emphasize are:

(1) There aren't enough doctors for all the patients and there aren't very many good doctors in the Indian hospitals. We need specialists.

(a) Another thing about doctors: You may go down to the doctor one week and the next week you will get a different doctor and the third time still a different doctor. They do not consult each other about their patients because they are too busy. I, myself was given three different type birth control devices by the doctors at Shawnee within the one month time. When I took the prescriptions to the pharmacists I told him I had been to three different doctors and I hoped that he didn't think I was a sex maniac.

(2) If you get sick at night, they won't let you in, because they don't have a doctor on duty. They make you wait until the next morning no matter how sick you are. I think this is unfair to urban Indians that the hospitals are all located in rural areas and there aren't any clinics here in Oklahoma City.

My husband spent two weeks in the hospital at Lawton for a sprained ankle. I was left here in Oklahoma City trying to feed my family and with no money coming in. My husband tried to get released and come home, but they wouldn't release him. They said they would have to give him some more tests. Finally, he just got up and walked out. Then the hospital told him that he could not get re-admitted ever again.

I think that there is a lot wrong at the Public Health Service Hospitals and clinics and it is about time something is done.

Thank you very much.

Senator HARRIS. Thank you very much. Mrs. Harry Tomemah did you want to say something, then we'll have to wind up. I have to go to Altus and you all have to go places.

Mrs. HARRY TOMEMAH. Save the best for the last. I'm from Lawton, Oklahoma and I'm on Major Wayne Gilleys Committee for the aged and we were in a conference yesterday. There were 15 counties represented up to Ponca City, Woodward down to the Red River, Brian and Duncan. I sat there all day long waiting to say my piece and what I wanted to say is that we need some kind of home for our elderly Indian people. I'm telling Senator Harris that now all these recommendations will be compiled and taken to the White House Conference in November and we're asking that these funds be federally funded for our Indian people so that we can have some kind of home for our Indian people to go to. They asked what is aged and someone said someone 10 years older than you and that is what I'm worried about. I'm not old yet but I'm getting there and we need some place to keep our loved ones.

Thank you.

Senator HARRIS. We'll close now but I just want to say again how much I appreciate everybody who has been here and those that have testified and the ones that have been here as spectators. We've documented the scandalous deficiencies in Indian Health. I hope I can express that outrage when I appear before the Appropriation Committee this coming Monday and the Senate in the days ahead.

WINDUP OF SOUTHERN COMMAND COSTLY

Mr. CHURCH. Mr. President, the time is ripe to discuss old military policies which have not been kept up to date and force levels which do not reflect reality. The current debate over NATO is a case in point; another is our Southern Command. Jeremiah O'Leary, reporting from Panama, writes that "as a practical matter, Southern Command is a paper organization, top-heavy with rank and lacking tactical units." I agree with this analysis, and endorse the position that the Command is too costly, too top-heavy with retiring brass, and too much of a showpiece representing a bygone era, rather than a necessary and effective part of our hemispheric defense system.

I ask unanimous consent that Mr. O'Leary's story in the Washington Evening Star of May 12 be printed in the RECORD.

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

UNITED STATES WEIGHING WINDUP OF COSTLY COMMAND

(By Jeremiah O'Leary)

PANAMA.—The imminent retirement of Gen. George R. Mather may prompt a decision in Washington to abolish the Southern Command as a separate area headquarters for U.S. military forces in Latin America.

As a practical matter, Southern Command is a paper organization, top-heavy with rank and lacking tactical units.

CINCSOUTH, as it is called, has 14 flag officers in the general and admiral grades and a headquarters staff of about 700 men in the Canal Zone. Its "field forces" consist of about 350 officers and men of the Army, Navy, Air Force and Marines serving in 17 Latin countries as U.S. Military Advisory Groups.

Some critics long have sought elimination of the entire joint command and others have limited themselves to advocating erasure from the books of the costly headquarters at Quarry Heights without molesting the "milgroups."

Defenders of CINCSOUTH say it is desirable to keep it in existence as a prestige matter, as a stand-by command in event of some military need and because the Latin countries want the area command to remain.

COST IS FACTOR

No matter who is right, the cost of maintaining 14 generals and admirals in the proper manner with staffs, aides, drivers, quarters and air transportation may be the deciding factor when the White House makes up its mind.

It is not so much a question of having some U.S. military presence in the Western Hemisphere, but of how to do what is necessary and desirable within reasonable cost and in terms of the low profile President Nixon espouses.

Even assuming it is wise and useful to keep milgroups in Latin America for goodwill, liaison, minor procurement and intelligence, it is questioned whether the U.S. needs to keep 14 flag officers in the area or a headquarters in Panama as a link in the chain of command to Washington.

CINCSOUTH has 10 generals and admirals in the Canal Zone alone. There are three major generals and one brigadier general in military missions subject to the area command. Since these officers have no troops, combat planes or naval vessels assigned to them and since the United States presently sells little military equipment and gives away none to Latin America, critics consider the flame is not worth the candle.

NEW FLOW POSSIBLE

It is possible that the winding down of the Vietnam war may produce new flows of arms to Latin America. Certainly many Latin nations have demonstrated that they will buy arms elsewhere if they cannot get them from the U.S. But this has not happened yet and it may never happen.

What of the defense of the Panama Canal and of the hemisphere in general? CINCSOUTH has no role in the canal defense. The small infantry units in the Canal Zone do not need a Joint Staff to supervise them and the brigade would not be affected by departure of the Southern Command. Air defense is handled by Strike Command in the U.S. and there are no combat aircraft stationed in Panama. The Navy command for defense of the region is in Puerto Rico.

Similarly the training centers for Latin officers and men would not be affected by terminating the role of the CINCSOUTH staff. These could continue functioning without the generals and admirals and so could the procedure of sending Latin officers to school in the United States.

The armed forces have waged a strong battle to keep their Southern Command headquarters intact and have cut the milgroups to half the strength of three years ago. But it now appears that even though some of the structure may remain, the unwieldly head is doomed to go for much the same reasons that the cavalry finally got rid of horses.

AD HOC COMMITTEE ON HUMAN RIGHTS SUPPORTS GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, The Ad Hoc Committee on the Human Rights and Genocide Treaties has worked long and hard in the fight to get the United States to ratify the United Nations human rights and genocide treaties. I am very pleased to be working with and supported by such a fine organization. Betty Kaye Taylor, executive secretary of the committee, wrote a letter which was published in the New York Times Magazine on Sunday, May 2, supporting my efforts to get this country to ratify these vital treaties.

Mr. President, I ask unanimous consent that this letter and a correction, be printed in the RECORD.

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

AD HOC COMMITTEE ON THE HUMAN RIGHTS AND GENOCIDE TREATIES,
New York, N.Y., May 11, 1971.

Senator WILLIAM PROXMIRE,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of May 7th indicating that Martin H. Webster's letter about the Beverly Hills Bar Association plebiscite had been placed in the *Congressional Record*. I was, of course, delighted to see this.

I trust that you've already seen my letter in the *New York Times Magazine* Section of May 2nd applauding your efforts on behalf of the Genocide Convention. I regret that the *Times* failed to correct the figure I submitted on the number of times you had spoken on the Human Rights Conventions. I called in a correction as soon as this mistake was brought to my attention but the *Times* failed to take note of it. I hope we get the Treaty ratified before this "erratum" becomes fact.

Sincerely,

BETTY KAYE TAYLOR,
Executive Secretary.

RE: PROXMIRE'S STUBBORNNESS

TO THE EDITOR:

John Herber's fine article on Senator William Proxmire ("What Makes Proxmire Run," April 4) failed to mention one other outstanding example of the Senator's reliance "on the power of argument."

On Jan. 11, 1967, Senator Proxmire served notice that he would remind the Senate daily of its failure to approve U.S. ratification of several U.N. human-rights treaties, notably the Genocide Convention. Since making that pledge, he has spoken 5,520 times. And now, after 20 years of delay, the Foreign Relations Committee voted recently to send the Genocide Treaty to the Senate for consent to ratify.

"More obdurate, more obstinate, more stubborn"—yes! And right on!

BETTY KAYE TAYLOR,
Executive Secretary.

ATOM TESTS NOW IDENTIFIABLE

Mr. CHURCH. Mr. President, scientists can now discriminate between earthquakes and the smallest nuclear tests conducted underground by the two super nuclear powers, the United States and the U.S.S.R. This important breakthrough was discussed last summer in a special meeting sponsored by the Department of Defense at Woods Hole, Mass.

Identifying atomic tests removes one of the last obstacles to a ban on underground testing of nuclear weapons, and might very well lead to a comprehensive nuclear test ban treaty. I have always favored such a treaty, but only when competent scientific opinion held that underground explosions could be identified. With that possibility now here, I earnestly hope that the United States will take the lead toward negotiating a comprehensive test ban. Such a treaty would be a boon to the people of America and of Russia as well as all of mankind.

I ask unanimous consent that a New York Times news story on this matter be printed in the RECORD.

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

CASE CITES GAINS IN TEST DETECTION

(By John W. Finney)

WASHINGTON, May 6.—Senator Clifford P. Case said today that scientists had made so much progress in distinguishing earthquakes from underground atomic explosions that it should now be possible for the United States to enter into a treaty prohibiting all nuclear tests.

As the basis for his contention, the New Jersey Republican cited unpublished conclusions reached by seismic experts at a conference last summer at Woods Hole, Mass., sponsored by the Defense Department.

The conference, according to a summary made public by the Senator, concluded that the ability to identify seismic disturbances had been tremendously increased as a result of research during the nine years since the limited test ban treaty was agreed upon by the United States and the Soviet Union.

The implication he drew from these conclusions was that the problem of monitoring underground nuclear tests had been solved to the point where the United States could consider entering into a comprehensive test ban.

Because of differences between the United States and the Soviet Union over the inspection required to check on underground explosions, the 1963 test ban treaty excluded underground tests and was limited to explosions in the atmosphere, in space or under water.

On the basis of the reported improvement in detection and identification, Senator Case concluded that it should now be possible to monitor a ban on underground tests with two or three on-site inspections a year.

This, he noted, was the number offered at one point by the Soviet Union in the negotiations in 1962. The offer was rejected by the United States, which, on the ratio of one inspection for every 10 unidentified seismic events, demanded seven on-site inspections a year.

After the American rejection, the Soviet Union withdrew its offer. In recent years Moscow has taken the position that seismic advances now permit an underground test ban to be monitored wholly through national detection systems operated by each country.

The Nixon Administration continues to hold to the position of the Kennedy and Johnson Administrations that on-site inspection is still necessary.

An official of the Arms Control and Disarmament Agency said that there was "general agreement" that there had been "substantial improvement" in seismic detection but not enough to warrant a change in the American position.

Congressional pressure, however, now seems to be mounting on the Administration to reexamine the long dormant issue, which in recent years has been overshadowed by a preoccupation within the Government with the strategic-arms limitation talks with the Soviet Union.

At the Geneva disarmament conference, the United States and the Soviet Union are coming under similar pressures from the nonaligned states to re-examine their positions on a comprehensive test-ban treaty.

The Case statement coincided with an announcement by Senator Edmund S. Muskie of Maine that the Senate Foreign Relations Subcommittee on Disarmament would hold hearings on various possible arms control steps, including a comprehensive test-ban treaty. Senator Muskie is the chairman of the subcommittee, and Senator Case is the ranking Republican.

FIRST DETAILS ON CONFERENCE

Senator Case's statement provided the first detailed disclosure of the results of the Woods Hole conference, called by the Pentagon's Advanced Research Projects Agency to review progress made in the seismic research program known as Project Vela. About $300-million has been spent on the project since it was set up in 1963.

Senator Case said that "authoritative reports" he had received about the seven-day conference "indicate that our capacity to distinguish between earthquakes and nuclear explosions has improved 10-fold since 1963."

As a result, he said, the time has come for the Foreign Relations Committee to explore "whether a comprehensive test-ban treaty may now be possible."

According to Senator Case, the Woods Hole conference concluded that the annual number of unidentifiable seismic disturbances in the Soviet Union above 4.0 on the Richter earthquake scale has been reduced from about 75 in 1963 to 25 now.

A nuclear explosion producing 4.0 on the Richter scale corresponds to an explosion of one or two kilotons, equal to that of 1,000 to 2,000 tons of TNT, in granite.

In dry, porous soil, which tends to muffle the shock waves, 4.0 on the Richter scale would correspond to a 20-kiloton explosion—the size of the Hiroshima bomb.

But a summary of the Woods Hole conference presented to Senator Case pointed out that such desert-like soil "to the depth which is necessary, is rare in the Soviet Union and such testing would be very vulnerable to observation by other intelligence means at our disposal."

The Administration's sensitivity in public discussion of advances in seismic research was illustrated by the fact that the Pentagon, according to Senator Case, "ripped out" a section summarizing the findings on the Woods Hole conference from a report submitted to the Senator.

As a result, Senator Case said, he turned to "nationally recognized authorities," many of whom participated in the conference, for a summary of the findings.

In their summary, they said, "The essence of these findings is that there are two significant developments which make it much more feasible to distinguish between seismic disturbances caused by earthquakes and those caused by nuclear explosions.

"One of the developments noted was that new technology has revealed that explosions cause much smaller waves in the earth's crust than do earthquakes. A complementary and equally important finding is the ability to detect smaller seismic disturbances than had heretofore been possible."

THE WHALING INDUSTRY

Mr. HARRIS. Mr. President, many people today believe that the whaling business disappeared with the sailing ship. This view is entirely wrong and unfortunately is a tragic misconception. The whaling industry has continued at such a pace that whales are now, and have been for some period of time, an endangered species.

During the 1960's the total number of whales killed was the greatest 10-year kill ever made. In 1933 almost 29,000 whales were killed, yielding 2,606,201 barrels of oil. In 1966 almost 58,000 whales were killed, yielding 1,546,904 barrels of oil. While almost twice as many whales were killed in 1966 as in 1933, only half as much oil was gathered, which obviously means that whale hunters are killing smaller whales in larger numbers.

Scientists have predicted that main herds of whales have been brought to near extinction in the Antarctic. They have further predicted that if a 5-year moratorium on whaling had been established in the Antarctic between 1962 and 1967, the industry could have been harvesting the maximum sustainable yield from 1967 onward. But a moratorium was not established and it is now estimated that it will take 50 to 100 years to bring back the Antarctic whale stocks to the same size that they might have reached between 1962 and 1967.

In March of this year Secretary of Commerce Maurice Stans announced that he had ordered an end to American participation in the destruction of the great mammals. However, despite the general recognition that all species of whales are endangered, Secretary Stans has now backtracked and issued a license to Del-Monte Fishing Co. of Richmond, a California firm, permitting the firm to engage in the 6-month season on finback whales and the 8-month season on Sei and Sperm whales. The season began on April 1.

This is indeed a disappointing development and I believe places in question the ability of this administration to handle the discretionary powers of the Endangered Species Act.

On March 23 I introduced S. 1315, a bill that would prohibit Americans kill-

ing ocean mammals, including seals, walrus, polar bears, as well as whales. Even though the total U.S. kill of whales in 1970 came to only 125, the United States lost the opportunity this year to lead all other nations in stopping the killing of this endangered species. Other countries killed over 20,000 whales in 1970 and it is quite obvious that the protection of whales cannot be achieved unilaterally, and that Russia, Japan, and Norway, the major whalers, must join in the endeavor. My bill attempts to reach this problem by requiring the State Department to initiate an international treaty halting the slaughter of ocean mammals. Also my bill would help to remove the economic incentive for these other countries to continue the needless slaughter of ocean mammals by banning the importation of all products of these animals.

Last month while in Eastern Europe meeting with officials on East-West trade, I met with high ranking Russian officials in the Ministry of Fisheries on the problems associated with the killing of ocean mammals and the proposals in my bill. They agreed that public opinion requires more effective measures against taking ocean mammals. They also informed me that their ideas and the ideas in my bill had much in common; however, they were insistent that any measure in this area must have the adherence of all concerned nations. The Russians have taken the lead in protecting the polar bear since 1956.

I believe that it is essential that immediate hearings be held on S. 1315, which is cosponsored by 24 other Senators and which has been introduced in the House of Representatives by Congressman DAVID PRYOR, Democrat of Arkansas, and is cosponsored by 20 House Members. Stronger action than that taken by Secretary Stans is certainly called for in view of the growing threat of extinction of all ocean mammals.

THE WAR IN INDOCHINA

Mr. STEVENSON. Mr. President, on May 13, Robert Shaplen, one of the most experienced and perceptive observers of the war in Indochina, testified before the Senate Foreign Relations Committee. Because I agree completely with Mr. Shaplen that "the Vietnam war, always essentially a political one, is rapidly becoming more political"; that "we do not understand much about the Vietnamese"; and that we should stay out of the process of accommodation through which the Vietnamese must work out their political differences, I have introduced a resolution creating a congressional commission to implement a policy of strict U.S. neutrality in the coming South Vietnamese elections.

The purpose of this commission is not to tell the South Vietnamese how to run their elections, but to keep us out of those elections. Mr. Shaplen has pointed out that many South Vietnamese believe that the United States is backing the Thieu government "to the hilt." Unless we act to dispel that impression, we will once again have interfered with a political event that is best left to the South Vietnamese themselves.

I find Mr. Shaplen's testimony to be a most constructive addition to the debate over the future course of our Indochina policy, and I ask unanimous consent that it be printed at this point in the RECORD.

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

STATEMENT OF ROBERT SHAPLEN, BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS, MAY 13, 1971

Mr. Chairman, members of the Committee: I wish to thank you for your invitation to testify at these hearings. I have been a member of *The New Yorker* staff since 1952 and the Far Eastern correspondent of the magazine for the past nine years, but I am appearing here today on a private basis. My experience in China and Southeast Asia dates back to 1945. My first visit to South Vietnam was in June 1946. I was there most recently, and in Laos and Cambodia, in March and April of this year. I am the author of *The Lost Revolution, Time out of Hand,* and *The Road From War.*

I shall address myself first to the Vietnam war, specifically to the subject of these hearings—how to end it—and then to the problems of Southeast Asia in general. Ending the war as soon as possible is only a necessary first step to dealing with the vital question of re-formulating our whole foreign policy-making process, not only with regard to Asia but to the rest of the world as well.

My own position on the Vietnam war has been as follows: I believed in the original Vietnam commitment, and while I think we have made many disastrous mistakes since we became involved in that area—going back to 1945–46 but particularly since 1954—I still feel we had a legitimate initial political concern. But that concern should have been limited, in its expression and implementation, to a military assistance and advisory program, stressing unconventional rather than conventional warfare methods, and to programs of economic and social aid. The continuation of these programs, collectively, should have been predicated on the amount and substance of political and social reform the Vietnamese undertook. Unfortunately, we set no such standards and went ahead anyway, and once involved it was difficult to avoid becoming more involved. Hindsight criticism is easy, but this was our first big mistake.

I was against the bombing of North Vietnam and the overcommitment of American forces in the South. It is probably true, however, that had it not been for the number of American troops in the country in 1965 and 1966 it would have been cut in two, from the highlands across to the coast, and most of the northern half of South Vietnam would have fallen to the Communists. But after that, strategically and tactically, we continued to rely far too much on firepower and airpower, including indiscriminate bombing. If we helped save a series of unpopular governments, we increasingly alienated millions of South Vietnamese by our overpowering but invariably ineffective or inconclusive military actions, despite the fact that we killed several hundred thousand North Vietnamese and Vietcong. Simultaneously, we tried to ameliorate the destruction we caused by constantly shifting programs of so-called pacification. Real social and economic reform, including land reform, should have been far better conceived and implemented far sooner. Most importantly, the task of training the Vietnamese to fight alone, with modern weapons including M–16 rifles, should have been undertaken immediately after the military crisis of 1965–66, not several years later, as happened, after the 1968 Tet offensive. Nowadays, our belated efforts to bring about improvements in security and development, and to turn the war over to Vietnamese, are all part of what we call Vietnamization. Because of the heritage of confusion and experimentation, Vietnamization remains a cloudy concept.

Politically, I think our efforts have also been ineffective and often damaging. We tried to force-feed the Vietnamese western-style democracy far too quickly, before their institutions were able to cope with it. We should have started creating the conditions for building traditional village democracy, horizontally from the ground up, instead of imposing a new system vertically, from the top down. It is partly for this reason, and because of the physical damage we have wrought, that the good we have done socially and economically has been more than offset by the bad. There is no political cohesion and not enough comprehension and motivation for social and economic changes to become sufficiently meaningful. This does not mean that we will leave Vietnam without some improvements and hopes for the future; but for what we put in we are coming out with very little, including scant knowledge of the mistakes we made. Few lessons have been learned.

Two major events of the past year, namely the invasion of the Cambodian sanctuaries and the incursion into Laos, have not contributed sufficient positive results to warrant the negative ones—of at this late juncture taking the initiative in further widening what has always been an Indochina war, long recognized by the Communists as such. Once we were over committed, we would have done far better to attack the sanctuaries and the Ho Chi Minh Trail area much earlier, in 1967 or 1968, perhaps even to have risked blockading the ports of Haiphong and Sihanoukville, *instead* of bombing the North. We thus fought the wrong kind of war in several ways. We have continued, all along to teach the South Vietnamese to fight a conventional war instead of a People's War of counter-insurgency. This is another reason I remain skeptical about the success of Vietnamization. The only real and practical solution in Vietnam is one of political accommodation. I shall come back to that later.

Your Committee is considering a number of bills and resolutions that deal both with the question of ending the war and avoiding overcommitments in the future, partly by limiting the prerogatives and powers of the President and re-affirming the obligations of Congress. There has been considerable debate about establishing cut-off dates—that is, dates for the total removal of all American forces in Vietnam. I can readily understand the overwhelming desire of the American people to get out of Vietnam as soon as possible. However, it is far easier to fall into a quagmire than to get out of one. It is not simply a question of prolonging the agony, ours and theirs. The basic question, even at this eleventh hour of our misbegotten involvement, is how to get out in such a way as to preserve whatever chance there may be for the Vietnamese to reach a political settlement among themselves without either permitting the Communists to take over the country or having the war continue indefinitely. The people of South Vietnam, for the most part, are eager to have us leave. But whatever the mistakes of the past, most of the Vietnamese, like most of the remaining Americans in Vietnam, also feel that the schedule of total withdrawal should and cannot be too precipitately advanced. Immoral and distasteful as the war has become, we cannot get out, lock, stock and barrel, overnight. It is not just a matter of admitting our lack of success gracefully, of atoning for disgraceful My Lais, or of cutting our losses. Beyond being physically impossible, overnight withdrawal would create complete chaos in Vietnam. It would drop our prestige in the rest of Asia, as well as elsewhere in the world, to a new low. Like it or not, we cannot escape amount of remnant responsibility, including the responsibility to repair as much of the damage we

have done as possible, both physical and social.

One may still ask, however, if the pace of withdrawal cannot be faster and if a reasonable cut-off date cannot now be set. While I have been critical of the Cambodia and Laos operations, I feel that, by and large, President Nixon's Withdrawal policy so far has been reasonable. But it can at this juncture be stepped up and it should be more clearly defined. Although the most elite forces in the Vietnamese army suffered severe losses in the Laos operation, seven of the eleven Vietnamese divisions are currently rated good or better by our top American military experts. Having been taught to fight the wrong way, they are at least now beginning to fight the wrong way right, that is to say, conventionally or quasi-conventionally. This may not be much but it is all we can do at this late date. Whether the Vietnamese can change later is up to them—certainly the vast majority of our military establishment has proved itself incapable of changing its theories and methods of indoctrination.

The President has recently announced another reduction of 100,000 men, bringing the total to 184,000 to be left in Vietnam by December 1st, 1971. He has continued to link the question of total withdrawal with the prisoner issue, and he has said that some American troops will remain in Vietnam until the prisoners are released. While he has refused to set a date for complete withdrawal, on the grounds that this would play into Hanoi's hands, it has been widely assumed that there will be no more than about twenty or thirty thousand troops in South Vietnam by mid-1972, or certainly by the time of our Presidential elections. Whatever moral justification there is to the position we have taken on prisoners, we cannot move Hanoi by pleading or threatening or by military action, such as the Son Tay raid, to change its attitude on this matter. Hanoi continues to maintain that the prisoner issue, like others, has to be part of overall negotiations to end the war and must be preceded by our total withdrawal. But on occasion, Hanoi has indicated a willingness to accept the "principle" of complete withdrawal, in other words, an announced schedule pointing to a cut-off date.

I think it is illusory to suppose that we can strike a bargain with Hanoi about *mutual* troop withdrawals preceded by cease-fires. What I have described elsewhere as the mirage of "the wonderful world of cease-fire" was based on my conviction that, even if there should be a formal halt to the fighting, violence at varying levels will inevitably continue in Indochina for years to come, and no one will ever collect all the guns there and put them in nice little heaps. They will be buried for use another day, as they were in 1954. It is illusory to believe that the Communists do not still want to dominate all of Vietnam, and most of Laos and Cambodia, either through force or through political subversion. Furthermore, Hanoi knows pretty well the number of troops, more or less, we expect to have in Vietnam by mid-1972. It is hard to keep secrets in America. Therefore, I feel that the President could more sharply define his schedule of withdrawal at this point without giving too much away. Or he could move secretly to deal with Hanoi on this subject, and with the prisoner issue very much in mind. Perhaps he has already tried to do this. I do not think that, at present, it would materially help matters for Congress to interfere with the President's activities in this respect. I would, however, favor a resolution calling upon him to move in that direction as fast as possible and requesting him to consult at regular intervals and in confidence with Congress, on a bi-partisan basis.

The Vietnam war, always essentially a political one, is rapidly becoming more political. It is also at the moment reassuming the shape and substance of a guerrilla conflict, part of what the Communists call protracted warfare, including military, political and diplomatic action. The North Vietnamese and the Vietcong troops, with some important exceptions, are breaking down into small units of five to fifty men. The orders have gone out to "legalize" at least fifty percent of their political cadres—that is, to have them work their way into the government system, including the local self defense forces, and to live openly while still dealing covertly with one superior, on a city block or in a rural hamlet. For the moment anyway, Hanoi has determined to subvert and control the South, or as much of it as possible, by these slower methods, although eventually what is called the General Uprising and/or General Offensive, such as was attempted, and failed, during Tet, 1968, may again take place. The emphasis once more is on urban struggle, even while the rural struggle also continues. I am by no means sanguine about the prospects of peace in Indochina. A far-flung guerrilla war may very well continue between the Communists and the nationalists long after we are gone, and embrace Cambodia—Laos is somewhat different because the framework for re-establishing a coalition government exists there, under the 1962 Geneva formula. However, while we have always underestimated Hanoi's threshold of pain—the Laos incursion and the current level of activity on the part of the Communists in South Vietnam are the latest examples—it is also true that the North Vietnamese are weary of this war and that they have faced, and are now facing, by their own admission, some grave economic, management and morale problems. They, too, are scraping the bottom of the manpower barrel—seventy percent of those now working in the fields of North Vietnam are women.

Therefore, I feel that Hanoi may in time welcome at least a hiatus, or a truce, which might, under the best conditions, lead to a process of accommodation in the South. This would not negate the protracted war theory, but it could alter its consequences. Because of that possibility, I believe that the fewest number of troops we leave in Vietnam the soonest, the better it will be. A small contingent of American forces should remain long enough to protect the number of Americans who stay in Vietnam in necessary technical and advisory roles, and to serve as a rehabilitation and reconstruction corps, but I see no need for American combat forces beyond the end of this year; basic combat support elements as well should be reduced by then to an absolute minimum, perhaps a few battalions. By the end of 1972, or early 1973, no more than a few thousand volunteer advisers and technicians and rehabilitation personnel should remain—the former will be necessary to complete the task of teaching the Vietnamese to use what we have given them. The Vietnamese cannot, in fact, afford to pay for the kind of war they are now fighting. One would like to hope that by that time something more will have been learned about People's War. Far more Vietnamese officers than most of the American military establishment supposes are now ready, willing and eager to re-organize and slim down their army and auxiliary forces to meet the demands of People's War. If accommodation and political solutions don't work, that will be the only way the South Vietnamese can fight for their survival. However, properly executed, such a reorganization could in time become part of the accommodation process, to include Vietcong elements.

Accommodation in Vietnam can be attained in various ways. It can start at the top, with an agreement between the Saigon government and the Provisional Revolutionary Government of the Communists, to start negotiating. It can, and should, be preceded by a serious attempt by whatever Saigon regime is in power to accommodate with the heretofore neglected elements in Vietnamese society—the Buddhists, the members of the Cao Dai and Hoa Hao sects, and the montagnards, which together comprise a majority of the South Vietnamese population. These are things we should have urged forcefully long ago, applying our political leverage, instead of simply pouring aid into Vietnam unconditionally—I should add that I believe in aid without strings under certain circumstances and in certain places, but Vietnam was not one of them. We no longer have much leverage left, but we can still try the art of persuasion more subtly at all levels instead of simply telling people in Independence Palace in Saigon, whoever they may be, how well they are doing and what else they ought to do, and then retiring, amid noddings of Vietnamese and American heads, to the embassy, believing we have accomplished our objectives. This is part of the whole American myth of diplomacy in Vietnam that has led us to wear blinkers for fifteen years. Considering how long we have been there, we do not understand much about the Vietnamese. One year or eighteen months tours of duty are not conducive to acquiring knowledge or fostering patience.

Accommodation can also take place at the village level, which I consider most important. There is no doubt that life for many Vietnamese in the Delta, for example, has improved materially in the past two years—as I have said, not everything we have done, not all aspects of pacification, have been bad. Canals and roads are open, markets are busy, because security in most places has improved. But that doesn't mean most of the population supports the government of President Nguyen Van Thieu. My own scorecard would still read pro-Communist fifteen to twenty percent, pro-Thieu fifteen to twenty percent, and the rest generally uncommitted. But if the government does something about the everlasting and evermore deeply imbedded corruption, and implements land reform properly, which so far is not the case, and if it really sees to it that honest elections are held at all levels, then accommodation becomes possible, both with the uncommitted and with those legal Communist cadres who begin to see that life on the non-Communist side of the fence is better for them and their families. But that will take time, and it is a Vietnamese problem, not ours, though we have certainly abetted corruption. However, it furnishes another reason for our getting out as quickly as possible and letting the Vietnamese solve their own problems in their own way.

While the Communists have refused to participate openly in the Vietnamese elections that have been held in the past and are to be held this summer and fall, for a new House of Representatives in August and for the Presidency in early October, they will undoubtedly participate covertly. They will try to get their sympathizers into the House and, if he runs, they will most likely vote for General Duong Van Minh for President, even though he has abjured them and spoken out against coalition government but in favor of peace. Obviously, the Communists would favor the strongest peace candidate. I would like to express my approval of the resolution introduced by Senator Stevenson or for a similar version, for the establishment of an American observation group from Congress this year far more sophisticated and knowledgeable than the groups that so cursorily watched the elections of 1966 and 1967. What is required is not only Congressional observation but some tough professional advice and participation. It will still be impossible to avoid some rigging, but at least this can be reduced. To inspect the elections properly would require teams of experts in each province down to the village level—a costly undertaking. But having spent as much as we have already in Vietnam, I think

we are justified in coming up with some final appraisals of our own, however, incomplete though they may be. If we can obtain evidence of rigging, then we will know how and why we have failed in prematurely forcing democracy on Vietnam. If Thieu is re-elected and the election is judged reasonably fair, then Hanoi's position in refusing to deal with the Saigon regime is less tenable, and the force of world opinion, including Moscow's if not Peking's, assumes a new perspective. If Thieu is defeated, by Minh or by Vice President Nguyen Cao Ky, the same would be true.

There are some recent signs that the Communists may favor negotiations next year, perhaps even late this year, though there is also doubt about how serious they would want to be. But there is talk in Paris, as well as elsewhere, of a new Geneva type conference. The decision in Hanoi to eliminate candidates previously chosen from the South, in the elections held in North Vietnam in April of this year for a new National Assembly, was presaged on a desire to allow the Provisional Revolutionary Government in the South more leeway to talk with members of the Saigon government. Hanoi would certainly maintain its domination of the P.R.G., but even the semblance of independence, and the indefinite postponement of the issue of unification of the North and South, would help. There is some continuing evidence that, despite their adamant public stand, the Communists might talk secretly with Thieu, if he is re-elected, probably with Minh, and even with Vice President Ky, who often tends to fly like a hawk but also to coo like a dove. All of this is further proof that the Vietnamese, all of them, are tired of the big war and again underlines the advisability of our getting out as soon as feasible. This does not contradict my fears that violence will continue, for the Vietnamese seem to have a self-destructive streak in them which defies western comprehension, though we are self-destructive enough in our own ways, too. The North Vietnamese are like military lemmings, willing to die to the last man down the Trail; the South Vietnamese are political lemmings, seemingly incapable of getting together and forming a truly representative government. They might have done better if we had left them alone in this regard and not imposed our western ways upon them, thereby inhibiting what might have been a more natural political, even revolutionary development in the South. Yet despite this lemming concept, one must admit that the Vietnamese have a tremendous capacity for survival, contradictory as this may sound Vietnam is full of such contradictions.

In any event, I do not think we will easily strike a bargain with Hanoi based on the troop withdrawal question alone. It is better to set a firmer timetable of our own and then wait and see, and hope, letting internal political developments and the accommodation process take their course. Hanoi's demand for a provisional coalition government could still then shift to acceptance of a mixed electoral commission in the South which would be tantamount to temporary coalition, if such a commission were given broad quasi-legislative powers to determine, for example, the *bona fides* of political parties, including the Communist party. I do not think we should concern ourselves with this question, and similar ones, beyond the use of persuasion, once we have negotiated our own way out of Vietnam and solved the prisoner issue. I think Hanoi means what it says about the prisoners—that once we are definite in saying when we'll leave, the issue *can* be negotiated, before others. This would then be a parallel approach to the natural but slower accommodation process in the South. I doubt that a residue of American advisers and technicians would be a stumbling block, not so long as Peking and Moscow continue to play such an obvious role in North Vietnam. The question of our continued use of air power must be settled, however. Here, I think, we must be as firm as we can be in making clear that we intend to stop the bombing anywhere and everywhere. The Vietnamese air force has improved rapidly, though it has so far proved itself incapable of waging sophisticated helicopter warfare. It, too, must be left to fight on its own, if necessary, certainly within one year, with continued technical assistance, including spare parts. But the bombing by Americans of all areas of Vietnam, while it has staved off defeat time after time through the years, has become one of our principal national disgraces. Ultimate defeat in an extended guerrilla conflict will never be avoided that way, no matter how many North Vietnamese we kill, or how many South Vietnamese civilians accidentally. The sporadic bombing of North Vietnam at this late date, in reprisal for attacks on reconnaissance planes or other pretexts, gains us very little and merely stiffens morale in the North further.

Your chairman has asked me to speak about "the current situation in Southeast Asia and the probable consequences of various policy alternatives." I think we should do all we can in Laos to further the possibilities of re-establishing the 1962 coalition and to bring an end to the separate war that is being waged in that unfortunate country. There are increasing signs that the North Vietnamese want to colonize at least the eastern half of Laos. The nation's de facto partition under a coalition government in Vientiane is probably both inevitable and desirable, given the circumstances, and it seems doubtful that the North Vietnamese will withdraw their troops from the country before some sort of negotiations get underway. They are now deadlocked because Prime Minister Souvanna Phouma demands such a withdrawal first, and the Pathet Lao and the North Vietnamese are equally adamant in demanding a cessation of American, Lao, and Thai bombing. The bombing in Northern Laos should be stopped, even though it would undoubtedly lead to some further military expansion and consolidation by the Communists, both in the north and south, around the administrative capital of Vientiane as well as the royal capital of Luang Prabang and the entire area of the Bolovens Plateau in the south. But it could probably be contained and negotiations could then almost surely take place. The proferred good offices of the International Control Commission have been all but rejected but there remains a chance that they might at a crucial moment be used. A new Geneva Conference that dealt with the Laos question first could possibly pave the way for a Vietnam solution.

Cambodia is more directly a part of the Vietnam war. Nevertheless, a political resolution is possible there too, though its outlines are fuzzier than in Laos. The Cambodians can accommodate with each other, to include the native Cambodian Communists but probably not the Sihanoukists. At least one such attempt was made a few months ago, in the jungles of Pursat province, but it failed when bombers attacked Communist elements nearby, resulting in the assassination of the five government representatives. Although I opposed the invasion, our role in Cambodia today is justified, it seems to me, in that we are helping the Cambodians help themselves through a program of military and economic assistance. However, there are signs already that we will make the same mistakes we made in Vietnam—in emphasizing conventional rather than unconventional methods of warfare and in not using our leverage of aid to end or at least limit the amount of continuing corruption and to encourage a quicker pace of political re-organization and progress in the formation of an efficient republican form of government. The illness of Prime Minister Lon Nol, obviously regrettable, nevertheless has offered a fresh opportunity to bring into the government some of the younger and more far-seeing political elements who have been ignored so far or relegated to minor roles. It is too soon to tell if the new cabinet chosen last week is sufficiently representative, but it would not appear to be so.

What is the importance of Southeast Asia to the United States? This, of course, is something we have to determine generally before we can be specific about programs and policies. There are many pressure points in the world and we cannot be equally concerned about all of them, or be a policeman all over the globe. I have always considered Southeast Asia, along with the Middle East and Germany, to be three top critical areas for us, as Americans. It is part of our fundamental historic involvement in Asia, which is and should continue to be concerned with China, first and foremost. The recent events indicating a relaxation of China's hostile attitude are certainly encouraging, although I do not think we should delude ourselves about long-range Chinese intentions. By inviting some ping-pong teams and carefully selected groups of western correspondents to China on guided tours, the Chinese have gained a hundred million dollars worth of publicity, or more. One should not gainsay that, but it remains to be seen how much further they will go, and it remains to be seen whether *we* will now be willing, as we should have been before, to welcome China into the United Nations and to work toward some sort of solution to the knotty Taiwan problem that will relegate the Taiwanese government to a necessary secondary role akin to Byelorussia's thus still recognizing its right to a seat in the General Assembly. Opening up trade is the lasser part of the equation. Taiwan may very well in the future be part of a single China, as both Taipei and Peking maintain, though they naturally approach the question from different viewpoints. The essential fact remains that China is a great nation and the Chinese are a magnificent people who cannot be ostracized or ignored no matter what form of goverment they have. If this is true of the Russians, it is equally true of the Chinese, and it has taken us far too long to admit this blunt fact to ourselves.

Our relationship with Japan is next in importance. The Japanese economic thrust into Southeast Asia today is comparable to its military thrust thirty years ago. Tokyo's relationship to Peking remains almost as undefined as ours. Our military alliance with the Japanese is in the process of tenuous readjustment. These are all factors that will have a bearing on events in Southeast Asia in the years ahead. The Nixon Doctrine, by itself, is not clear enough to serve as a permanent guideline to policy. It is all well and good to say that we will help those nations that help themselves. There are many uncertain factors and possibilities that remain. What sort of permanent system of bases are we seeking, if any, on the Asian mainland, or close to it? What sort of naval screen do we want to maintain? Is there a need to maintain a floating force of Marines or to keep other elements stationed in or close to Asia which can be used in emergencies, as President Kennedy did with the Marines in Thailand ten years ago? The Kennedy ploy worked at that time and might work again under similar circumstances, but we cannot foretell. That brings up the ticklish question of insurgency. When does insurgency reach a level definable as invasion? Suppose North Vietnam or China decides to give more support to the Thai Communist insurgents, now increasing their smallpox pattern of resist-

ance throughout Thailand. We will then be up against some difficult decisions. Probably we will maintain our agreements with Thailand affording us the use of the air bases we built in that country, as well as retain our options in the Philippines. But if the number of insurgents in Thailand doubles, and includes elements of other nations, do we put the bases to use again and start bombing the rebels? There is nothing in the Nixon Doctrine that indicates the answers. What it comes down to, bluntly, is whether we will decide that a specific nation is "worth saving" in its own right, and whether to act or not is in our national interest. I personally feel that, in addition to sustaining our diplomatic-political and economic-social posture, we should maintain some sort of military shield in and around Asia, to include the Philippines and Thailand. In the interests of continuing to improve our relations with China, I think we should withdraw from our military position in Taiwan, but maintain some naval forces in the South China Sea. Our continuing partnership with Australia is essential. Our relations with Indonesia, which comprises half of Southeast Asia's total population of a quarter of a billion people, are also important, and what we have done to spur Indonesia's economic recovery, in concert with eight other nations of the world, particularly Japan, has been a significant contribution to Southeast Asia's well-being. The stability of Indonesia may well determine the stability of the rest of the region, and in many respects Indonesia holds the key to regional cooperation which is proceeding, albeit slowly.

If we cannot definitely predict what we might do if certain situations arise, in Southeast Asia or elsewhere, we can take steps to clarify our policymaking methods and the scope of our potential actions. I do not think the President's hands can or should be tied so firmly that he cannot move in emergencies without Congressional approval. There can, however, be limits set to what the President does on his own, limits as to time and as to the extent of his initial commitment of forces. Nothing as broad as the Tonkin Gulf Resolution should again be passed, and I doubt that it would. But we must do something to improve the poor relationship between the Executive and Congress, which has acquired a guerilla warfare character of its own. Further, there is a tremendous need to redefine the role of various agencies in the government. If the State Department should make and execute foreign policy, what should the role be of the National Security Council and the President's personal advisers? What should the role be of the CIA? Should it be purely an intelligence gathering agency, or should it also have operational functions including counterinsurgency ones, and should it play a part in building political institutions in certain countries where our interests are deemed at stake? We will be faced with repeated conventional as well as unconventional situations in the future, and if we are to avoid more Vietnams we will have to set our own institutional house in order first. It seems to me that this committee, as well as the Committee on Government Operations, should jointly devote themselves to this task. The latter, some ten years ago, held significant hearings and obtained some highly enlightening testimony on the subject of foreign policy making procedures. But little or nothing happened about it all. As a nation, we have a deep self-expiatory streak: we seem to think that the mere process of laying our souls bare, of spelling out what's wrong with the way we do things, settles the matter. I would strongly recommend that the Foreign Relations Committee consider seriously such measures as that introduced by Senator Eagleton and others and then go further in studying the role of the dozen or so government agencies and branches involved in the making and execution of foreign policy. A careful consideration of President Nixon's new plan to reorganize foreign aid would be just one step in this direction. There are many more steps necessary. The alternative of just going along as we have, depending on the personalities of Presidents and the whims of Congress reflecting the many moods of America, could be disastrous. We cannot renounce our role in the world and retire, out of disillusion over Vietnam and other issues, to anything approximating a Fortress America position—there are, fortunately, few signs that we are about to do this. But only by clarifying our purpose and intent and making a far greater effort than we have so far to determine which agencies of government have the right to do what, and what the extent and limit of those obligations are, can we bring order out of the embittered post-Vietnam period.

Thank you.

THE KENNEDY PRESIDENCY

Mr. CHURCH. Mr. President, on March 30, I inserted in the CONGRESSIONAL RECORD a book review on the White House relationship between a President and his personal staff. Mr. Kenneth P. O'Donnell, a close adviser to President Kennedy, took exception to the review, feeling it did not accurately reflect the Kennedy years.

To make public Mr. O'Donnell's opinion on this issue, I ask that his correspondence with me be printed at this point in the RECORD.

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

KENNETH P. O'DONNELL,
Boston, Mass., April 19, 1971.

Hon. FRANK CHURCH,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have read the Congressional Record of March 30, 1971 and, needless to say, it very much disturbed me.

Mr. Baker and Mr. Peters are long-time acquaintances of mine, but I am slightly taken aback by the lack of accuracy in their statements. They quote at great length George Reedy who, in my opinion, discusses a White House that never existed while John Kennedy was President.

I and all of my colleagues can recall hours upon hours of debates, discussions, arguments and disagreements between ourselves and the President of the United States out of which emerged a policy. I heard very few "yes sirs" and the President would not have tolerated them. Every Tuesday morning President Kennedy met with the Congressional Leadership and discussed and argued and debated the policies of the United States Government. John F. Kennedy, as you know, was a constitutionalist who believed totally in the balance of powers between the Executive, Legislative and the Court. There are those who have criticized his legislative accomplishments without validity but it was because he always attempted to reach an accommodation with the legislative branch of the United States.

The Life article described seems to me to prove the President's consideration of the United States Senate. Senator Mansfield, as your representative, brilliantly presented your views and brought great influence to bear upon the President of the United States. It so happened that their views and almost all of us on the White House staff (or shall we say, courtiers) were in total agreement that we should not involve ourselves in any military conflict in Viet Nam.

I am disappointed that Mr. Baker and Mr. Peters used the word "war" because there was no "war." There were 16,500 Americans in Viet Nam as I recall. Prior to the President's assassination, Mr. McNamara had announced the withdrawal of 1000 American Advisors. There had been 43 Americans who had lost their lives in the years John F. Kennedy had been President (which is 43 too many) but there was no war. He promised that there would be no war and I am shocked that two distinguished journalists would allow the Congressional Record to be used to confuse history.

I have read George Reedy's book with great interest, and he describes the Johnson Administration but not the Kennedy Administration. I have had the privilege of serving with both, and one of George's points is quite important. Under the Johnson Administration, they did all "yes sir." That was not true in the Kennedy Administration and obviously was not true in the Eisenhower Administration as witness the resignations of General Ridgeway and General Gavin.

As one who served in the White House under two Presidents, I have one suggestion . . . that those who disagree with their Chief in matters of great public policy should have the courage and do have the obligation to resign and present their opposition to the public. In this way, they truly serve this great Republic.

Sincerely,

KENNETH P. O'DONNELL.

APRIL 30, 1971.

Mr. KENNETH P. O'DONNELL,
Boston, Mass.

DEAR KENNETH: I have read your letter in which you take issue with the book review by Mr. Baker and Mr. Peters which I inserted in the Congressional Record of March 30, 1971.

I can understand why you feel that the article may have had relevancy to the White House under President Johnson, but that it did not correctly describe the staff relationship with President Kennedy.

As one who feels that the Kennedy Presidency was a generally bright episode in an otherwise dreadful decade, I would be happy to insert your reply to the Baker-Peters article in the Congressional Record, along with explanatory introductory remarks. I would not do so, of course, without your permission, yours being a personal letter.

I shall await word from you.

Sincerely,

FRANK CHURCH.

BOSTON, MASS., *May 4, 1971.*

Hon. FRANK CHURCH,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR: Thank you very much for your reply, and I would be delighted if you would be willing to place in the Congressional Record a contrary viewpoint.

As I have simmered since reading the article and well recall the violent discussions on the Missile Crisis where Governor Stevenson and some others were almost involved in fisticuffs, I pall at this kind of distortion of history.

I remember the vigorous exchanges concerning the use of American military power, the use of tactical air weapons and the almost violent responses of the civilian members of our military establishment. I recall vividly where the President, unlike some of his successors, sought the advice and consent of the Congressional leadership at meet-

ings in the White House where the arguments and discussions were furious and, perhaps never resolved.

In my four brief years in the White House, I again reiterate, the President made the ultimate decisions but neither the Congress nor his staff were subservient.

With my deepest respect.

Sincerely,

KENNETH P. O'DONNELL.

PAUL A. BOULO, JR., KNIGHT IN THE ORDER OF ORANGE NASSAU

Mr. ALLEN. Mr. President, it is a source of pleasure and pride to me when a fellow Alabamian is singled out for honor in recognition of extraordinary achievements. Recently, a distinguished citizen of Mobile, Ala., received such an honor from Queen Juliana of Holland who, by royal decree, designated Paul A. Boulo a Knight in the Order of Orange Nassau in recognition of his outstanding services as an honorary consul for the Netherlands at Mobile.

Mr. President, I ask unanimous consent that an article which appeared in the Mobile Press on Friday, May 7, 1971, describing the circumstances of this award be printed in the RECORD.

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

[From the Mobile Press, May 7, 1971]

MOBILIAN NOW SIR PAUL BOULO—NETHERLANDS CONSUL KNIGHTED

He went to a birthday party in honor of the queen, discovered he was the guest of honor and emerged as a knight.

Paul A. Boulo Jr., honorary consul for the Netherlands at Mobile, today proudly wears the medal designating him, by royal decree of Queen Juliana, a Knight in the Order of Orange Nassau.

Boulo received the honor at a reception at the World Trade Club in Houston, Tex., from F. A. Hoeffer, consulate general of the Netherlands, before 300 applauding guests on April 30. Boulo has been notified by Netherlands Ambassador R. B. Baron von Lynden that the queen's decree bestowing knighthood upon him will be forwarded to Mobile.

The award is the highest civilian honor the queen can bestow in recognition of services to the crown and country.

Boulo's knighthood came from distinguished consular services at Mobile since 1953. He became honorary vice consul then, succeeding his father in the position after his death.

Boulo's friends say the queen could not have honored a finer fellow. He suffered a crippling automobile accident several years ago, but declined to bow to fate and accept the life of an invalid.

Today he gets about on a cane, continues active direction of his company, Paul A. Boulo, foreign freight broker and forwarding agent. He pilots his 50-foot yacht, the Lyreb, entertaining customers aboard, and incidentally does a good job of selling the Port of Mobile.

The Boulos have been associated with the sea and the waterfront for generations. Boulo has documentary evidence in his possession indicating that one of his ancestors was in the Holy Crusade to Siria Pulgline in 1250 A.D. and commandel a Geonese galley in the Battle of Malonia.

The name originally was Bollo, but was later changed to Boulo after his great-grandfather Philip Boulo, a merchant seaman, emigrated from Italy to Mobile in 1825 and established a ship chandlery and bar near the waterfront. His grandfather owned sailing ships that plied the coastal trade, and his father carried on a freight forwarding business, which Boulo continues to operate.

So now it's Sir Paul Boulo—and his friends salute him with delight. Boulo has served in numerous civic and sports organizations and the queen's recognition adds new honors to a distinguished career.

HARPER COLLEGE GRANTED UNQUALIFIED ACCREDITATION

Mr. STEVENSON. Mr. President, 6 years ago, the State of Illinois took a major step to increase the availability of higher education for Illinois citizens by enacting the Illinois Public Junior College Act of 1965. Since then, our State system of community colleges has expanded and improved at an impressive rate.

One of the most brilliant examples of what has been accomplished is the recent accreditation granted to William Rainey Harper College in Palatine, Ill. Harper, established by voter referendum in 1965, is the newest Illinois college to be so honored. In January of this year, the North Central Association of Colleges and Secondary Schools granted full accreditation without qualification to Harper.

Mr. President, at this point, I ask unanimous consent that the news release announcing the association's action be printed in the RECORD.

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

COMMUNITY COLLEGE PRESIDENT, ROBERT E. LAHTI, ANNOUNCES THAT ACCREDITING BODY'S ACTION IS "WITHOUT QUALIFICATION"

William Rainey Harper College in Palatine, public community junior college (District #512) established by voter referendum in 1965, has been granted full accreditation by the North Central Association of Colleges and Secondary Schools.

Harper is the "youngest" public two-year institution operating under the Illinois junior college act of 1965. Rock Valley College in Rockford (District #511), which also received full accreditation this week, was established one year earlier than Harper.

In announcing the action by the accrediting body, Robert E. Lahti, Harper's president, stated "Harper has reached this important milestone with all due haste for a new institution which has taken on the challenge of providing comprehensive community college services to its constituencies." He added that the North Central Association had fully accredited Harper "without qualification."

According to the Harper president, full accreditation means that the college's credits and quality of instruction have unquestioned reciprocity among all institutions of higher education. "This is, of course, most important to our students and their families while at the same time it is a tribute to our faculty," he said. Dr. Lahti added that accreditation also means that a faculty is "more free" to pursue innovative approaches to the learning process.

The North Central Association based its decision to accredit Harper partly upon the report by a six-member examining team which visited the college on January eighth and ninth. "The decision was also based upon an exhaustive self-study of Harper by the college faculty last year and my own appearance before a final examining board in Chicago earlier this week," Dr. Lahti explained.

Conclusions stated in the North Central report of its January visit to Harper stated, "The college has able administrative leadership that has achieved a great deal in a short time: excellent facilities; comprehensive program of instruction; capable faculty and sub-administrators; large enrollment including adults; good relationships with colleges and universities of the area; excellent financial and community support during the rapid development of the college."

In the closing paragraph of their 22-page report on Harper, the North Central examiners said, "The only serious concern appears to be the failure to pass a needed tax levy increase last spring (March 1970). The staff and the board of trustees are optimistic about passing a levy in the fall of 1971 . . . The economic characteristics of the Harper district suggest that adequate funds can be obtained through a vigorous effort to interpret the services which can be rendered with additional funds."

Harper's president reported that the college initiated the accreditation process at the earliest possible opportunity. "In 1967," he recalled, "the first year of classes, a North Central team was invited to visit Harper. We were then conducting only evening classes in leased facilities. Our initial enrollment was 1,700. That first visit resulted in our being granted 'correspondent' status for accreditation," Dr. Lahti related.

As a "correspondent," Harper became the subject of an extensive North Central study by four examiners who visited the college in 1968. The philosophy, administration, curricula, faculty, and quality of instruction were among key areas studied. The accrediting body's evaluation of its 1968 study resulted in Harper's advancing to "candidate" status in April, 1969.

Harper currently has an enrollment of more than 6,000 students. Educational programs include the first two years of a four-year bachelor's degree program, 19 two-year associate degree career programs in technical and semi-professional fields, 21 one-year certificate programs in vocational fields, a generous mix of evening non-credit short courses, a co-curricular program of cultural arts activities, extension courses from four-year institutions, plus special interest workshops and seminars. Harper also operates a full-time Community Counseling Center accredited by the American Personnel and Guidance Association, and a Dental Hygiene Clinic accredited by the American Dental Association.

DISTORTED U.S. CASUALTY FIGURES?

Mr. CHURCH. Mr. President, I recently received a memorandum from our former colleague and good friend, Stephen M. Young, regarding the accuracy of Indochina war GI casualty figures supplied to us by the Department of Defense. Senator Young, who was a member of the Committee on Armed Services, notes that until 1969, "GI deaths termed by the Pentagon as being due to accidents or incidents and then later termed nonhostile deaths invariably amounted to one-fifth of the total listed as combat deaths." Now, however, "the nonhostile deaths are more than one-half the combat deaths."

Because our Government's credibility is continually an issue of prime concern, I ask unanimous consent that Senator Young's memorandum and his backup material be printed in the RECORD.

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

WASHINGTON, D.C., MAY 3, 1971.

Memorandum To: Hon. FRANK CHURCH.

1. President Nixon in his press conference Thursday night, April 29, on three separate occasion referred to Lt. Calley as Captain Calley. Is this carrying forward his aiding and abetting Calley and interjecting himself in connection with the judgment of the senior army officers who heard all the testimony and the argument as trial judges? Is this indicative that he has in mind a further boost should be given Calley by permitting him to be captain?

2. Frank, Stuart Symington will confirm that my recollection is correct that over a couple of years various generals in testifying before the Armed Services Committee stated that GI deaths termed by Pentagon as being due to accidents or incidents and then later termed non-hostile deaths invariably amounted to one-fifth of the total listed as combat deaths. This was the situation throughout the full time Lyndon Johnson was President. Even at that, Frank, practically all of those deaths attributed to accidents and incidents would have been termed combat deaths in World War II. I know that due to personal experience in combat in North Africa and Italy for 37 months. It is evident to me that the word went out soon after Nixon became President to keep the combat deaths down and whenever possible to list these as non-hostile deaths or deaths due to accidents or incidents. Generals testified that sometimes the line of demarcation was between a combat death and non-combat death practically indivisible.

3. Also, and I am sure that Stuart will corroborate this, I was surprised to hear from several generals that the senior American fighting man in the area where a GI had been killed made the decision whether his death was due to combat or not and that sometimes a private first class was the senior fighting man in that area and would make the determination. Often sergeants would make the determination, sometimes a second lieutenant.

4. You will note in the enclosed memorandum that in some weeks the non-hostile deaths are more than one-half the combat deaths. It may be this is worthy of comment. I suspect that orders went out from the Pentagon back in 1969 or 1970 to attribute more and more deaths of GIs to accidents and incidents or term them non-hostile deaths to make it appear to help bolster Nixon's argument.

Best regards,

STEPHEN M. YOUNG.

P.S.—Frank, I dictated the above last Friday. I note in an editorial in Sunday's Washington Post there is comment that Nixon referred to Calley three times as captain.

MEMORANDUM—APR. 19, 1971

TO: SENATOR STEPHEN YOUNG

SUBJECT: WEEKLY CASUALTY REPORTS, SOUTHEAST ASIA, JAN. 3-APR. 10, 1971

	Current	Cumulative
JAN. 3-9		
Casualties—Hostile:		
Deaths	27	44,268
Wounded—Hospital	56	148,045
Wounded—Nonhospital	27	154,567
Missing	972	----------
Captured—Interned	462	----------
Casualties—Nonhostile: Deaths	29	9,091
JAN. 10-16		
Casualties—Hostile:		
Deaths	37	44,305
Wounded—Hospital	113	148,158
Wounded—Nonhospital	98	145,665
Missing	972	----------
Captured—Interned	462	----------
Casualties—Nonhostile: Deaths	29	9,120
JAN. 17-23		
Casualties—Hostile:		
Deaths	50	44,355
Wounded—Hospital	184	148,342
Wounded—Nonhospital	111	145,776
Missing	974	----------
Captured—Interned	462	----------
Casualties—Nonhostile: Deaths	25	9,145
JAN. 24-30		
Casualties—Hostile:		
Deaths	29	44,384
Wounded—Hospital	138	148,480
Wounded—Nonhospital	106	145,882
Missing	973	----------
Captured—Interned	462	----------
Casualties—Nonhostile: Deaths	15	9,160
JAN. 31-FEB. 6		
Casualties—Hostile:		
Deaths	24	44,408
Wounded—Hospital	211	148,691
Wounded—Nonhospital	156	146,038
Missing	975	----------
Captured—Interned	462	----------
Casualties—Nonhostile: Deaths	19	9,179
FEB. 7-13		
Casualties—Hostile:		
Deaths	51	44,459
Wounded—Hospital	129	148,820
Wounded—nonhospital	88	146,126
Missing	987	----------
Captured—Interned	462	----------
Casualties—nonhostile: Deaths	32	9,211
FEB. 14-20		
Casualties—Hostile:		
Deaths	59	44,518
Wounded—Hospital	148	148,968
Wounded—Nonhospital	69	146,195
Missing	991	----------
Captured—Interned	462	----------
Casualties—Nonhostile: Deaths	42	9,253
FEB. 21-27		
Casualties—Hostile:		
Deaths	69	44,587
Wounded—Hospital	152	149,120
Wounded—Nonhospital	129	146,324
Missing	1,003	----------
Captured—Interned	462	----------
Casualties—Nonhostile: Deaths	37	9,290
FEB. 28-MAR. 6		
Casualties—Hostile:		
Deaths	44	44,631
Wounded—Hospital	229	149,349
Wounded—Nonhospital	205	146,529
Missing	1,010	----------
Captured—Interned	462	----------
Casualties—Nonhostile: Deaths	23	9,313
MAR. 7-13		
Casualties—Hostile:		
Deaths	45	44,676
Wounded—Hospital	102	149,451
Wounded-Nonhospital	54	146,583
Missing	1,027	----------
Captured—Interned	462	----------
Casualties—Nonhostile: Deaths	22	9,335
MAR. 14-20		
Casualties—Hostile:		
Deaths	54	44,730
Wounded—Hospital	192	149,643
Wounded—Nonhospital	143	146,726
Missing	1,030	----------
Captured—Interned	462	----------
Casualties—Nonhostile: Deaths	29	9,364
MAR. 21-27		
Casualties—Hostile:		
Deaths	58	44,788
Wounded—Hospital	243	149,886
Wounded—Nonhospital	299	147,025
Missing	1,038	----------
Captured—Interned	462	----------
Casualties—Nonhostile: Deaths	22	9,386
MAR. 28—Apr. 3		
Casualties—Hostile:		
Deaths	88	44,876
Wounded—Hospital	194	150,080
Wounded—Nonhospital	153	147,178
Missing	1,051	----------
Captured—Interned	462	----------
Casualties—Nonhostile: Deaths	22	9,408
APR. 4-10		
Casualties—Hostile:		
Deaths	42	44,918
Wounded—Hospital	187	150,267
Wounded—Nonhospital	131	147,309
Missing	1,049	----------
Captured—Interned	462	----------
Casualties—Nonhostile: Deaths	29	9,437

PIPELINE SAFETY RUN-AROUND

Mr. PROXMIRE. Mr. President, an American family is getting a gigantic bureaucratic runaround that endangers the lives and property of themselves and others.

The situation provides a clear-cut reason why Congress should take a tougher look at pipeline safety.

A little more than 200 feet from the back door of the Charles Baker home in Collinsville, Okla., is a natural gas pipeline operated by Transok Pipeline Co. for Public Service Co. of Oklahoma.

Mr. Baker says the line is unsafe and should be closed.

The company says the line is OK and, despite evidence to the contrary, has refused to uncover the line unless the Bakers post a $250,000 bond. The case has been rehashed in the Oklahoma Corporation Commission. It has come to the attention of the Office of Pipeline Safety within the Department of Transportation where Acting Director Joseph C. Caldwell has been quoted as saying, "The case is closed."

I hope not.

Mr. Frank J. Worzala, an associate professor of engineering at the University of Wisconsin, examined radiographs of some sections of the line and found at least 47 violations of the pipeline construction code in those sections he examined.

Mr. Baker and his wife are raising important questions about the issue of pipeline safety. They are ready to move their fight into court—and I do not blame them. The shocking part is that the Bakers will have to bear the burden of proof and the cost of litigation. They have sold 17 Black Angus cattle to cover part of the expenses they have already incurred, and Mr. Baker says he will sell the farm acre by acre if necessary to continue the fight.

I hope this body will approach this problem with one-tenth that much determination.

Mr. Baker says the building specifications imposed on the pipeline industry is not a safety code, but a convenience code.

A Wall Street Journal article says, "Industry insiders concede that the heralded Federal regulations on pipeline construction" that went into effect in March "are little more than shiny new wrappings for the old voluntary industry codes."

If this is the case, it is high time we stripped off the shiny wrapping and took another look at the unwarranted gift we gave the pipeline industry.

And, while we are looking, it would be a good idea to review the regulatory apparatus set up to police the industry.

I have written Mr. Caldwell in the Office of Pipeline Safety telling him of the findings of Mr. Worzala and asking that he have a representative of his office return to Collinsville to conduct the most exhaustive investigation possible to determine if the pipeline complies with the minimal regulations established under the authority of the Natural Gas Pipeline Safety Act of 1968.

Mr. Caldwell in his correspondence with Reuben Robertson III of the Center for Responsive Law has indicated he is concerned with the letter of the 1968 law. I suggest that his office become concerned with the spirit of the law—that the people of this Nation have a right to be protected from dangerous pipelines.

I also asked Mr. Caldwell about the strange shift of the burden of proof in this case. Does that burden shift to a complainant merely because the State certifies the pipeline? What was involved in the certification of this pipeline? There is serious question whether the State commission actually had the line inspected before it was buried.

I think it is also questionable to have the burden of proof shift to the complainant after the Office of Pipeline Safety washed its hands of the matter because a representative investigated the matter merely by talking with some people.

In a letter dated March 22, 1971, Mr. Caldwell told Mr. Robertson that the representative of the Office of Pipeline Safety did not inspect X-rays of the line because:

> The published standards applicable to this line did not require the pipeline company to retain the X-rays after construction.

That statement is a non sequitur. I think it is a dereliction of duty for the representatives not to have examined the X-rays if they were available.

This is just an example of the buck passing, paper shuffling, and stifling legalese this family has encountered in an effort to protect itself.

Their fight has been courageous. This Nation and Congress is indebted to the Bakers for bringing this issue out in the open. We have a duty to make sure that this fight has not been in vain.

It is time we looked into this case and the subject of pipeline safety in general. I hope this action will be taken before it is too late for someone or some family.

Mr. President, I ask unanimous consent that some correspondence and newspaper articles pertinent to this matter be printed in the RECORD.

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

WASHINGTON, D.C., *February 11, 1971.*

Mr. JOSEPH C. CALDWELL,
Acting Director, Office of Pipeline Safety, U.S. Department of Transportation, Washington, D.C.

DEAR MR. CALDWELL: This is in further reference to the questions which have been raised about the safety of the Transok natural gas pipeline now under construction in the State of Oklahoma, which you and I discussed on the phone Monday afternoon.

The questions were first raised, as I understand it, in a complaint to the Office of Pipeline Safety by Mr. and Mrs. Charles Baker of Collinsville, Oklahoma. Mr. and Mrs. Baker claim that the pipeline in question may have been improperly welded and wrapped and presented a serious safety hazard to the people of Oklahoma, and offered evidence in support of their views. As a result, I understand from you that Mr. Marshall Taylor, an investigator with OPS stationed in Houston, was dispatched to Oklahoma to make a full investigation. You informed me that Mr. Taylor did not submit a report of his findings or recommendations, but only provided you with written compilations or summaries of his conversations with the Bakers and officials of the Oklahoma Corporation Commission and the private firms involved. You agreed that this was public information and you would provide a copy to the Bakers, and also that you would return to them a Polaroid photograph of the line which they had submitted to your office, as soon as you could make a copy.

It is obvious, of course, that this is a major case in defining the responsibilities of your office and the various state agencies in assuring maximum pipeline safety for the public. If the Bakers' charges proved true, there would be serious reason to question whether the Oklahoma Commission should be permitted to retain its certification from the Office of Pipeline Safety for safety regulation of intrastate lines in that state. Because of the great public interest in this matter and some apparent discrepancies that have arisen, I would greatly appreciate your assistance in providing the following information:

(1) I have received information that the OPS inspector, Mr. Taylor, in fact did file a full report with you. Could you have been mistaken in this regard in our telephone conversation earlier this week? If so, since you indicated to me that the case has been closed as far as OPS is concerned, would you provide a copy of any such report or recommendations ?

(2) As to the Bakers' photograph that was submitted to OPS, you indicated there was no way to tell the location of the pipe or other identifying details. Could you possibly have been in error on this? I have been informed by Mr. and Mrs. Baker that the date and precise location of this picture was written by Mr. Baker on the back in heavy black lettering.

(3) You indicated to me that in your opinion the coating on the pipe shown in the photograph could not have passed inspection, but that the Oklahoma authorities advised that it was corrected before it went in the ground. Were any checks made to see whether this in fact was true? Wouldn't it have been possible and relatively inexpensive to uncover the particular section or sections of pipe involved to see whether it was properly wrapped and welded?

(4) You did acknowledge that the State of Oklahoma has no full time inspector on such projects and makes only spot checks of new pipeline installations; and also that it is possible there could be a "slip-up" if the companies are lying. However, you said that in this case it was just the Bakers' word against the Commission's and the companies. What did you do to check independently whether this line was properly installed or whether the charges were true?

(5) What was the basis for your determination, which you related in our conversation, that the Bakers were simply interested in getting more money in their condemnation case, rather than legitimately interested in safety? Have you or Mr. Taylor found them to have been in error in any of the technical and safety matters they have been complaining about, and if so, in what particulars?

(6) Is the Office of Pipeline Safety, in your opinion, lacking in necessary legal authority to provide adequately for public safety in particular cases such as this?

(7) Do you have the authority to send OPS inspectors to the site in cases of this nature, and if so, what are they supposed to do? Are these inspectors technically qualified to determine whether or not a safety problem exists?

(8) You indicated that the Oklahoma Corporation Commission has only two or three employees assigned to these pipeline functions. How many technically qualified inspectors do they have? To what extent do you feel the Oklahoma agency is equipped or qualified to provide an adequate degree of public safety?

(9) Does the Oklahoma Commission take the word of the companies as to what the facts are, or do they do independent analysis and research? To what extent are sampling methods actually used and are they adequate?

(10) Wouldn't it have been justified in this case for your inspector to dig down a few feet and ascertain affirmatively whether or not the covering on this pipe is satisfactory in the areas the Bakers are complaining about? Was this done?

(11) Do the regulations now being issued by your office actually go beyond what industry practice has been? What do these new regulations do to protect the public that the companies haven't already been doing?

(12) In your opinion, are the present requirements and standards adequate? Where are the Bakers wrong in what they claim, especially as to the defects in pipeline coverings and welds?

I will greatly appreciate hearing from you on these matters, as they are of great importance to the interest of public safety. Thank you for your assistance.

Sincerely,

REUBEN B. ROBERTSON III.

OFFICE OF THE SECRETARY
OF TRANSPORTATION,
Washington, D.C., Feb. 22, 1971.

Mr. REUBEN ROBERTSON III
Center for Study of Responsive Law, Washington, D.C.

DEAR MR. ROBERTSON: It appears that my letter of February 9 to you and your letter of February 11 to me crossed in the mail. I believe the basic areas of questions you raised in your letter were answered in the information I forwarded to you.

The legislative concept and intent of the Natural Gas Pipeline Safety Act of 1968 is to allow the various States to participate to the fullest extent possible in the regulation of intrastate gas pipeline safety. The Act itself requires DOT to accept a certification or agreement, at the individual State's option, to participate in the program. The Oklahoma Corporation Commission has so certified and under the requirements of the Act, it has full responsibility for the enforcement of safety regulation for intrastate gas pipelines in Oklahoma. In such a case, the Office of Pipeline Safety is responsible for monitoring the performance of the Oklahoma Corporation Commission, but can participate directly in the enforcement of regulations in that State only if the Secretary determines that the State is not satisfactorily enforcing the regulations, upon reasonable notice and after opportunity for hearing.

Therefore, until such time as the State of Oklahoma refuses to act on the matter, or has taken unsatisfactory action, the entire matter is one within its jurisdiction. We have been informed that a mechanism exists for Mr. and Mrs. Baker to file a complaint with the Oklahoma State Commission and that they have been invited, by its Chairman, to do so. We have also been informed that they have filed a complaint and a public hearing thereon by the Commission is scheduled in March.

I assure you that at such time as there is evidence that the State of Oklahoma cannot or will not fulfill its obligations under

the Act, we will take appropriate action under the last two sentences of Section 5(a) of the Natural Gas Pipeline Safety Act of 1968

Sincerely,

JOSEPH C. CALDWELL,
Acting Director, Office of Pipeline Safety.

WASHINGTON, D.C., FEB. 27, 1971.

Mr. JOSEPH C. CALDWELL,
Acting Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C.

DEAR MR. CALDWELL: Thank you for your letter of February 22. I indeed did receive your correspondence of February 9 with enclosures relating to the Transok investigation. If this was the only report which was prepared on the investigation, I will have to take your word on that. However, I cannot understand how you consider that information to have answered in any way the questions which I raised. As this case appears to be of growing significance insofar as it relates to the effectiveness of the 1968 pipeline safety legislation, and I have received numerous Congressional and press inquiries, it is extremely important that the public have the full facts. Therefore, and in case there was any lack of clarity in the phrasing of my questions, I will restate them and respectfully request your responses.

(1) What was the purpose of sending the federal investigator Mr. Marshall Taylor to Oklahoma at public expense on at least two occasions?

(2) Did Mr. Taylor meet with Mr. Nesbitt, chairman of the Oklahoma Corporation Commission regarding this matter, and if so, where is the report of such meeting?

(3) Did Mr. Taylor inspect the X-rays required to be kept by the company, which Mr. and Mrs. Baker asserted would show evidence of defective welds? If not, why not?

(4) Did Mr. Taylor actually inspect any portion of the pipeline claimed by the Bakers to be improperly welded and wrapped? If not, why not?

(5) Did Mr. Taylor review the Bakers' allegations in detail with the Corporation Commission? How could he have done so if he interviewed the State officials before he interviewed the Bakers?

(6) Did Mr. Taylor interview the pipeline company, the engineering and construction firms, or any of their employees?

(7) Was there any reason for concluding that the Bakers were not telling the truth?

(8) Was there any respect in which the Bakers were shown to be technically wrong in their assertions that the line was being defectively constructed and installed?

(9) Was there any reason for your determination that the Bakers were not really concerned about safety, but just wanted to get more money from the pipeline company for the condemnation of their land?

(10) If, as you have acknowledged, it is possible that the companies have been lying, do you feel the public safety is being adequately protected?

(11) Were any checks made to see whether or not the improper coating in the pipe shown in the photograph forwarded to your office was in fact corrected before it was put in service? If so, what?

(12) Why did Mr. Taylor's report fail to mention that the Bakers had shown him a number of photographs of defective installation of the line, and why were these not checked out?

(13) Did your inspector check out whether or not there was no inspector on the job during installation as the Bakers claimed?

(14) Your inspector's report on his meeting with the state pipeline safety officials indicates that most of the seven or eight hydrostatic test charts were signed by one of the officials. Isn't it required that all such tests be properly signed?

(15) Also in the meeting with one of the state officials Mr. Taylor reported that he "gave me as much of the details as possible." Did the inspector actually obtain from these officials all the information that was needed?

(16) Is there any evidence that any state personnel, or anyone other than employees of the pipeline company or its subcontractors, ever actually inspected the line? This is important since you stated to me in our first conversation that the state officials at least used a "sampling" technique to inspect the line.

(17) If the Bakers' charges are true, do you acknowledge that this could indicate a serious safety hazard in this pipeline?

(18) In your view, does the fact that a condemnation dispute exists, or that the state authorities may conduct a hearing on the Bakers charges sometime in the future, diminish any such possible hazard in light of the fact that gas is now flowing through the entire length of the pipeline in question? Wouldn't it be preferable to defer use of the pipeline until all reasonable doubts about its safety are resolved?

(19) In your view, is it appropriate for states to place the entire burden of proof upon citizens to demonstrate that a pipeline is unsafe rather than to require the companies to demonstrate that it is safe?

(20) Is it your position, in light of the evidence now available regarding the surveillance and inspection practices of the Oklahoma Corporation Commission, that you are fully satisfied that the state authorities are adequately fulfilling their responsibilities under the Act?

I would also appreciate your responses to any of the questions in my first letter about the pipeline safety standards generally that I have not reiterated here.

I do appreciate your assistance in answering these inquiries, and trust that this kind of problem may be corrected both in Oklahoma and elsewhere before further major tragedy occurs.

Sincerely,

REUBEN B. ROBERTSON III.

OFFICE OF THE SECRETARY
OF TRANSPORTATION,
Washington, D.C., Mar. 22, 1971.

Mr. REUBEN ROBERTSON, III
Center for Study of Responsive Law
Washington, D.C.

DEAR MR. ROBERTSON: In reply to your letter of February 22, we agree that anyone interested in this case should have the full facts. The entire case files of this office are available for public inspection between the hours of 8:30 a.m. and 5 p.m. each work day.

The following are the answers to the questions as presented in your letter:

1. The purpose of sending Mr. Taylor to Oklahoma City was to discuss the Bakers' accusations with the persons in whom, by law, the pipeline safety function in that state is vested—the Oklahoma Corporation Commission.

2. Mr. Taylor did meet with Mr. Nesbitt on December 21, 1970, to inform him of why the Office of Pipeline Safety was interested in the Bakers' complaint. (Copy of resume of meeting enclosed.)

3. Mr. Taylor did not inspect the X-rays. The published standards applicable to this line did not require the pipeline company to retain X-rays after construction.

4. Mr. Taylor did not inspect any portion of this pipeline because it was already buried prior to his visit, in fact, even before the Bakers requested this Office to investigate the matter.

5. Mr. Taylor did review the Baker's allegations with representatives of the Oklahoma Corporation Commission, both on December 11 before his discussion with the Bakers and again on December 21 after his discussion with the Bakers.

6. Mr. Taylor interviewed Mr. Clinton McClure, head of the testing department of Williams Brothers Engineering Company which designed the pipeline and was responsible for testing and inspection. He attempted to interview the chief inspector but could not locate him since the construction of this line was completed and the inspector had moved on to another job.

7. We have never implied that the Bakers were not telling the truth, however, we do feel they may have been misinformed, and may have drawn some erroneous conclusions based on their lack of full information of the facts of the case.

8. The Bakers were technically incorrect in their allegations that the pipe used would not meet minimum safety requirements, as well as in their allegations that the pipe should have been tested to 3,000 psi. The pipe met the manufacturing, design and testing standards applicable.

9. We never made a "determination" that the Bakers "were not really concerned about safety." When Mr. Taylor interviewed the Bakers the major portion of their conversation, as related in his documented summary, concerned the manner of the condemnation of their land and the monetary problems. They presented few technical facts, with the major part of these being obtained from alleged discussions with the work crew on the pipeline. The discussion with Mr. Nesbitt on December 21 supports these facts.

10. It is possible that the companies have been lying (as well as it is possible that any party to this problem may be lying) but it is also improbable that they were because the companies that design and construct pipelines have a professional reputation to uphold within the competitive industry and have legal responsibilities for their actions. Based on the reported inspection and testing of this pipeline, we have no adequate reasons to doubt, considering information available to us at this time, that the public safety is not being protected.

11. Mr. Taylor did not personally check the coating since the pipe was already buried, but Mr. J. T. Chastain, field inspector for the Oklahoma Corporation Commission (which has the legal responsibility for this function) stated that the coating was checked and repaired prior to putting on the weights for the river crossing.

12. Mr. Taylor did not make a point of the pictures shown to him by the Bakers because they were pictures of the pipe taken before it was installed in the ditch. These pictures neither prove nor disprove that the coating was or was not repaired prior to installing the line in the ditch. Furthermore, a representative of the Oklahoma Corporation Commission asserted that the coating was repaired before the line was installed in the ditch. When Mr. Taylor arrived on the scene the pipeline had already been buried.

13. Mr. Taylor did check out the claim made by the Bakers regarding the presence or absence of inspectors on the job during construction and reported that the Oklahoma Commission had stated that inspectors were present during the construction and testing of the pipeline.

14. The standards applicable to this line do not require a state safety inspector to witness or sign any such tests.

15. Mr. Taylor reviewed all the information available at the Commission's headquarters at the time and went to Tulsa, Oklahoma, to acquire additional information from the engineering firm.

16. There is strong evidence supporting the fact that state officials actually inspected the line, based on the fact that some of the pressure recording charts used during the

hydrostatic testing of the line bear the initials of a state inspector.

17. At this time any acknowledgement on my part would be strictly a matter of conjecture, and would amount to a prejudging of the situation.

18. The fact that a condemnation dispute exists has no bearing on the issue from a safety viewpoint. The fact that a hearing in late April is pending neither diminishes nor enhances any possible hazard that may or may not exist. The present structural integrity of the pipeline is independent of the outcome of the hearings, but very much dependent on the strength proof test (1170 psig.) to a minimum of 90% specified minimum yield strength that was applied to the pipe. The current operating pressure in the vicinity of the Bakers' home is approximately 250 psi or less than 20% of SMYS. This gives a safety factor of more than four to one.

19. We have no information that indicates that the State is placing "the entire burden of proof on citizens." The burden of proof that a pipeline is safe is for the companies to demonstrate. If a state agency is properly monitoring the Federal safety standards and is satisfied that the pipeline meets these standards, then the pipeline company has fulfilled its obligations. Should a citizen allege that a pipeline is unsafe, it is only fair that he present his evidence to the state agency and request a formal hearing to resolve the issue.

20. Based on the fact that the statute contemplated having the states administer the regulation, and on their certification, it is reasonable to assume that the Oklahoma Corporation Commisison is fulfilling its responsibilities under the Natural Gas Pipeline Safety Act. As I stated in my previous letter, at such time as there is evidence that it is not fulfilling its statutory obligations we will take appropriate action.

In regard to your letter of February 11, we would like to comment on questions 6, 7, 8, 10 and 11.

6. The Office of Pipeline Safety does have the legal authority to provide adequate public safety, either directly or as provided by the statute, through a state agency, in this case the Oklahoma Corporation Commission.

7. We do have the authority to send OPS personnel to the site to evaluate the degree of compliance of both the pipeline operators and/or the state agency. They can perform any acts necessary, subject to physical conditions prevailing. They are technically qualified.

8. The Oklahoma Corporation Commission has two full-time technically qualified employees for the inspection of pipeline facilities. Until evidence indicates otherwise, we have no reason to believe the Corporation Commission is not qualified to provide an adequate degree of public safety.

10. Based on the evidence available we did not think it necessary to uncover the pipe and inspect it.

11. The regulations issued on August 11, 1970, go beyond what the industry practice has been in several areas. Specific areas are pointed out in the preamble to those regulations (copy enclosed) and in the enclosed copy of an interview by Secretary Volpe.

I assume you that if a problem is determined to exist in this case, we will take the necessary actions to correct it.

Sincerely,

JOSEPH C. CALDWELL,
Acting Director, Office of Pipeline Safety.

MAY 5, 1971.

Senator CLEM MCSPADDIN,
State Senate Building
Oklahoma City, Okla.

DEAR SENATOR MCSPADDIN: **The purpose of this letter is to reiterate the points I brought up in our telephone conversation of May 1, 1971, concerning the Transok pipeline.**

In my opinion, this is not a safe pipeline. The weld defects observed in the radiographs and presented at the Oklahoma Corporation Commission hearing indicate there are numerous violations of the industry welding specification, API–1104. The presence of these defects could be extremely detrimental to the mechanical properties of this material. Failures could occur at stress levels well below the yield stress in the presence of these sharp notches and cracks. It is for this very reason that API–1104 restricts the size of notch-like defects to a maximum length of two inches. (In my opinion, even this is too long.) Yet, in examining a limited number of random radiographs from the Transok Pipeline, at least 47 unacceptable welds were observed. Some defects measured as much as 12 inches in length. This is, in my opinion, a case of gross negligence on the part of the pipeline company. Further testimony concerning the pipe wrapping and the manner in which the pipe was buried only aggravate the situation.

Sincerely,

FRANK J. WORZALA, P.E.,
Associate Professor,
Metallurgical Engineering.

[From the Wall Street Journal, Apr. 29, 1971]

AN OKLAHOMA WELDER GETS SET TO TAKE ON THE PIPELINE INDUSTRY—IRATE ABOUT LINE IN HIS YARD, HE RAISES SAFETY QUESTIONS; FEDERAL HEARINGS MAY RESULT

(By James C. Tanner)

COLLINSVILLE, OKLA.—There are varying views of Charles Baker. His wife sees him as "David, fighting Goliath, without a slingshot." Some people say he is just another guy out to make an easy buck. Oklahoma Corporation Commission Chairman Charles Nesbitt terms him "a reasonable man with a hell-raiser for a wife."

Mr. Baker sees himself as the Ralph Nader of the pipeline industry, an industry that he claims is burying "time bombs" all over the country. "Someone," he says, "has got to shake up this industry."

Whether he can remains to be seen. But in the meantime a lot of people are coming to know Charles Baker—and his loquacious brown-haired wife, Dorothy. Mr. Baker, a 38-year-old welder, has singlehandedly taken on Public Service Co. of Oklahoma on the increasingly volatile subject of pipeline safety. Specifically, he is challenging the safety of a high-pressure gas line 20 inches in diameter that is buried in the vegetable garden of his 131-acre farm near here.

The line in Mr. Baker's back yard is part of a recently completed 142-mile line that runs from Enid to Oologah and comes within 234 feet of the Baker house. It's operated by Transok Pipeline Co., a subsidiary of Tulsa-based Public Service, and supplies natural gas from western Oklahoma to the electric utility's power plant at Oologah, eight miles from the Baker farm.

Mr. Baker contends the pipe is rife with defects—that it has thin walls, shoddy welds and unsafe wrapping, among other things—and he has photographs he took that he says prove his case. The line could explode at any time, he insists, and for his family's safety he has vacated his farm.

HEARINGS BEGIN TODAY

The wiry, six-footer gets his first chance to air his case publicly starting today at special hearings in Oklahoma City called by the Oklahoma Corporation Commission, regulator for pipelines in the state. Mr. Baker will present evidence and witnesses to support his claim that the $14 million line is a public menace and should be closed down.

Transok and Public Service, which insist the line was built to meet or exceed all state and federal specifications, also are bringing a battery of lawyers and witnesses and will be supported by Williams Bros. Co., a big pipeline builder that inspected the Transok line during construction.

The controversy already has spread beyond the borders of Oklahoma. The U.S. Office of Pipeline Safety in Washington sent a special investigator to look into the Bakers' charges of violations, but he found none. "The case is closed," says Joseph C. Caldwell, acting director of the agency.

Hardly. Utilities as well as pipeline operators around the country hold a big stake in the outcome of the Oklahoma hearings. For one thing, the Bakers are challenging the companies' right of eminent domain to obtain routes for their lines. "Acquisition of right-of-way already is difficult, and the costs are sky-high," worries a spokesman for Public Service Co. of Oklahoma.

And the Bakers view the commission hearing merely as a first step. They're determined to be the first to get a court to rule on pipeline safety, and they envision going to the Supreme Court if necessary.

POLITICIANS ARE WATCHING

In addition, there are indications that the Bakers' campaign may be catching the attention of highly placed politicians, perhaps partly due to the Bakers' long-distance phone calls, costing as much as $250 a month. Sen. Vance Hartke of Indiana, instrumental in previous congressional action on pipeline safety, has suggested in correspondence to the Bakers that their plight may lead to new congressional hearings.

And increasingly the Bakers are finding themselves a rallying point for others concerned about pipeline safety. The Nader group's Center for Study of Responsive Law is stepping into the case, says spokesman Reuben Robertson III, because "the Bakers have raised some very deep and important questions about our national pipeline safety effort that reach far beyond the confines of this particular case."

One critical issue, continues Mr. Robertson, "is why the government seems to make all presumptions in favor of the pipeline companies instead of the individual citizens." He also asks: "Why should individual citizens such as the Bakers have to bear the burden and expense of proving that a line is unsafe, rather than the other way around, when there are agencies such as the Office of Pipeline Safety and the Oklahoma Corporation Commission paid by taxpayers to do this?"

There are also repercussions within the Technical Pipeline Safety Standards Committee established by Congress in the Natural Gas Pipelines Safety Act of 1968 to make recommendations to federal agencies on pipeline safety. One committee member, Frederic A. Lang, a consulting engineer in Landenberg, Pa., says improvement in pipeline safety will come only when enough people get excited about it. "The Bakers are focusing attention on the problem, and that's a step in the right direction," he asserts.

Mr. Baker isn't just alleging defects in construction of the Transok line. He is questioning the entire regulatory aspect of the pipeline industry, which, he claims, "doesn't have a safety code; it's a convenience code."

Thinner walls of steel may be used under existing regulations for pipe laid in the less-congested countryside. "That means," says Mr. Baker, "that if you live in the country you're expendable." He also questions the safety of the pressure allowed on the lines.

Transok says its pipe is one-fourth inch thick ("You could build a city over that line without danger," says an engineer with a Transok competitor) and the pressure at the highest point, the receiving end of the 20-inch line, won't exceed 780 pounds per square inch. Government officials call that a safe pressure, but Mr. Baker asserts he has been a half-inch gas line with six ounces of pressure (the amount on gas going into houses) "go off like a flame thrower."

Industry insiders concede that the heralded federal regulations on pipeline construction that went into effect last month are little more than shiny new wrappings for the old voluntary industry codes. Like plumbers and doctors, pipeline operators are largely self-policing. The Oklahoma Corporation Commission has one engineer to inspect 30,000 miles of pipelines.

The U.S. Office of Pipeline Safety, established recently by Congress to promulgate and enforce federal regulations for pipelines, is leaving enforcement to the states. Also, explains Mr. Caldwell of that agency, "our (new federal) standards are based primarily on codes in existence for years that the industry has been using voluntarily as construction guides. They have proved safe."

The Office of Pipeline Safety is concentrating on the analyzing of pipeline failures. Mr. Caldwell recently got last year's "leak" report from the nation's pipeline operators, the first to be required. There were 1,300 reported leaks, breaks and ruptures, he says. "We don't know how many were explosions," he adds.

Meanwhile, the intensity with which the Bakers are waging their campaign is beginning to take its toll. Mr. Baker, who works as a welder in nearby Tulsa, is being cautioned by his boss about taking too much time off the job. Mrs. Baker has lost 17 pounds and is beginning to wear her 15-year-old daughter's clothes.

While challenging the safety of pipelines, the Bakers also are pressing separately for a jury trial to get additional remuneration for the land used by the pipeline on their farm. They have refused to accept the $3,200 already awarded them by a condemnation court; Transok originally offered the Bakers $800 for the right-of-way plus some additional money for damages.

The Bakers say they have spent $3,000 so far and expect to spend another $7,000 for the attorney's fees and costs of bringing in witnesses for today's hearings. They have just sold their 17 black angus cattle to help pay these costs. "If necessary," asserts Mr. Baker, "we will begin selling the farm, acre by acre." The Bakers currently live in an apartment little bigger than the den of their nine-room farm house. "We won't move back to the farm," vows Mrs. Baker, "until that pipeline is gone."

[From Tulsa (Okla.) Tribune, Apr. 29, 1971]

VALIDITY OF REGULATIONS QUESTIONED—COLLINSVILLE PIPELINE FIGHT GOES TO STATE AGENCY

(By Windsor Ridenhour)

OKLAHOMA CITY.—A Collinsville couple carried their fight against a high pressure pipeline crossing their property and chasing them from their homes to the state Corporation Commission today.

An attorney for Mr. and Mrs. Charles C. Baker, Gerald Kamins, attacked the pipeline as "absolutely inferior, unsafe," and also questioned the validity of state pipeline regulations.

The Bakers, who moved from their home after a 20-inch high pressure gas line was buried across their farm and in the couple's vegetable garden, have gained national prominence in their battles with Transok Pipeline Co., a subsidiary of Public Service Co. of Oklahoma.

Consumer advocate Ralph Nader has been checking the Bakers' complaint, and U.S. Sen. Vance Hartke of Indiana, instrumental in previous congressional action on pipeline safety, has suggested to the Bakers their complaints may lead to new congressional hearings.

The Wall Street Journal today carried a front page story on the Bakers' fuss, saying the Bakers are finding themselves a rallying point for others concerned about public safety.

Today's special hearing was before Corporation Commission Referee Darwin Frayer who is expected to hear two days of testimony from the Bakers as well as rebuttal testimony from Transok lawyers who contend the pipeline meets state and federal regulations.

Frayer opened the hearing by refusing a motion by Kamins that the burden of proving the pipeline company complied with regulations rests on the pipeline company.

Frayer ruled the burden is on the Bakers, who took numerous pictures of the pipeline as it was being constructed along their property.

The line runs from Enid 144 miles to PSC's power station near Oologah.

Kamins said he plans to attack the company's compliance with regulations but blasted the regulations as "wholly inadequate as safety regulations."

Kamins said those regulations were "grossly violated" but the Corporation Commission was unable to find the violations because they are inadequately staffed with only two field inspectors for all the thousands of miles of pipeline in the state.

Kamins labeled the commission regulations as "not a safety code. It's a convenience code for the pipeline industry to build pipelines."

The Tulsa lawyer said he hopes to prove the state Legislature should enact laws regulating pipeline safety rather than leaving it to the Corporation Commission to adopt the code.

Kamins, although protesting Frayer's ruling that the Bakers must prove the line is unsafe, listed 11 areas where he claimed he can prove the gas line is "a hazard."

The quality of the steel pipe is "absolutely inferior, unsafe for construction of pipelines," Kamins declared, adding he will show "industry will not use the same pipe within its refineries and will not use the welding code used on the pipeline for its refinery welds."

He called the pipe (5XL) "weak and brittle."

Kamins said he also will show the line is a "storage vessel" and not just an "open-ended line" and must withstand pressure.

The Journal quoted Corporation Commission Chairman Charles Nesbitt as saying Baker is "a reasonable man with a hell-raiser for a wife."

Mrs. Baker, a housewife who spends most of her time attacking the pipeline in some fashion, says she is merely backing her husband.

Baker was the first witness this morning and testified he had been a welder for 19 years, holding at various times certificates as a pressure welder, and credentials to weld on aircraft and missiles:

Baker showed Frayer photographs he said were taken as the line was being constructed across his property.

Kamins said he also plans to call Marshall Taylor, an in-Pipeline Saftey Committee office in Houston.

According to earlier reports, Taylor investigated the Bakers' complaints to the federal agency but made his report without ever examining the pipeline in question.

Part of the Bakers' complaints is that they were unable to touch a responsive chord among any of the state or federal agencies which they contacted.

The Bakers also are questioning new federal regulations that went into effect last among any of the state or federal agencies with enforcing. The Journal called the new federal regulations "little more than shiny new wrappings for the old voluntary industry code."

The U.S. Office of Pipeline Safety, established recently by Congress to enforce federal regulations for pipelines, leaves all enforcement to the states. While challenging the safety of pipelines, the Bakers also are in District Court asking additional money for land used by the pipeline across their farm.

They already have refused to accept $3,200 awarded them by a condemnation suit after Transok offered them $800 for right-of-way, plus additional money for damages.

The couple says some $3,000 has already been spent and they expect to spend another $7,000 for attorney fees and cost of witnesses for today's hearing.

They say they have already sold 17 Black Angus cattle from their farm and added, "if necessary, we will begin selling the farm acre by acre."

Mrs. Baker says they will not return to their farm until the pipeline is gone. They are living in a Collinsville apartment with their 15-year-old daughter.

[From the Daily Oklahoman, Apr. 30, 1971]

PIPELINE ON FARM UNSAFE, COLLINSVILLE WOMAN TESTIFIES AT STATE HEARING

(By Jim Reid)

Federal and state agencies charged with enforcing pipeline safety regulations have given a safety-minded Collinsville couple the runaround, an Oklahoma Corporation Commission referee was told Thursday.

Mrs. Charles Baker testified that efforts by her and her husband, a pressure vessel welder, to keep a 20-inch natural gas pipeline off their farm have been thwarted by apathetic state and federal officials.

Mr. and Mrs. Baker allege the gas line is not adequate for the pressure it will carry, is improperly laid and that the welds and wrappings are unsafe.

They want the corporation commission to order removal of the pipeline from their property or to see that it meets federal safety regulations.

The line was laid by Transok Pipeline Co. for Public Service Co. to supply a power plant near Oologah. This line is 144 miles long, extending from near Enid to Oologah, and passes within 234 feet of the Bakers' Rogers County farm home.

The hearing, expected to run through Friday, is being conducted by Darwin Frayer, corporation commission referee.

Mrs. Baker, one of seven witnesses appearing Thursday, said she contacted the state corporation commission three times, but so far, the commission has not investigated her complaint.

She said she has also contacted Sen. Clem McSpadden, U.S. Sen. Henry Bellmon, Rep. Ed. Edmondson and the U.S. Office of Pipeline Safety in Washington.

She said a field investigator of the pipeline safety office came to Collinsville to look into the allegations, but left without looking at the pipeline.

Recently, she said, the case has come under investigation by the offices of Sen. Lee Metcalf, D-Mont., who is heading a Senate subcommittee looking into federal regulatory agencies, and Sen. Vance Hartke of Indiana, who heads the Senate committee which has held several hearings on pipeline safety since 1968.

Both have suggested that the Oklahoma case may lead to further congressional investigations.

Mrs. Baker said she had also received some help from Ralph Nader's Center for Study of Responsive Law.

During Thursday's hearing attorneys for both parties in the dispute announced they had reached an agreement whereby the Bakers could uncover a portion of the pipeline Saturday between 8 a.m. and 4:30 p.m. and examine the pipe.

The applicants must bear the expense of the excavating.

Before the digging commences, the Bakers must post $250,000 bond and must put up a cash deposit of $200 per day for the first excavation and an extra $100 a day for additional hole.

[From Tulsa World, Apr. 30, 1971]

EXPERT SAYS PIPE STEEL "INADEQUATE"

(By Jim Henderson)

OKLAHOMA CITY.—An expert witness in the field of chemicals and mechanical engineering testified Thursday that the steel used in a 144-mile Transok pipeline from Enid to Oologah is "inadequate."

The state Corporation Commission gave permission for a section of the line to be uncovered to determine if other charges of defective construction are true.

The hearing was requested by Mr. and Mrs. Charles Baker, a Collinsville couple who moved off their Rogers County farm last year when the line was constructed. Ogden Fitzsimons, an engineer from Kimberton, Pa., said the pipe "has deficiencies and a better pipe could be selected."

Fitzsimons said the pipe, identified only as 5LX Steel, is manufactured in a manner that makes it brittle and "susceptible to cracking" if the line pressure is suddenly increased or if the pipe is struck by another object, such as a rock or plow blade.

He said the code followed by the petroleum industry does not allow the 5LX pipe to be used on refinery grounds.

"So the industry, on their own property, is requiring a better grade of pipe?" asked Tulsa attorney Gerald Kamins, who is representing the Bakers.

"Yes," Fitzsimons said.

Besides being more brittle, the witness said, the pipe used on the line corrodes more easily than other types that could be used.

Shortly before Fitzsimons took the stand, Hearing Examiner Darwin Frayer agreed to have four segments of the line uncovered Saturday morning—if the Bakers would foot the bill and post a $250,000 liability bond.

If the bond is posted, the work will begin at 8 a.m. Saturday. Kamins contended that uncovering the line would substantiate the Bakers' charges that it is improperly wrapped and laid.

Baker also has charged that some welds are defective and the positioning of the seam does not comply with federal regulations.

Early in the hearing, Frayer ruled that the burden of proof would be on Baker, although the federal Office of Pipeline Safety had said earlier that pipeline companies should bear the burden of proving the line safe.

Last November, before the line was buried on his property, Baker asked the Corporation Commission to send an inspector to check his allegation about construction of the line. The commission refused.

He then contacted the federal office and an investigator was sent to Oklahoma to investigate the line. However, the investigator, who was in the courtroom during Thursday's hearing, did not actually look at the line.

His report, concluding that it was safe, was based largely on statements by state officials, who had not checked it either.

The hearing was delayed at times Thursday because evidence which the Bakers' attorney had subpoenaed from Public Service Co., which owns Transok, were not available.

On three occasions, the first last February, Kamins had asked to see X-rays of the welds, but was refused.

This week, he had them subpoenaed for the hearing.

Robert Lawrence, attorney for Public Service Co., said he had brought 400 boxes of negatives with him. However, two boxes were missing.

They contained the negatives of the X-rays taken on the Baker property.

"We have an expert examining them," Lawrence told the hearing examiner.

"You told me the same thing when I asked to see them in February," Kamins said.

Baker and his wife testified earlier and told of the difficulties they encountered in trying to get the Corporation Commission and the federal Office of Pipeline Safety to listen to their complaints.

Mrs. Baker said they could get no information from the federal office until they recruited the aid of Ralph Nader's Center for Study of Responsive Law and U.S. Sens. Vance Hartke and Lee Metcalf.

Another attorney for Public Service and Transok, John Buckingham of Oklahoma City, frequently objected to the Bakers' testimony, especially when they related what was told to them by Corporation Commission officials.

"All we're trying to get across to this commission is the difficulty these people had in getting somebody to investigate their complaints of safety," Kamins said.

Soon after the line was built across their farm, the Bakers and their three children moved into an apartment in Collinsville and have spent more than $6,000 trying to get their complaints before an official forum.

Dr. Richard Cummins, an Oklahoma State University professor and chairman of the Oklahoma Civil Liberties Union, testified that he had frequent contact with Mrs. Baker concerning her difficulties but that the OCLU had not given the couple financial assistance.

"She didn't seem to be getting anywhere in her efforts to get something done," Cummins said.

Claud Millsap, an Osage County rancher whose property also was crossed by the line, testified that he saw the construction crew lay the pipe through rock formations on his land without installing "rock shields" to protect the pipe or provide a dirt bed beneath it.

He said the construction crew "cut my fences before they got condemnation" and after the line was placed in the ground, there was insufficient dirt available to cover it.

David Passmore, a Hominy barber and parttime pipeline worker, said he was a member of the "right of way crew" that filled the ditch after the pipe was in the ground.

"How much dirt was placed over the pipe?"

"About 2 inches."

Rocks, he said, were pushed into the ditch on top of the dirt cover.

"You saw rocks hit the pipe?"

"Yes."

"How many?"

"Several."

The hearing is expected to take at least 7 more days. Transok and Public Service Company had requested five days to present its defense to the charges and the Bakers probably will not conclude their case before Monday morning.

Photographs showing the placement of the longitudinal seam and the condition of the wrapping were offered into evidence by the Bakers' attorney Thursday morning. They had called other expert witnesses to testify about other aspects of the line.

[From the Tulsa Tribune, Apr. 30, 1971]

PIPELINE WELDS CALLED UNACCEPTABLE

OKLAHOMA CITY.—A Tulsa radiographer testified today that numerous welds on a 144-mile pipeline from Enid to Oologah would not meet welding code requirements for a natural gas transport line.

The testimony of Danny Myers, partner in Mobile Inspection Service, Inc., Tulsa, said his examination of 600 to 800 X-rays of the pipeline welds showed "40 plus" were unacceptable under code requirements.

Myers' testimony came during the second day of Corporation Commission hearing into complaints of a Collinsville couple who say the line across their farm land is not safe.

The couple, Mr. and Mrs. Charles Baker, moved from their Rogers County farm last year with their three children when the line was constructed by Transok Pipeline Co.

They contend the pipe is not safe, is not cushioned properly or properly wrapped and that the line lies too close to their home. It is about 235 feet from the home and runs through the Bakers' vegetable garden.

The hearing is being conducted by Referee Darwin Frayer and may run for several days.

Although Myers has not examined X-rays taken of the pipeline where it crosses the Baker land, he said he had been able to examine about 10 per cent of them taken along other portions of the pipeline.

X-rays taken on the Baker property have been hard to come by, said Gerald Kamins, the Bakers attorney. The Bakers requested them in February, but were told they were being examined. According to courtroom proceedings today, the X-rays are to be delivered to Kamins Saturday.

The Bakers also had been contemplating having sections of the pipeline dug up on their property for inspection during the hearing. However, the Corporation Commission said they must post a $250,000 bond before the work could start.

The Bakers said today they do not have the money for the bond because of the cost of the proceedings so far. Mr. Baker said during a recess that they have sold their tax business, do not know whether their daughter can enter college next year as previously planned and that bills so far for their fight against the pipeline have amounted to almost $6,000.

Mrs. Baker said her case has led her to believe that "if you live in the country, you're expendable as far as the industry is concerned." She said because of codes, the pipeline could not have run through a yard in an urban area.

Mrs. Baker said when the family asked that the line be moved into a wooded area to keep it away from the house, she was asked to sign a paper to that effect. She said the paper was blank, however.

"If I had signed that blank paper, they could have run it right through the house," she said.

She said they had offered the wooded land at no cost and would not have charged for trees taken down to lay the pipeline.

[From the Tulsa Tribune, May 1, 1971]

PIPELINE NOT SAFE, PROF CLAIMS

OKLAHOMA CITY.—An Oklahoma Corporation Commission hearing on allegations that a 20-inch natural gas pipeline in northeastern Oklahoma is unsafe was in recess today until Monday.

A University of Wisconsin metallurgical engineering professor, Dr. Frank John Worzala, testified Friday before Commission Referee Farwin Frayer that in his opinion the line was "not safe and could easily have a failure."

Worzala said X-rays of welded joints in the pipeline showed defects which "could intensify the stress to two or three times the yield strength."

Mr. and Mrs. Charles Baker of Collinsville, allege the pipeline, which runs across their farm, is unsafe. They asked the Oklahoma Corporation Commission to force removal of the line or require that it meet federal safety standards.

The 20-inch, 144-mile pipeline was constructed by the Transok Pipeline Co. for the Public Service Co. of Oklahoma.

Hearing on the Bakers' allegations began Thursday. After Monday's hearing, when the Bakers' attorney said he expects to complete his case, the hearing will be recessed until late May. Frayer has not set a specific date for resumption of the hearing.

Baker, a welder, admitted under questioning Friday that he received erroneous information on the capacity of the gas line. Baker alleged earlier the line was designed to carry 1,300 pounds of pressure per square inch, but would carry 1,000 pounds.

Transok attorney Robert L. Lawrence said

the pipeline will carry only 800 pounds of pressure and is designed to withstand 52,000 pounds.

[From Tulsa World, May 1, 1971]

METALLURGIST SAYS GAS LINE NOT SAFE

(By Jim Henderson)

OKLAHOMA CITY.—A Wisconsin metallurgist blasted the federal pipeline safety code Friday and told the state Corporation Commission that in his opinion a Transok natural gas line from Enid to Oologah is not safe.

Dr. Frank J. Worzala, professor of metallurgical and nuclear engineering at the University of Wisconsin, was the third in a series of expert witnesses to challenge the construction of the 20-inch line during a hearing requested by a Collinsville couple whose farm is crossed by the line.

"It is inconceivable to me that an industry would allow a two-inch defect in a weld," he said, referring to the state and federal code, which permits certain flaws in pipeline welding. "The code is extremely lax."

Earlier a Tulsa radiographer testified that he had examined several hundred weld X-rays from the line and found many of them "unacceptable" under the code. They were, however, accepted by Transok's subcontractor which inspected the welds.

Worzala's testimony dealt largely with the type of metal used to construct the pipe and the effects of faulty welding on the line.

Gerald Kamins, the Tulsa attorney who is representing Mr. and Mrs. Charles Baker in their fight against Transok and its parent company, Public Service Co., asked Worzala, "do you think the line is safe for the intended operating pressure?"

"My opinion is that with the defects we have seen (in the welds), it is not safe.

"We could have the same problem here as we had in Wisconsin with rapid creek propagation."

Worzala, who had investigated pipeline explosions in Wisconsin to determine the cause of the line failure, said other explosions were caused by the types of defects shown in the X-rays of the Transok line.

He challenged the quality of pipe, the manner in which it was installed (based on previous testimony) and the fact that the code "is not strong enough."

One of its weaknesses, he said, is that it requires X-rays be taken of only 10 per cent of the welds in sparsely populated areas.

"We should look at every weld," he said.

Earlier, Public Service Co.'s chief counsel, Robert Lawrence, had pointed out that Transok had X-rayed 65 per cent of the welds. He made the statement while cross examining Danny Myers, a partner in Mobile Inspection Inc. of Tulsa.

Myers testified that he spent six hours Monday night examining about 600 X-rays and found 44 that did not meet the code requirements. Tempers had flared in the courtroom over PSC's failure to produce X-rays taken on the Baker property and Kamins questioned whether they were the only ones missing.

Those X-rays were to be turned over to Kamins Saturday morning.

"In a class I location we are only required to X-ray 10 per cent," Lawrence said, in cross examining Myers. "Would it not be possible for us to pick out 15 per cent of the total—ones showing perfect welds if we wanted to hide something?" Lawrence asked.

"No," Myers said, "because the numbers (identifying the welds) wouldn't be in sequence. Someone would want to know about the missing numbers."

"Is it common to X-ray 65 per cent of the welds?"

"No."

"More like 25 per cent, isn't it?"

"Yes."

Lawrence asked if the fact that the company X-rayed more than the required amount would indicate a conscientious attempt to build a good line.

"I'm sure you wanted to build the best line you could," Myers said.

Late Friday morning, the Transok and Public Service Co. attorneys lost an attempt to have the testimony of another expert witness stricken from the hearing record.

That witness was Ogden Fitzsimons, a Pennsylvania chemical and mechanical engineer who has been used as a expert witness in numerous other pipeline disputes.

After Fitzsimons, who testified that he thought the quality of the pipe made the line unsafe, told Lawrence that he had never designed or worked on a pipeline, Lawrence moved that his entire testimony be stricken.

"This is ridiculous," Kamins objected, "knowing this man's qualifications. . . ."

"He's never worked on a pipeline," Lawrence said.

"Your motion is overruled," said trial examiner Darwin Frayer.

Lawrence, who has challenged the credentials of every expert witness who has not been directly involved in pipeline work, persisted: "If the Lord was here, He wouldn't qualify as an expert."

The hearing on the pipeline dispute is expected to continue through Monday and probably will be recessed for several days, resuming when the trial examiner has completed another docket.

The Commission gave permission Thursday for the Bakers to uncover portions of the pipeline to determine if their allegations of faulty construction are true.

Apparently that will not be done as scheduled on Saturday.

The work would cost the Bakers about $200 a day and they would have to post a $250,000 liability bond.

"We just don't have the money for the bond," Mrs. Baker said. Since they began protesting the pipeline last October, she said, they have spent nearly $6,000 for attorneys, retaining expert witnesses, travel and telephone bills, which have been as high as $250 a month.

[From The Tulsa Tribune, May 4, 1971]

PSC LAWYER DISPUTES CLAIM GAS LINE UNSAFE

OKLAHOMA CITY.—The general counsel for Public Service Co., William Lawrence, today said he is confident he will be able to refute allegations that a high pressure gas line from Enid to Oologah is unsafe.

A Collinsville couple, Mr. and Mrs. Charles Baker, have alleged the 20-inch line is unsafe because of defective welds and wrapping, and other defects in laying the line.

Attorneys for the Bakers, whose farm home is less than 300 feet from the line, completed three days of testimony before a Corporation Commission referee Monday, and Transok Pipeline Co., a wholly-owned subsidiary of Public Service, will present its case when the hearing resumes later this month.

Lawrence said the company will present testimony proving the Baker allegations are incorrect.

(In testimony Monday, Bennett Howell, executive vice president of Transok, said he did not investigate complaints about the line because responsibility for quality of construction rested with Williams Brothers Engineering Co. of Tulsa, which had contracted to handle testing and inspection of the line.

Under cross examination by Lawrence, Howell testified that Transok has built 440 miles of line with the same pipe and never had an explosion.

Gerald Kamins, attorney for the Bakers, showed Howell a photograph of pipe Baker had taken last fall and asked if Howell thought it was properly wrapped.

Howell said he did not because the wrapping was wrinkled.

Earlier, a Tulsa radiographer, Danny Myers, testified that he had examined X-rays of welds on the pipeline and found numerous defects that would not pass federal specifications.

Kamins asked hearing referee Darwin Frayer to impound all X-rays to insure they will not be lost.

He also asked that another radiographer be appointed to examine the X-rays and that the pipeline be shut down until the company can show that any defects have been corrected.

Frayer took the requests under advisement. Shutting down the pipeline would require a hearing before the Corporation Commission.

[From the Tulsa World, May 4, 1971]

TRANSOK SAYS RESPONSIBILITY FOR LINE SUB-CONTRACTOR'S

(By Jim Henderson)

OKLAHOMA CITY.—The chief officer of Transok Pipeline Co. said Monday that he did not investigate complaints about faulty construction in his company's Enid to Oologah pipeline and that the responsibility for insuring the quality of construction rested with a subcontractor—Williams Brothers Engineering Co. of Tulsa.

Bennett Howell, executive vice president of Transok, a wholly owned subsidiary of Public Service Co., made the statement after three days of hearings during which a number of expert witnesses and property owners along the 144-mile route testified concerning the workmanship and quality of materials in the natural gas line.

Howell, the first witness called for Transok after Mr. and Mrs. Charles Baker, the Collinsville couple who requested the Corporation Commission hearing, rested their case, said the line was designed by a Transok engineer but that the inspection work was sub-contracted to William Brothers and Conam Inspection Inc. Howell was the only Transok witness to testify before the hearing recessed.

"Did you expect your engineer to see that his specifications were carried out?" asked Gerald Kamins, attorney for the Bakers.

"No." Howell said. "I expected Williams Brothers and Conam to guarantee that it conformed with the code."

Under questioning by his own attorney, Robert Lawrence, chief counsel for Public Service Co., Howell testified that Transok has 440 miles of line built with the same pipe and has never had an explosion.

On cross examination, Howell testified that he was not involved in most of the details of constructing the line and said most of the decision-making was "delegated."

He said he did not check into the Bakers' complaints because "I knew some of them were wrong" and because the project supervisor, Wayne Schweikhard, an employee of Public Service Co., apparently had done so.

Kamins handed Howell a photograph Baker had taken last fall showing the wrapping on the pipe before it was placed underground.

"Do you feel that pipe is properly wrapped?" Kamins asked.

"No."

"Why not?"

It has wrinkles in it," Howell said.

Kamins handed him another photograph and asked the same question. Howell said he did not feel qualified to answer and his attorneys objected to Kamins questioning him further.

Later, Kamins asked Howell about the cost of the line.

Public Service Co.'s attorney's objected again, saying it was immaterial to the case.

"We're trying to show," Kamins said, "that they built this line on a shoestring and that they cut corners. We're the public, we have a right to know what it costs."

Howell testified that the 20-inch line, which will carry natural gas to Public Service Co's power plant near Oologah, cost about $9 million.

Before Howell took the stand, the attorneys for Transok and Public Service Co. had stipulated the X-rays taken of welds on that section crossing the Baker property would show the defects claimed by Danny Myers, a radiographer from Tulsa.

"After hearing this evidence," Kamins asked, "do you feel that this line may not be safe?"

"I feel that this is a safe line," Howell said.

"Would you voluntarily agree to reduce the pressure on the line?"

"I would not."

"Would you voluntarily agree to shut the line down until these defects are repaired?"

"I would not."

Transok and Public Service Co. are expected to begin calling their own expert witnesses when the hearing resumes later this month. Those witnesses apparently will offer testimony conflicting with that given by experts who appeared for the Bakers.

Myers, who examined X-rays taken of welds on the line, had testified earlier that many were defective and would not meet the specifications of the federal code, which is little more than the old voluntary standards held by the industry.

Kamins had subpoenaed all of the X-rays when the hearing began last Thursday but did not receive X-rays from the Baker property until Saturday.

Myers testified Monday that seven of those X-rays are still missing but others taken on the Baker property showed as many as three defects each.

Dr. Robert Townley, a research chemist from New Jersey, examined the daily log kept during the construction of the line and told the hearing examiner Monday "I believe those fellows got in a heck of a big hurry out there."

Townley, who testified largely about the soil analysis he had taken and the effects of acid in causing corrosion, said the log indicated that the construction crew "ran into trouble" in November.

Between Nov. 23 and Nov. 29, he said, the arms were broken off the wrapping machine and the crew had difficulty with the wrapping, running out at one point and apparently ordering a different type.

During cross examination, Lawrence contended that the second type of wrapping was never used and that one type was used throughout the line.

Townley examined the photographs of the wrapping and said the machine "simply was not working right."

"An inspector should have noted this on his report," Townley said. "It appears they had a personnel problem out there."

He said the blisters and wrinkles under the wrapping could cause small parts of the pipe to be exposed, causing a concentration of the corrosion effects, rather than having the corrosive forces spread over the entire length.

"I told you this line would have cathodic protection," Lawrence said, "would you agree that it would minimize the corrosion?"

"It would help considerably," Townley said.

After resting his case, Kamins asked that the Corporation Commission meet "immediately" to appoint an independent radiographer to check the X-rays of the welds and to use an order placing the burden of proof of Transok to suspend use of the pipeline until Transok proves that it was built according to the state and federal safety standards.

Hearing examiner Darwin Frayer said he would take the motion under advisement but would not rule on it until Transok has presented its case.

THE HIRSHHORN MUSEUM

Mr. GURNEY. Mr. President, in this time when we are having so much discussion of the need for establishing priorities on the spending—it is difficult to imagine just where the Hirshhorn Museum attained the position of urgency that it has attained.

I am informed that this project will cost $15 million, and that it will take more than $2 million for the upkeep. In addition, I am told that the best estimates of the cost in this exhibit range from about $2 to $4 million, but that Mr. Hirshhorn will take a tax write-off of about $40 million to $50 million if the figures that Dillon Ripley has been tossing around prevail.

In the light of these facts, I believe that Mr. Richard Wilson's tribute to "Joseph the Magnificent" will be helpful in calling attention to this problem child right down here in front of the Capitol. I ask unanimous consent to have the Richard Wilson column from the Washington Star of May 17, 1971, printed in the RECORD.

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

JOSEPH THE MAGNIFICENT ELBOWS MIGHTY ASIDE

(By Richard Wilson)

The many millions who make their pilgrimages to the national shrines in Washington should be more aware of the abomination about to be visited upon the federal city.

A memorial on the grand scale of the Johnson Library in Texas is projected to honor Joseph the Magnificent on the great Mall where now only George Washington and Abraham Lincoln—not even Thomas Jefferson—reign in marble splendor.

The memorial to Joseph the Magnificent would strike envy in Lorenzo il Magnifico, the Medici merchant prince of Florence, himself a poet and patron of the arts.

Joseph the Magnificent is no Medici, though he is bracketed in print with this rapacious family of 15th Century Italy, but a Latvian-born former Canadian entrepreneur named Joseph H. Hirshhorn.

If all goes as now planned his name will be handed down to the ages as the only 20th Century American worthy of joining Washington and Lincoln on the great greensward between the U.S. Capitol and the Lincoln Memorial which is ranked by many as the only truly magnificent architectural vista in the nation.

The seated, brooding and massive Lincoln can then gaze across the reflecting pool and past the shaft of the Washington Monument into Joe Hirshhorn's sunken sculpture garden, the length of two football fields transecting the Mall.

Joseph the Magnificent was wholly unknown to the average lawmaker and public official until celebrated by Abe Fortas and Lady Bird and Lyndon Johnson a few years ago in their eagerness to promote the arts. He agreed to convey to the government his art collection, of very considerable value and merit but not to be compared with that of the late Herbert Lehman given to the Metropolitan Museum, provided suitable housing which would memoralize his name were provided in Washington.

One needs to cast his mind back to 1966 when Lyndon and Lady Bird were trying to ingratiate themselves with the artistic and literary community to show that he was not a crude and tasteless cornball from Texas unfit to walk in the wake of the elegant John F. Kennedy. Hirshhorn with his willingness to contribute his art collection under certain self-satisfying conditions was, with Abe Fortas' help, their artistic hostage and prize.

The patrons produced a dazzling result which must have exceeded Hirshhorn's wildest dreams. Washington is monument-happy but Congress outdid itself in Public Law 89–788 signed by President Johnson in 1966.

This act provided a national monument for the art collection at public expense on the Mall of the U.S. Capitol rivaling those of Washington and Lincoln and in a much better location than the vast marble carbarn on the Potomac known as the John F. Kennedy Center for the Performing Arts. Jefferson, meanwhile, remains relegated in a modest rotunda at the south end of the faraway Tidal Basin.

Other journalistic colleagues have dealt with the benefactor's background, his conviction in Canada for illegal money transactions, his arrest for wartime smuggling of U.S. currency across the Canadian border, his identification as promoter of questionable stock schemes.

An editorialist in Washington snubs such disclosures as "imbecilic" in view of the generosity of his gift, admitting that Joseph the Magnificent may be no perfect angel, but neither were the Medicis. Neither are the Medicis to be memorialized on the Mall with Lincoln and Washington.

Hirshhorn's prospective request (he is still hanging onto the art until everything is buttoned down about the memorial) is certainly a desirable one and there are plenty of places it could be suitably housed other than the Mall dedicated to our most famous men and highest ideals.

There are plenty of other ways to handle the collection and make it the nucleus of a great museum of American art other than sanctifying a donor who wishes his name to ring down through history with America's greatest.

If there are those at home who do not relish the idea of bringing their children to Washington to visit the memorials to Washington, Lincoln and Hirshborn, and thus absorb the flavor of American history, they might ask their congressmen to get interested in the matter.

It is not too late although some work has been started. The sculpture garden, at least, could be moved to a less noxious location. And the whole shebang could be moved to other locations accessible to the art-loving public. The least that could be done is a redesign of the museum so that it would not impinge on the splender of the Mall and the dignity of American history. Hirshhorn has an opportunity for self-effacement more lasting than his name in bronze. He could just give the art to a country which gave him his opportunity and collect his reward in heaven.

MISS HILDA TURNER, OUTSTANDING HANDICAPPED POSTAL EMPLOYEE

Mr. JAVITS. Mr. President, I wish to extend congratulations to Miss Hilda Turner, a New York City mail handler, who has been named by Postmaster General Winton M. Blount as the year's "Outstanding Handicapped Postal Employee." I am very proud this honor was bestowed on Miss Turner, a New Yorker, who is totally deaf and partially blind. She has an exemplary postal service record and a remarkable educational background. Although Miss Turner is totally deaf, unable to speak with clarity and has a severe vision impairment, she has mastered her own means of communica-

tions. Such techniques have enabled her to skillfully perform a variety of mail handling duties during the past 4½ years, including the ability to distinguish special delivery mail from air mail letters. Further, she holds a B.A. degree in psychology and sociology from Brooklyn College and a master's degree in social studies from Buffalo University. She is currently enrolled in additional graduate studies.

Congratulations are also in order for the U.S. Postal Service for employing the handicapped and for recognizing and saluting the achievements of these fine individuals. As the Postmaster General has said, it is ability—not disability—that really counts.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

SECOND SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. STEVENSON). Under the unanimous-consent agreement and the hour of 10 o'clock having arrived, the Chair lays before the Senate H.R. 8190, Second Supplemental Appropriations for 1971, which the clerk will state by title.

The assistant legislative clerk read as follows:

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

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. ELLENDER obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Louisiana yield without losing his right to the floor?

Mr. ELLENDER. I yield.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ELLENDER. Mr. President, I yield myself such time as I may require.

I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

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

Mr. ELLENDER. I yield.

Mr. YOUNG. Mr. President, is my understanding correct that the senior Senator from Maine (Mrs. SMITH) would have a right to raise a point of order on certain items should she desire to do so?

Mr. ELLENDER. The Senator is correct.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, beginning with line 5, strike out:

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for "Research", $1,000,000, to remain available until expended.

And insert in lieu thereoff:

COOPERATIVE STATE RESEARCH SERVICE

PAYMENTS AND EXPENSES

For additional amount of $1,025,000 for contracts and grants for scientific research under the Act of August 4, 1965 (7 U.S.C. 450 (i)), to remain available until expended.

And in line 26, after "$250,000,000," strike out "of which $35,000,000 shall be available for the approximately 147 counties which have been duly qualified but have not been included in the Food Stamp Program:".

On page 3, after line 11, insert:

FARMERS HOME ADMINISTRATION

EMERGENCY CREDIT REVOLVING FUND

For an additional amount for the "Emergency credit revolving fund", as authorized by the Act of August 8, 1961 (7 U.S.C. 1967), $65,000,000, to remain available until expended.

On page 4, after line 15, insert a new chapter, as follows:

CHAPTER III

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia", for the general fund of the District of Columbia, $22,206,000.

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For an additional amount for "Loans to the District of Columbia for capital outlay," $34,178,000, to remain available until expended and to be advanced upon request of the Commissioner to the general fund.

DISTRICT OF COLUMBIA FUNDS

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses," $2,557,035.

PUBLIC SAFETY

For an additional amount for "Public safety," $2,806,000.

EDUCATION

For an additional amount for "Education," $2,939,800.

RECREATION

For an additional amount for "Recreation," $61,000.

HUMAN RESOURCES

For an additional amount for "Human resources," $4,512,000.

HIGHWAYS AND TRAFFIC

For an additional amount for "Highways and traffic," $525,000.

SANITARY ENGINEERING

For an additional amount for "Sanitary engineering," $132,500, of which $132,500 shall be payable from the water fund.

SETTLEMENT OF CLAIMS AND SUITS

For an additional amount for "Settlement of claims and suits," $35,409.

CAPITAL OUTLAY

For an additional amount for "Capital outlay," to remain available until expended, $37,166,393, of which $1,285,000 shall be payable from the highway fund and $350,000 from the sanitary sewage works fund: Provided, That $124,000 shall be available for construction services by the Director of General Services or by contract for architectural engineering services, as may be determined by the Commissioner.

DIVISION OF EXPENSES

The amounts appropriated herein for the District of Columbia shall be paid out of the general fund of the District of Columbia, except as otherwise specifically provided.

On page 6, in line 14, strike out "III" and insert in lieu thereof "IV";

In line 21, strike out "Bank;" and insert in lieu thereof "Bank, and";

At the beginning of line 24, strike out "and (3) a portion of the installment for the United States share of the increase in the resources of the Fund for Special Operations of the Bank,";

On page 7, in line 2, strike out the figure "$275,000,000," and insert in lieu thereof the figure "$387,000,000,";

In line 4, strike out "IV" and insert in lieu thereof "V";

In line 10, after the figure "$32,900,000:" insert the following:

Provided, That the limitation on total payments that may be required in any fiscal year by all contracts entered into under section 235 of the National Housing Act, as amended (12 U.S.C. 1715z), is increased by $25,000,000, and the limitation on total payments under those entered into under section 236 of such Act (12 U.S.C. 1715z–1), is increased by $25,000,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND PROGRAM MANAGEMENT

The $10,000,000 provided under this head in the Independent Offices and Housing and Urban Development Appropriation Act, 1971, for basic institutional and technical services for Federal agencies resident at the Mississippi Test Facility/Slidell Computer Complex and other NASA facilities in pursuit of space and environmental missions shall be available for equipment and alteration and modification of existing buildings, to whatever extent may be required to furnish such services, and for the construction of a flow basin and flood plain simulation facility; and shall remain available until September 30, 1971.

INDEPENDENT OFFICES

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $84,000.

On page 8, in line 15, strike out "V" and insert in lieu thereof "VI".

On page 9, after line 5, insert the following new language:

GEOLOGICAL SURVEY

SURVEY, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", $750,000, to remain available until expended.

On page 11, in line 5, strike out "VI" and insert in lieu thereof "VII";

In line 18, strike out the figure "$750,000" and insert in lieu thereof "$500,000."

After line 19, add the following new language:

WAGE AND LABOR STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Wage and Labor Standards Administration, Salaries and expenses," including carrying out the functions of the Secretary under the Occupational Safety and Health Act of 1970 (Public Law 91-596, approved December 29, 1970), $1,400,000, all of which is for Salaries and related expenses of Federal employees authorized by said Public Law 91-596.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ENVIRONMENTAL HEALTH SERVICE

ENVIRONMENTAL CONTROL

For an additional amount for Environmental Control, $5,000,000 for grants to units of local government for programs of screening and treating lead-base paint as authorized by the Lead-Based Paint Poisoning Prevention Act (Public Law 91-695), to remain available until December 31, 1971.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

MENTAL HEALTH

For an additional amount for "Mental Health" as authorized by the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (Public Law 91-616), $20,000,000, to remain available until June 30, 1972, of which $10,000,000 shall be for formula grants to states to assist them in planning, establishing, maintaining, coordinating, and evaluating projects in alcohol abuse and alcoholism (Section 301), $10,000,000 shall be for project grants and contracts for the prevention and treatment of alcohol abuse and alcoholism (Section 247).

COMPREHENSIVE HEALTH PLANNING AND SERVICES

For an additional amount for "Comprehensive health planning and services", to carry out section 329 of the Public Health Service Act, $3,000,000, to remain available through June 30, 1972.

MATERNAL AND CHILD HEALTH

For an additional amount for "Maternal and Child Health," $10,000,000, for carrying out title X of the Public Health Service Act, Public Law 91-572, for expanding and improving family planning services, to remain available until December 31, 1971.

REGIONAL MEDICAL PROGRAMS

For an additional amount for "Regional medical programs" to carry out Title IX of the Public Health Service Act, $10,000,000, which shall remain available until June 30, 1972.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For an additional amount for the "National Cancer Institute", $100,000,000, to be available from July 1, 1971, through June 30, 1973, to include authority for construction under grants and contracts, as well as direct construction authority.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For an additional amount for the "National Institute of Child Health and Human Development", $5,000,000 for population, reproduction and family planning research as authorized by the Family Planning Services and Population Research Act of 1970. (Public Law 91-572), to remain available until December 31, 1971.

SOCIAL AND REHABILITATION SERVICE

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For an additional amount for "Grants to States for public assistance", including $400,000 for transfer to "Salaries and expenses, Social and Rehabilitation Service", $1,047,587,000 which shall be expended without regard to the limitations of sections 1108(a)(1) and 1108(b)(1) of the Social Security Act.

PROGRAMS FOR THE AGING

For an additional amount for "Programs for the Aging", $1,700,000.

On page 14, after line 21, strike out the following:

DEPARTMENTAL MANAGEMENT

For an additional amount for "Departmental management", for the Commission on Medical Malpractice, $2,000,000, to remain available until June 30, 1972.

On page 15, in line 20, strike out "VII" and insert in lieu thereof "VIII";

And in line 22, insert the following new language:

SENATE

For payment in eleven equal shares, one each, to the surviving heirs of Marguerite Russell Bowden, deceased sister; the surviving heirs of Robert Lee Russell, deceased brother; Mary Willie Russell Green, Ina Russell Stacy, Patience Russell Peterson, Carolyn Russell Nelson, sisters, and Walter Brown Russell, William John Russell, Fielding Dillard Russell, Henry Edward Russell, Alexander Brevard Russell, brothers of Richard Brevard Russell, late a Senator from the State of Georgia, $49,500.

SALARIES, OFFICERS AND EMPLOYEES, OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

Until such time as appropriations for the Capitol Guide Service become available, the Sergeant at Arms is authorized to appoint and fix the compensation of six guides at not to exceed $8,610 per annum each.

CONTINGENT EXPENSES OF THE SENATE

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", $105,000, for payment to the Architect of the Capitol in accordance with section 4 of Public Law 87-82, approved July 6, 1961.

On page 18, after line 6, strike out the following:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For an amount (to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman and the chairman of the subcommittee) necessary to enable the Subcommittee on Fiscal Policy, under authority of the Employment Act of 1946 (60 Stat. 23, sec. 5), to undertake a study to develop reliable, comprehensive, and factual information concerning welfare programs and needs in the United States, $500,000.

And insert the following new language:

CAPITOL POLICE

Each officer or member of the Capitol Police, who has performed or performs duty in addition to the number of hours of his regularly scheduled tour of duty during any period between March 1, 1971, and June 30, 1971, with repect to which the Capitol Police Board determined or determines that emergency conditions existed or exist, shall be paid compensation for each such additional hour of duty, in lieu of compensatory time off, at a rate equal to his hourly rate of compensation to be computed in the same manner as provided in House Concurrent Resolution 785, Ninetieth Congress, agreed to July 11, 1968. Such compensation due officers and members whose regular compensation is disbursed by the Secretary of the Senate shall be paid by the Secretary from funds available in the Senate appropriation "Salaries, Officers and Employees" without regard to the limitations specified therein. Such compensation due officers and members whose regular compensation is disbursed by the Clerk of the House of Representatives shall be paid by the Clerk from funds available in any House of Representatives appropriation.

On page 20, in line 10, strike out "VIII" and insert in lieu thereof "IX";

On page 21, in line 1, strike out "IX" and insert in lieu thereof "X";

On page 22, after line 20, strike out

MINORITY BUSINESS ENTERPRISE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $130,000.

On page 23, in line 11, after the word "expended," insert a colon and the following: "Provided, That this appropriation shall be available only upon enactment of authorizing legislation".

On page 24, in line 15, strike out "X" and insert in lieu thereof "XI".

On page 25, after line 12, strike out

CONSTRUCTION, NATIONAL CAPITAL AIRPORTS

For an additional amount for "Construction, National Capital Airports", $3,000,000, to remain available until expended.

And insert the following new language:

UNITED STATES INTERNATIONAL AERONAUTICAL EXPOSITION

For necessary expenses to establish, conduct, and carry out an International Aeronautical Exposition as authorized by section 709 of the Military Construction Authorization Act of 1970, Public Law 91-142, as amended, $2,600,000, to remain available until expended: Provided, That there may be credited to this appropriation revenues derived from the exposition.

On page 26, in line 4, strike out the figure "$10,000,000", and insert in lieu thereof the figure "$15,000,000";

And after line 17, strike out

TERRITORIAL HIGHWAYS

For the payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 215, $80,000, to remain available until expended.

And insert the following new language:

DARIEN GAP HIGHWAY

For necessary expenses for construction of the Darien Gap Highway in accordance with the provisions of section 216 of title 23 of the United States Code, $5,000,000, to remain available until expended.

On page 27, at the beginning of line 6, strike out the figure "$2,000,000" and insert in lieu thereof "$3,000,000, to remain available until expended.";

And in line 14, strike out the figure "$7,500,000" and insert in lieu thereof "$15,000,000".

On page 28, in line 19, strike out "XI" and insert in lieu thereof "XII";

And in line 24, strike out the figure

"$1,000,000" and insert in lieu thereof "$800,000".

At the top of page 29, insert the following new language:

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,750,000.

On page 30, after line 6, insert the following new language:

COMMISSION ON GOVERNMENT PROCUREMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $600,000 to remain available until June 30, 1972.

And in line 11, strike out "XII" and insert in lieu thereof "XIII".

On page 31, after line 10, insert the following new language:

SENATE

"Compensation of the Vice President and Senators", $5,965;

"Salaries, Officers and Employees", $3,431,204;

"Office of the Legislative Counsel", $32,635;

CONTINGENT EXPENSES OF THE SENATE

"Senate policy committees", $40,890;

"Automobiles and maintenance", $3,980;

"Inquiries and investigations", $664,955, including $19,025 for the Committee on Appropriations;

"Folding documents", $4,415;

"Miscellaneous items", $122,184, including $52,700 for payment to the Architect of the Capitol in accordance with section 4 of Public Law 87-82, approved July 6, 1961;

At the top of page 34, insert the following new language:

"Senate office buildings", $78,600;

"Senate garage", $2,100;

On page 36, after line 13, strike out

DOMESTIC COUNCIL

"Salaries and expenses", $28,000;

And in line 21, strike out the figure "$900,000" and insert in lieu thereof "$1,000,000".

On page 40, in line 20, strike out the figure "$2,020,000" and insert in lieu thereof the figure "$5,220,000".

On page 63, in line 16, strike out the figure "$2,044,100" and insert in lieu thereof the figure "$3,123,000";

In line 17, strike out the figure "$2,242,800" and insert in lieu thereof "$3,407,000";

In line 18, strike out the figure "$1,318,000" and insert in lieu thereof "$2,010,000";

In line 19, strike out the figure "$462,400" and insert in lieu thereof "$696,000";

In line 20, strike out the figure "$4,555,000" and insert in lieu thereof "$6,894,000";

In line 21, strike out the figure "$692,000" and insert in lieu thereof "$729,000";

In line 22, strike out the figure "$1,885,700" and insert in lieu thereof "$2,356,000";

And in line 25, strike out the figure "$11,561,000" and insert in lieu thereof "$17,576,000".

And on page 65, after line 6, insert the following new section:

SEC. 305. For the Post Office Department, any officer having administrative control of an appropriation, fund, limitation, or authorization properly chargeable with the costs in fiscal year 1971 of pay increases granted by or pursuant to the Federal Employees Salary Act of 1970 and the Postal Reorganization Act is authorized to transfer thereto, from the unobligated balance of any other appropriation, fund, or authorization under his administrative control and expiring for obligation on June 30, 1971, such amounts as may be necessary for meeting such costs.

Mr. ELLENDER. Mr. President, I have been a Member of the Senate now for almost 35 years. Never has a major supplemental bill been reported to the Senate as quickly as the one the Senate is now considering. The bill was received from the House on May 13, and on that same day the Senate Committee on Appropriations met and reported the bill to the Senate.

Mr. President, this is the second supplemental bill. It entails the expenditure of well over $7 billion. I am very hopeful that the bill will be enacted soon, that the House will concur in what the Senate does or agreement is reached in conference not later than Thursday of this week so that the bill can be sent to the President on or before May 20.

Mr. President, I am hopeful that it will not be necessary for the Senate to pass a continuing resolution, because if that is done, the only authority that will be available will be mostly the money with which to pay increased salaries. Some of the main provisions of the pending bill, some of the moneys appropriated for various important programs, will not be available for obligation, under the continuing resolution. So, I feel it is incumbent on the Senate to enact the bill as soon as possible and, therefore, forego the necessity of passing a continuing resolution.

This is an urgent supplemental bill. As a matter of fact, it is so urgent that the House of Representatives as I have said has already passed and sent to the Senate a joint resolution authorizing Federal agencies and departments to spend funds which are contained in the bill.

Mr. President, I feel confident that if the Senate will cooperate with the committee and be as alert as the committee was in considering the bill so soon after it was received from the House, the enactment of this resolution will not be necessary. I am unwilling to believe that the Senate will not act on this bill promptly and thereby forgo the necessity for enacting a continuing resolution.

The grand total under the budget authority recommended by the bill is $7,198,398,973. This is a reduction under the budget estimate of $681,341,104. Although it is $309,246,428 above the House bill, it should be noted that subsequent to the consideration of the bill in the House, supplemental budget estimates aggregating over $129 million were submitted to the Senate and considered by the committee.

There is in the pending bill in excess of $4.1 billion to finance the increased pay and related costs of the entire Federal establishment.

Mr. President, a few months ago upon my recommendation, the Committee on Appropriations inaugurated a new procedure with respect to supplemental and deficiency appropriations. Heretofore, the committee had a Supplemental and Deficiencies Subcommittee which handled all such requests.

May I say that the chairman of that subcommittee was the distinguished Senator from West Virginia (Mr. BYRD), who did a splendid job in handling the subcommittee.

Mr. President, it was discovered that in some instances the Supplemental and Deficiencies Subcommittee was considering requests which has been denied by the regular subcommittee having jurisdiction. So, the committee adopted a procedure whereby all supplemental and deficiency requests are submitted to and considered by the regular subcommittees of jurisdiction. Consequently, this bill was considered by all of the Committee's regular subcommittees, wherever additional funds were requested. The new procedure has resulted in saving much time. The House passed the bill on May 12, and on the next day, the 13 of May, it was on the Senate calendar.

Mr. President, the reason why we were able to report the bill on the same day that it came from the House was that the various subcommittees of the entire Senate Appropriations Committee had already heard evidence from the various departments as to their needs. All of this, of course, was done while the House was considering the bill. So, when we received the bill, the committee was able to meet on the same day that the House bill came to the Senate. Because of the fact that the various subcommittees had held hearings on all the items included in the bill and other items which we put in by request of the executive department, we were able to report the bill on the same day that it was received by the Senate.

Mr. President, after consultation with a few of our clerks, I understand that this bill establishes a record. The Appropriations Committee in the past has never reported a major supplemental bill to the Senate on the same day that it was received from the House.

Mr. President, I had full cooperation from all members of the Committee on Appropriations and particularly my good friend, the Senator from North Dakota (Mr. YOUNG), who is the ranking Republican Member on the Committee. We worked hand in hand and we were able, as I said, to get this bill before the Senate. That is why I am so anxious to get the Senate to back us and to enact the bill immediately so that we can have it on the President's desk some time this week.

Before each Member there is a detailed report of 112 pages, indicating all requests made and the action taken by the full committee. There is hardly any need for me to explain each item of appropriation, or language provision, in this bill, so I will merely mention some of the more important items approved by the committee.

Under chapter I, the Department of Agriculture, the committee has approved $250 million for the food stamp program. Language had been included in the bill by the House of Representatives, plac-

ing $35 million of this amount in reserve and limiting it for use in areas not now served by the food stamp program. The committee was advised by the Secretary of Agriculture that the 147 new areas in question could not be brought into the program this fiscal year because of the time element and, furthermore, that the balance of $215 million may not be sufficient to maintain the existing program in the areas now being served. For this reason, the committee recommends that the restriction be deleted from the bill, which means that the entire $250 million provided in the bill will be used to carry on the program in all districts and areas now being served.

Another important item under the Department of Agriculture is the Farmers' Home Administration, emergency credit revolving fund, where the committee is recommending an appropriation of $65 million. This request came directly to the Senate in Senate Document 92-16, and the funds are required to meet existing and expected emergency loan requirements.

Under chapter II, the Department of Defense, the committee recommends concurrence with the House allowance of $166,400,000 for retired military pay.

In passing, I may say we had under this head a request for an additional $13 million to pay for retired military pay, but the committee felt that with the funds provided herein and those on hand this additional sum could easily be absorbed by the Department of Defense.

Under chapter III, District of Columbia, Federal funds, the budget estimate was in the amount of $71,984,000. The committee recommends a Federal fund appropriation for the District of Columbia in the amount of $56,384,000. The sum of $34,178,000 is recommended as a Federal loan to the general fund to finance the District's share of the fiscal year 1971 costs of the Washington Metropolitan Area Transit Authority's construction program. As an additional Federal payment to the District of Columbia for the general fund, the committee recommends an appropriation of $22,206,000. The amount consists of an authorized but nonappropriated Federal payment as authorized by Public Law 91-650 and Public Law 91-358. This sum, together with available District of Columbia funds, will support the pay increases and operating expenses recommended for the District of Columbia. The sum of $15,600,000 in Federal funds requested in the budget document for the Blue Plains sewage treatment facility has been deferred.

Under chapter IV, Foreign Operations, the committee is recommending an appropriation of $387 million for investment in the Inter-American Development Bank. The House had allowed $275 million for this Bank. The committee recommends $50 million in paid-in capital and $337 million in callable capital. The request for approximately $100 million for the special operations fund has been deferred for future consideration.

As to this item, the subcommittee of the Senate Committee had agreed to delete it but in view of the presentation made during the markup of the bill before the full committee it was decided to add funds as appears in the report before us. I understand that later in the debate my good friend from Wisconsin (Mr. PROXMIRE) intends to elaborate on this matter. For the World Bank, a supplemental budget estimate in the amount of $246,100,000 has been denied by the committee since the justification for this appropriation failed to meet the criteria for supplemental appropriations.

Chapter V relates to housing and urban development-space-science. The committee has recommended an additional $25 million for homeownership assistance—section 235—and an additional $25 million for rental housing assistance—section 236. The committee was advised that there are large backlogs in both of these programs and that the authority should be made available immediately.

In the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1971, $10 million was set aside for research and program management, for use at the Mississippi Test Facility/Slidell Computer Complex and at other NASA facilities which can accommodate earth and environmental studies. The committee has been advised that certain necessary projects are required for their agencies to accomplish the objectives intended by the Congress in the provision which was included in the appropriation bill last year. Consequently, the committee has included language in the bill to remove any question regarding NASA's authority to accomplish these projects with the funds already available in the research and program management appropriation—and because of the lateness in which this clarifying language is enacted, the committee has also extended the time during which the funds may be obligated to September 30, 1971.

Mr. President, at this point I ask unanimous consent that certain letters addressed to me and the committee be printed in the RECORD in order to explain this item in detail.

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., May 7, 1971.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This refers to recent discussions of the problem we have encountered in carrying out the intent of the provision in NASA's appropriation for "Research and Program Management" of the Independent Offices and Department of Housing and Urban Development Act, 1971 (P.L. 91-556) providing that a "set aside" of $10 million of the amount appropriated to NASA under that head "shall be available only for use at the Mississippi Test Facility/Slidell Computer Complex and at other NASA facilities which can accommodate earth environmental studies to furnish, on a non-reimbursable basis, basic institutional and technical services to Federal agencies, resident at the complexes, in pursuit of space and environmental missions."

NASA is currently providing or preparing to provide basic institutional and technical services under this provision to a number of federal agencies which have already located activities at the Mississippi Test Facility or which plan to do so, as indicated in Enclosure 1.

Detailed planning and review with the other agencies concerned, i.e., Environmental Protection Agency (EPA), National Oceanic and Atmospheric Administration (NOAA), United States Geological Survey (USGS), has shown that the basic institutional and technical services required to support the activities of these agencies include some equipment alteration and facility modification projects needed to re-configure and equip MTF facilities for the purposes for which they will now be used, and that some of these projects exceed the customary limit on such projects when accomplished under the "Research and Program Management" appropriation. The heads of the other agencies and their scientists and engineers have advised NASA that these projects needed are required for their agencies to accomplish the objectives intended by the relocation of their activities to MTF. The projects involved are described in Enclosure 2.

NASA is currently proceeding with detailed design and preparations for accomplishing these projects. However, since (1) there may be some question regarding NASA's authority to accomplish these projects with the funds provided in the FY 1971 "Research and Program Management" appropriation, and (2) it may not be possible to complete the obligation on funds for these projects by June 30, 1971, we are requesting that the Committee on Appropriations consider the enactment in a supplemental or other suitable appropriation bill of a provision clarifying the purposes for which the $10 million "set aside" is available and extending its availability beyond the end of the current fiscal year.

We will be pleased to provide any further information you or the Committee may wish.

Sincerely yours,

GEORGE M. LOW,
Deputy Administrator.

Project	Principal user	Estimated cost		
		Construction	Equipment	Total
Modify Building 8100 for marine, hydrological, atmospheric, and environmental instrument calibration, testing and evaluation capability.	NOAA	$158,000	$2,065,000	$2,223,000
Construct flow basin and flood plain simulation facility.	USGS	636,000	0	636,000
Modify Building 2204 for hydraulics laboratory.	USGS	662,000	245,000	907,000
Modify north half of Building 1105 for Environmental Protection Agency laboratories.	EPA	242,400	223,500	469,900
Modify south section of Building 1105 to expand and establish scientific laboratory capability.	Resident agencies	70,700	175,100	245,800
Modify Building 2101 into laboratory space.	USGS	34,700	0	34,700
Total		1,803,800	2,707,600	4,512,400

Key: USGS: U.S. Geological Survey. NOAA: National Oceanic and Atmospheric Administration EPA: Environmental Protection Agency.

LANGUAGE OF STENNIS-ELLENDER AMENDMENT TO NASA APPROPRIATION BILL: FISCAL 1971

RESEARCH AND PROGRAM MANAGEMENT

1970 appropriation	$675,400,000
Authorization	683,300,000
Estimate, 1971	629,300,000
House allowance	678,725,000
Committee recommendation	678,725,000

The committee concurs with the House allowance of $678,725,000 for research and program management, which is $13,575,000 below the budget estimate, $4,575,000 below the authorization, and $3,325,000 over the 1970 appropriation.

The committee recommends inserting in the bill the following: *of which $10,000,000 shall be available only for use at the Mississippi Test Facility/Slidell Computer Complex and at other NASA facilities which can accommodate earth environmental studies to furnish, on a nonreimbursable basis, basic institutional and technical services to Federal agencies, resident at the complexes, in pursuit of space and environmental missions.*

A nonreimbursable basis is recommended for the first year of operation to expedite, in an efficient and economical manner, the movement of appropriate activities to the MTF/Slidell complex. After this initial activation period, the level of current and projected support required by each resident agency will be more readily apparent and a reimbursable basis could then be more efficiently instituted if it were found to be in the best interests of all parties to do so. It is further intended that nothing in this language will in any way detract from NASA's existing authorities to provide services to Federal, State, and local governmental agencies and to nonprofit research and educational institutions.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND PROGRAM MANAGEMENT

The $10 million provided under this head in the Independent Offices and Housing and Urban Development Appropriation Act, 1971, for basic institutional and technical services for federal agencies resident at the Mississippi Test Facility/Slidell Computer Complex and other NASA facilities in pursuit of space and environmental missions shall be available for equipment and alteration and modification of eixsting buildings to whatever extent may be required to furnish such services, and for the construction of a flow basin and flood plain simulation facility; and shall remain available until September 30, 1971.

U.S. DEPARTMENT OF COMMERCE,
NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION,
Rockville, Md., May 10, 1971.

Hon. ALLEN J. ELLENDER,
Chairman, Appropriations Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR ELLENDER: I have been informed that the spending plan for NASA, involving the 10 million dollar set aside for the NASA Mississippi Test Facility, is under review at this time.

The National Oceanic and Atmospheric Administration is vitally interested in this matter. As you know, we have located the National Data Buoy Project at the Mississippi Test Facility. We plan to support the project by specialized instrumentation support at MTF by the National Oceanic Instrumentation Center. Accordingly, we have assisted NASA in planning an instrumentation capability at MTF. It is designated as Project 1314 ($2.223M) in the NASA spending plan. We currently expect to utilize approximately 70 percent of Project 1314 for support of the National Data Buoy Project.

I am also interested in the general support structure at the MTF. It is our plan to develop our Environmental Field Experiment Engineering Test and Integration Center (EFTIC) capability at MTF. This action will be related to such major national and international field projects as the International Field Year of the Great Lakes (IFYGL) and the Global Atlantic Tropical Experiment (GATE), the latter now being organized under the World Weather Program. Our purpose is to utilize the support facilities and capabilities which are planned for the MTF.

It is my understanding that funds are included for the planned move of a major weather radar from its present location to the MTF. This move is necessary due to blocking effects of new buildings at its present location. This radar is a vital part of the storm and hurricane warning network.

Accordingly, I am concerned that our planned use of the MTF be continued along these lines. I will appreciate your assistance on this matter.

Sincerely,

ROBERT M. WHITE,
Administrator.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 7, 1971.

Hon. ALLEN J. ELLENDER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ELLENDER: It is my understanding that the National Aeronautics and Space Administration has asked for clarification of legislative language which controls expenditures of funds provided to the Mississippi Test Facility for servicing certain resource investigations of other Federal agencies.

Uncertainty regarding limitations of the language thus far has prevented work on special flow channel and flood plain research facilities of vital importance to the hydrologic studies of the U.S. Geological Survey and the Department of the Interior.

I support the request for resolution of the questions involved.

Sincerely yours,

_____ _____,
Acting Director.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., May 11, 1971.

Hon. ALLEN J. ELLENDER,
Chairman, Senate Subcommittee on Public Works Appropriations
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that the National Aeronautics and Space Administration is restrained by limitations within the RP&M Account for facility alterations and modifications to properly use the funds appropriated to provide and maintain facilities and support services to the outside agencies scheduled to locate at the Mississippi Test Facilities.

We have participated in the development of the interagency plan for the MTF and planned to relocate some Environmental Protection Agency activities there.

It is hoped that the problem of the limitations within the RP&M Account can be resolved so that the EPA and other agencies involved may implement the plan.

EPA activities to be relocated include the Lower Mississippi Field Station of the Water Quality Office now located in Baton Rouge, Louisiana. The existing facility is a former World War II barracks building. This two-story wood-frame is operationally inadequate.

Two pesticides activities currently located at Gulfport, Mississippi, are scheduled to be housed at MTF. Both are located in quonset-type structures which are inadequate in the amount and type of space needed for our laboratory operations.

The availability of facilities at MTF present a unique opportunity to correct known facility deficiencies in ongoing EPA programs in the geographic area. In addition, their collocation will permit closer program coordination between these EPA activities. The use of MTF by the U.S. Geological Survey, the Environmental Sciences Services Administration and the National Maritime Fisheries of NOAA and the U.S. Coast Guard should also permit a beneficial interchange between EPA and these related programs.

EPA facility staff and program officials have been and will continue to work closely with the MTF personnel to assure that program requirements for alterations and related laboratory equipment will fully meet but not exceed our known needs.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
Administrator.

ACTIVITIES OF OTHER AGENCIES CURRENTLY LOCATED OR PLANNED TO BE LOCATED AT THE MISSISSIPPI TEST FACILITY (MTF)

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Water Quality Field Laboratory.
National Pesticide Monitoring Laboratory.
Pesticide Chemical Regulation Laboratory.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

National Marine Fisheries Remote Sensing Project.
National Data Buoy Project (NDBP).
National Weather Service Project.
National Oceanic Instrumentation Center Project (to support the NDBP).
Mississippi River Flood Project Center.
Weather Radar.
Augmentation of Remote Sensing and NOIC Activities.
National Weather Service Technical Training Center.
Environmental Field Experiment Engineering Test and Integration Center.

U.S. GEOLOGICAL SURVEY (U.S.G.S.) — DEPARTMENT OF INTERIOR (DOI)

Water Resources Division Hydraulic Research Project.
Earth Resources Observation Liaison Office.
Modification and Equipment for Building 1105 for Environmental Protection Agency (Projects 1309, 1312, and 1316, respectively).
Pesticide Monitoring Laboratory (Northwest Portion), $181.900.

This subproject permits relation of this national laboratory which conducts pesticides analysis with major attention given to their ecological effects. This laboratory has the responsibility to analyze samples received from all 50 states to determine trace amounts of pesticides in soils, agricultural crops, and wildlife.

Pesticide Chemical Regulation Laboratory (East Central Portion), $111,000.

This subproject provides for the relocation of this laboratory which conducts chemical analysis of commercially available pesticide products for the purpose of regulating performance against standards.

Water Quality Field Laboratory (East Central Portion), $173,000.

This subproject provides for the relocation of this lower Mississippi Field activity of the Water Quality Office of EPA. This laboratory conducts studies related to the collection and analysis of various samples to determine the type and quantity of pollutants in the Lower Mississippi such as trace metals, bacteria, oil, and hazardous materials.

Total Modification and Equipment for Building 1105 (EPA), $465,900.

Modification of Northwest Portion Building 2204 for Hydraulics Laboratory (USGS) (Project 1318), $907,000.

This project will provide laboratory support for hydraulic research primarily for the use of USGS in developing and calibrating flow and instrumentation equipment used in water resources investigations, studying the mechanics of flow, determining the dispersion of effluents in estuaries, and provide verification instrumentation in remote sensing.

Modification and equipment of East and West Wings of Building 8100 for Environmental Instrumentation Activities (Project 1314), $2,223,000.

This project is planned to supplement available instrumentation capability at MTF to provide a marine, hydrological, and instrumentation calibration testing, and evaluation capability, primarily for NOAA's use in support of the National Data Buoy Project (NOAA) already located at MTF.

Flow Basin and Flood Plain Simulation Facility (Project 1319), $636,000.

This project is planned primarily for the use of the USGS in support of the USGS hydraulic research program and would provide a capability for research and investigation in the study of the mechanics of flow through channels and over flood plain areas in a natural but controlled environment.

Mr. ELLENDER. Mr. President, for the Geological Survey, Department of the Interior, chapter VI, the committee has recommended an appropriation of $750,000 for design and construction of a special purpose building to house the solid state physics facility to be relocated from the National Bureau of Standards site of the Reston, Va., area. This is the amount of the budget estimate, submitted to the Senate in Senate Document 92–13, and, hence, was not considered by the House.

With respect to the helium fund, Bureau of Mines, the committee recommends concurrence with the House allowance of $15,077,000 to pay for helium delivered to the Federal Government under four purchase contracts. This amount includes funds to meet interest costs to March 28, 1971, the date on which the United States declared the contracts terminated. Further details are described in the committee report.

Under the Forest Service, the committee has recommended concurrence with the House allowance of $70 million for forest protection and utilization, to repay the costs of emergency firefighting on national forest lands already incurred and those anticipated during the remainder of the fiscal year.

For chapter VII, under the Department of Labor, the committee has concurred with the House and recommends an appropriation of $100 million for manpower training activities. This is $35,700,000 over the amount recommended in the budget estimate; $87,200,000 of this sum is for additional summer jobs through the Neighborhood Youth Corps, and $12,800,000 is for summer recreation programs for boys and girls 8 to 13 years of age. I am hopeful that the Senate will agree with the committee in this recommendation and not increase it since it is already a large sum over the amount requested by the administration.

Under the Department of Health, Education, and Welfare, the committee recommends several amendments. Complete details with respect to the recommendations begin on page 34 of the report. A supplemental appropriation of $20 million is recommended to implement the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970; an additional $10 million is recommended for maternal and child health; and an additional $10 million for regional medical programs. The committee recommends concurrence with the House of Representatives for an additional appropriation of $100 million for the National Cancer Institute, and $1,047,587,000 for grants to States for public assistance.

For the legislative branch, chapter VIII, the total amount recommended by the committee under both titles of the bill, including increased pay costs, is $23,899,117, which is $2,100,500 below the budget estimates of $25,999,617, and $4,041,428 over the bill as it passed the House of Representatives. The increase is due solely to the insertion by the committee of those Senate items which were not considered by the House under long-standing practice. Of the total amount for the Senate, $4,386,928 represents the mandatory increased pay costs.

Under joint items, the committee has stricken from the bill the sum of $500,000, allowed by the House, for the proposed 2-year study by the Joint Economic Committee to develop comprehensive and factual information concerning welfare programs and needs in the United States. It was the view of the committee that this new program should be deferred, without prejudice, for consideration in the regular annual appropriation bill, which is expected to be enacted before the end of the current fiscal year.

Of importance to call to the attention of the Senate is the recommendation of the committee to insert language in the bill, authorizing the payment of compensation—in lieu of compensatory time off—for each officer or member of the Capitol Police performing duty in addition to his regularly scheduled tour of duty during the period between March 1, 1971, and June 30, 1971, when emergency conditions have been determined to exist. This overtime pay will be at a rate equal to the individual's hourly rate of compensation. The costs for the Senate are estimated at $258,000 and for the House of Representatives at $342,000, to be absorbed from available funds. I think the Senate will agree that this recognition of the commendable work of the Capitol Police, and the many hours of overtime already contributed, is warranted.

I also want to call attention to the recommendation of $200,000, under Capitol buildings and grounds, for the repair and restoration of the damaged areas in the Capitol resulting from the explosion which occurred on March 1. The committee was informed that the work is underway and that it is now estimated that another 2 months will be required for the structural repairs. Details of the damage and the estimated cost of the repairs are available in the printed hearings.

Under chapter IX, public works, the committee recommends concurrence with the action of the House of Representatives in providing $3 million for the upper Colorado River storage project, and $200,000 for the Federal Power Commission.

Under chapter X, Departments of State, Justice, Commerce, and the Judiciary, the House recommended appropriations in the amount of $122,320,000. The committee recommends that this sum be reduced by $130,000, for a total Senate recommendation of $122,190,000. The sum recommended by the committee includes $64 million for the Small Business Administration, and $49 million for the law enforcement assistance program.

Mr. President, we now come to the most controversial chapter in the bill, Department of Transportation, chapter XI. On the floor of the House of Representatives on May 12, 1971, an appropriation of $85,330,000 was approved for the development of the civil supersonic aircraft, including the construction of two prototype aircraft of the same design. The administraton in House Document 92–82 had recommended an appropriation of $97,300,000 for termination costs in connection with the SST in view of the action by the Congress 6 weeks ago in terminating the project. The desire of the House of Representatives, apparently, is to revive the project. Mr. President, this is an urgent supplemental appropriation bill and there is no way, in my opinion, to revive this project in this bill. The cost of reviving the program at this time is unknown. There are various estimates, and if it is to be revived, it should be done in connection with the regular Department of Transportation appropriation bill, which will be considered by the Congress in the near future.

As chairman of the committee, I did my best to have the full committee delete the House provision, which is designed to revive the SST. I am sorry to say that I got an adverse vote. I do hope the Senate, at the proper time, will vote to strike from the bill the provision incorporated in the bill by the House.

As I have stated heretofore, the supplemental bill must be enacted by Congress at an early date. Thousands of employees are now awaiting their pay increases which were given to them last January, and some last year. Important emergency programs need funds. I think it is incumbent on us to have the bill enacted as soon as possible. If we engage in another long debate in respect to SST, there is no telling how long it will be before we pass the supplemental bill. So my recommendation is that the entire subject matter with respect to the SST be deferred until the regular transportation bill is considered by the subcommittee. It is my recommendation that that be done.

I am very hopeful that, during the course of the debate, we will be able to indicate to the Senate the necessity of doing that, instead of engaging in another long talk on the SST, which has been defeated twice on the Senate floor.

I may say that I voted for the SST, but I shall not vote to retain this language in the bill.

It strikes me that the House voted for this proposal more or less in the dark. They had no evidence to indicate what this new contract would cost. It will be

recalled that the original contract, as of March 31 of this year, amounted to $1,342,000,000, and it was supposed that the program could be completed for that sum. There was quite a lot of money added by various corporations interested in this program, particularly the Boeing Co., and several airplane companies put up funds aggregating some $59 million.

It was hoped that the two prototypes could be constructed for this $1,342,000,000, but I am informed since the cancellation of the program that if the contract is renegotiated, it will undoubtedly cost, as I understand, from $500 million to as much as $1 billion more than the amount provided for the first contract.

Mr. President, should the cost of the SST increase in those dimensions, I think the Senate ought to know it and I think the House of Representatives ought to know it before a final vote is taken on this proposal. I wish to say, Mr. President, that if the amount of the new contract, if one is entered into, is increased as much as $50 million to $100 million, the Senator from Louisiana is going to be against the SST from now on.

Under chapter XII, Treasury, Post Office, and General Government, the largest single recommendation of the committee is the appropriation of $337,841,000 for payment to the civil service retirement and disability fund. In addition, the committee has included $600,000 for the Commission on Government Procurement, which was a submission to the Senate in S. Doc. 92–13, and, therefore, was not considered by the House.

Mr. President, that completes my explanation of the bill. I will be glad to answer any questions any Members may have. In addition, the subcommittee chairmen are available to go into detail with respect to any of the items in the bill.

Mr. YOUNG. Mr. President, I yield myself such time as I may require.

I share the concern of the distinguished Senator from Louisiana, as chairman of the Appropriations Committee, that this supplemental bill be passed at the earliest possible time. A continuing resolution would not take care of the many important problems which this supplemental bill would solve—for example, money for the Farmer's Home Administration to meet emergency needs in drought-stricken areas, and for summer jobs for young people in the cities.

There are many other items such as that. At no time in my memory has a supplemental bill been given more careful scrutiny than was this bill, at the insistence of the distinguished chairman, the Senator from Louisiana. We have 13 subcommittees, and the members of the subcommittees on appropriations are the Senators who are most knowledgeable on the various items with which they deal. Twelve subcommittees held hearings on the various items in this bill, and the bill was approved by a large majority as to all of the items.

There are some controversial matters. One would be additional loan guarantee money for the Inter-American Development Bank. Another, of course, is the SST. I do not know why there should be a long discussion on that. Most of the arguments on the SST are the same as they have been for the last year or more, though there are two new developments.

The President of France, Mr. Pompidou, did ride on their new Concorde recently, and said that the French Government would see it through financially to construction. Another new development, of course, since the SST was defeated a while back, is that the Boeing Co. has stated they would need more money to reinstate the contract. But whether or not that is true, it should not hold up this appropriation bill. If the money were appropriated, then the Department of Transportation would probably have to consider a new contract with Boeing, and if they came up with the need for much more money, then Congress would still have an opportunity to disapprove of that contract.

The original contract for the SST was entered into with Boeing back during the Kennedy administration, and money for it has been appropriated year after year since that time. We had reached a point where not much money was required to complete this contract of $1.3 billion for building the two prototypes. And, Mr. President, I think history, in the not-too-distant future, maybe in the next 2 or 3 years, will prove that the Congress of the United States made a serious mistake in discontinuing our SST. Certainly the Russian SST is going to go into commercial service next year, and there is nothing to stop the French and British Concorde from going into production. Our airlines will be buying them. They will have no other choice, because this is the plane of the future.

So, Mr. President, I support not only the SST provision, but all the other provisions of the pending bill, and this is a bit unusual for me. There are often items in these bills that I have grave doubts about. There are a few in this measure where the committee went farther than I would like to have had them go. But I believe we can easily resolve such questions in conference.

I again support the distinguished chairman in asking for speedy action on this measure. I believe it would be far better than to pass a continuing resolution. The continuing resolution would take care of some of our present emergency problems, but not all of them.

Mr. ELLENDER. Mr. President, I am delighted that the distinguished Senator from North Dakota has mentioned some of the items that the continuing resolution would not take care of.

The House of Representatives has very seldom followed the procedure that it followed in this case. Following the enactment of this measure, the House passed, within the next few minutes, a resolution to continue certain appropriations contained in the bill that they had passed only moments before. I presume that the House anticipated that the Boeing contract on the SST would cause Senate debate, and therefore sought to allow for that by enacting this continuing resolution.

Mr. President, last week I asked Mr. Scott, the clerk of our committee, to outline for us what the continuing resolution would cover and what it would not. In response to that request, a memorandum has been prepared which states the amounts that would be covered, primarily salaries and some programs, but in the following paragraph are listed a number of large items that would have to remain dormant until the supplemental bill is enacted.

That is why, Mr. President—and I am glad that my good friend from North Dakota has joined in this request—I urge that we enact the supplemental appropriation bill as soon as possible, so that important items such as funds for the Farmers Home Administration Emergency Credit Revolving Fund and Small Business Administration will be available, so that the Environmental Protection Agency will receive its money, so that the Inter-American Development Bank will receive its funds, which I understand is very urgent; that the Maritime Administration, operating differential subsidies will receive its funds; and that Federal aid-highways will receive its funds.

If this supplemental bill is delayed, all the items appearing at the bottom of page 1 of this memorandum and on pages 2 and 3 will be deferred.

If the Senate will look into this, I am sure that it will not agree to delay final passage of the supplemental bill.

As I said earlier, I do not think it would be wise to enact the continuing resolution.

Mr. President, I ask unanimous consent to have printed in the RECORD the joint resolution, House Joint Resolution 633, as well as a memorandum to me from Mr. Scott, the clerk of the committee, indicating what the effect of this resolution would be on all the moneys we are now seeking to appropriate.

There being no objection, the joint resolution and the memorandum were ordered to be printed in the RECORD, as follows:

H.J. RES. 633

Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds for the several departments, agencies, corporations, and other organizational units of the Government such amounts as (1) may be necessary to cover salaries, compensation, and pay (including pensions and retired pay) or for other programs and activities (including the food stamp program, fees and expenses of witnesses, and other programs) apportioned on a deficiency basis under authority of the Anti-Deficiency Act (31 U.S.C. 665(e)), and for which provision would be made in the Second Supplemental Appropriation Act, 1971, as passed by the House of Representatives, and (2) may be necessary for the activities for which disbursements are made by the Secretary of the Senate, and by the Architect of the Capitol for Senate items, to the extent and in the manner which would be provided for in the supplemental estimates therefor submitted to the first session of the Ninety-second Congress (House Document Numbered 92–73).

SEC. 2. Except as otherwise provided in clause (2) of section 1 of this joint resolu-

tion, appropriations made by this joint resolution shall be available to the extent and in the manner which would be provided by the Second Supplemental Appropriations Act, 1971, as passed by the House of Representatives, and all expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever such Act is enacted into law.

MEMORANDUM

H.J. Res. 633, the Continuing Resolution for the Second Supplemental Appropriation Bill, 1971, provides obligational authority for increased pay costs for all agencies and departments itemized in the Second Supplemental Appropriation Bill.

In addition, it proves authority for those programs which passed the House of Representatives in the Second Supplemental bill and which have been apportioned on a deficiency basis under authority of the Anti-Deficiency Act. The following such programs in the bill would have authority under the Continuing Resolution:

Consumer and Marketing Service	$3,379,000
Food Stamp Program	250,000,000
Retired Pay, Defense	166,400,000
Bureau of Land Management	21,000,000
Bureau of Indian Affairs	1,600,000
National Park Service	1,010,000
Forest Service	70,000,000
Grants to States for Public Assistance	1,047,587,000
U.S. Soldiers Home	190,000
General Accounting Office	120,000
Fees and Expenses of Witnesses	1,400,000
Immigration and Naturalization	924,000
Support of U.S. Prisoners	2,500,000
Coast Guard, Retired Pay	1,320,000
Allowances, Former Presidents	40,000

The following programs in the Second Supplemental bill, as reported to the Senate, would have no authority under the Continuing Resolution at this time:

Cooperative State Research	$1,025,000
Dairy and Beekeeper Indemnity programs	3,500,000
Farmers Home Administration, Emergency Credit Revolving Fund	65,000,000
Environmental Protection Agency	13,000,000
National Commission on Materials Policy	50,000
District of Columbia	56,384,000
Inter-American Development Bank	387,000,000
Home Ownership and Rental Housing (sec. 235 and sec. 236)	82,900,000
NASA-Slidell Computer Complex	Language
Securities and Exchange Commission	84,000
Veterans Administration—Medical Care	8,000,000
Trust Territory of the Pacific Islands	10,000,000
Geological Survey	750,000
Helium Fund	15,077,000
National Park Service, Construction	878,000
Indian Health	1,000,000
American Revolution Bicentennial Commission	267,000
Council on Indian Opportunity	12,500
Manpower Training, Neighborhood Youth Corps	100,000,000
Labor-Management Services Administration	500,000
Occupational Safety and Health	1,400,000
Environmental Health Service	5,000,000
Mental Health	20,000,000
Comprehensive Health Planning	$3,000,000
Maternal and Child Health	10,000,000
Regional Medical Programs	10,000,000
National Cancer Institute (President's new program)	100,000,000
National Institute of Child Health and Human Development	5,000,000
Programs for the Aging	1,700,000
National Technical Institute for the Deaf	5,700,000
Commission on Marihuana and Drug Abuse	700,000
Legislative Branch	3,357,559
Bureau of Reclamation	3,000,000
Federal Power Commission	200,000
State Department items	1,366,000
Justice Department items (including Law Enforcement Assistance)	49,590,000
Patent Office	2,260,000
Maritime Administration, Operating-Differential Subsidies	80,000,000
Commissions in State-Justice-Commerce under Related Agencies	150,000
Small Business Loans	64,000,000
Civil Supersonic Aircraft Development	85,330,000
Coast Guard	Language
U.S. International Aeronautical Exposition	2,600,000
Highway Beautification	15,000,000
Federal-Aid Highways	275,000,000
Darien Gap Highway	5,000,000
Railroad Research	3,000,000
Federal Railroad Administration, Office of Administrator	15,000
Urban Mass Transportation Fund	15,000,000
Civil Aeronautics Board	177,000
Payments to Air Carriers	7,399,000
Panama Canal	674,000
Aviation Advisory Commission	1,250,000
Treasury-Post Office-General Government chapter	371,082,000
Claims and Judgments	28,640,534

Mr. ELLENDER. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield such time to the Senator from Wisconsin as he may require.

WHY THE SUPPLEMENTAL APPROPRIATION REQUESTED FOR THE INTER-AMERICAN DEVELOPMENT BANK SHOULD BE POSTPONED

Mr. PROXMIRE. Mr. President the administration has requested that a supplemental appropriation be granted the Inter-American Development Bank—IDB—consisting of $50 million of ordinary paid-in capital and $337 million of callable capital. At this time no additional resources are requested for the Bank's Fund for Special Operations. The administration desires these additional funds in a supplemental appropriation—that is, on an emergency basis—despite their own admission that none of these resources are needed to continue the Bank's operations this year and only $15 million will be spent in fiscal year 1972. The funds we are now being asked to appropriate represent the U.S. share of an increase in the ordinary capital resources of the IDB totaling $2 billion. Contributions to the Fund for Special Operations, the Bank's soft loan window, are also slated to be increased by an aggregate amount of $1.5 billion, but the administration has withdrawn its request for any immediate U.S. donation to this fund.

Mr. President, the reason I raise these points is that, by acting in this bill in the amount that the administration has requested and the commitee has approved, we will be commiting ourselves—at least, we will be taking the first step, the first appropriation, that has been taken by this body in a $3.5 billion overall commitment. So I think we should do so with care.

COMMITTEE OVERSIGHT

When the full Senate Appropriations Committee met last week to consider this request for supplemental funds, I opposed the administration's request and suggested that the matter be deferred until we consider the regular fiscal 1972 appropriation requested for the Inter-American Development Bank. Hearings on the 1972 appropriation are scheduled to begin in less than a month, on June 7. I contended that the IDB had no emergency need for these funds, that Hearings had never been held by the Foreign Operations Subcommittee on this 3-year commitment of an additional $3.5 billion in resources for the IDB, and that to postpone the U.S. contribution would cause no serious international repercussions.

I repeat, Mr. President, that the Appropriations Committee had never held hearings on this first step of providing $3.5 billion for the Inter-American Development Bank; yet, we are going ahead with it.

Nevertheless, the full committee approved the amounts because—it seems—they were not properly informed on the latter two of these three points.

First, my colleague, the Senator from Wyoming (Mr. McGEE), the chairman of the Foreign Operations Subcommittee until I assumed this duty at the beginning of this year, insisted vigorously that the subcommittee had held hearings on the projected expansion in the level of activities for the Inter-American Development Bank and had in principle approved the $3.5 billion increase in IDB resources. Having so recently assumed the chairmanship of this subcommittee, I assumed that I was mistaken and deferred to Senator McGEE. Senator McGEE, who we all know is diligent and conscientious as well as candid, subsequently checked the record and discovered that the subcommittee under his chairmanship indeed had not conducted hearings on the issue of the $3.5 billion increase in IDB resources.

Second, it is contended that if the United States does not make its initial contribution to the projected increase in IDB resources before the end of this fiscal year, then the entire package will have to be renegotiated among all members of the Inter-American Development Bank. Any such contention is without serious merit. A suggested increase in capital resources will become binding upon all members of the IDB when a specific percentage of that increase has actually been paid in. It is true that delay on the part of the United States will postpone the effective date of the planned increase in capital resources. But this postponement is the only unavoidable impact; unless other IDB members desire to reduce their commitments.

The increased round of contributions to the Inter-American Development Bank by the United States—$823,520,000—the only nonborrowing member, was authorized on Tuesday, December 30, 1970. On Wednesday, December 31, 1970, by a final vote of 254,914 to 0, the resolution of the Bank's Board of Governors to increase the capital stock of the Bank by $2 billion was agreed to. These circumstances do not indicate that these negotiations, which were initiated at the Board of Governors' annual meeting at Puente del Este 8 months previous, were as strenuous or difficult as some would have us believe.

If these funds are not appropriated in whole or in part, is there any reason to believe that future negotiations—if, in fact, renegotiation is absolutely necessary—will be more difficult?

Apparently, on the basis of these two arguments—especially Senator McGEE's contention that hearings had already been held—the full committee reported the bill to the floor, including the requested supplemental appropriation for the Inter-American Development Bank. Given the benefit of accurate information, the Appropriations Committee, I believe, might well have voted differently.

ADMINISTRATION PRESSURE

The evident strategy of the administration is to push through this initial increment of the $3.5 billion expansion in resources for the IDB in a supplemental appropriation and so embarrass Congress into foregoing any subsequent thorough appraisal of this massive initiative. That is why I am speaking today. I desire to state for the record that whether or not this supplemental request is approved by the Senate, I intend to conduct a searching review of the activities and policies of the Inter-American Development Bank when the hearings for the regular fiscal 1972 appropriation begin on the seventh of next month. Especially in the absence of any comprehensive Senate appropriations hearings on the requested expansion of IDB resources, it is essential that no action the Senate takes on the supplemental request now before it be interpreted as a commitment to provide the full U.S. contribution.

The administration offers a variety of excuses for insisting upon passage of a supplemental appropriation at this time. Their spokesmen say that to delay the U.S. contribution once the authorization process has been completed will embarrass us in the eyes of our Latin partners. What are the appropriations committees then supposed to do? Should we abrogate all responsibility and invariably fund each and every program to the full extent of authorizations? I hardly think so. And I refuse to believe that our Latin partners in the IDB, after a decade of joinly financing development projects, are so naive as to think that U.S. contributions are assured before the funds have been appropriated.

The administration contends that delaying funding until the regular fiscal 1972 appropriation can be considered runs too great a risk. They say that the IDB will run short of funds at the end of this year. This is a dubious contention, in any case, as I shall explain, since no serious shortage of funds confronts the Inter-American Development Bank in the foreseeable future. But, under any circumstances, the regular 1972 appropriation should be passed well before the end of this year. As I have already pointed out, the Foreign Operations Subcommittee's hearing will begin on the seventh of next month. In any case, chief responsibility for any delay to date must be attributed to the administration itself, because until after the President sent us his foreign aid message a few weeks ago, the authorizing committees were unable even to hold hearings on a fiscal year 1972 request for the various foreign aid programs. In other words the regular 1972 bill was held up by the administration's long delay in submitting its new aid program. If there is any delay at all, the fault lies with the administration, not with us.

NO EMERGENCY

In his prepared testimony before the Foreign Operations Subcommittee last month, Henry J. Costanzo, U.S. Executive Director to the Inter-American Development Bank said:

> Projected loan operations by the Bank during calendar 1971 will exhaust presently available lendable resources, both with respect to the Ordinary Capital and the Fund for Special Operations. Thus, without new resources the Bank would enter into fiscal calendar—not fiscal—1972 facing the necessity of drastic cutbacks in new loan authorizations.

This means there is another 6 months before they need funds—adequate time for us to act on the regular appropriation. Meanwhile, there are huge liquid funds available to them. On December 31, 1970, the Inter-American Development Bank had in its ordinary capital account $667 million—in other words two-thirds of $1 billion in cash and other liquid assets, primarily in Treasury bills and time deposits. In 1969, the Bank made loan disbursements from its ordinary capital resources of $139 million; in 1970 corresponding disbursements grew to $151 million. Thus, even allowing for a 33-percent increase in the rate of annual disbursements to $200 million annually, the IDB at the beginning of this year had existing liquid assets sufficient to continue meeting its obligations for over 3½ years. Given this extraordinarily strong liquidity position less than 6 months ago, we can be assured—assuming continued responsible behavior on the part of its officers—that the position of the Bank has not deteriorated to the point of confronting a financial crisis today.

The management of the IDB seems to follow an extremely conservative set of guidelines in managing the assets of the Bank—so conservative as perhaps to impair quite substantially the effectiveness of that institution. These financial managers attempt to maintain liquid assets on hand at least equal to the disbursed portion of loan commitments undertaken. At the end of last year, the Bank had $1.2 billion of loans outstanding, of which $582 million remained to be disbursed. Thus, these pending obligations were significantly less than the Bank's $667 million of liquid assets. In the early history of the Bank since its inception in 1960, it has disbursed only about $900 million of ordinary capital.

Note the statement by Mr. Costanzo that I just quoted refers only to the prospective inability in calendar 1972 to make "new loan authorizations." This inability is an illusion mirroring self-imposed restraints. Apparently the Bank's capacity to assume new loan commitments would be limited only by a rise in undisbursed balances above projected liquid assets. But the World Bank, another multilateral lending institution has, in recent years, managed to function with a ratio of liquid assets to undisbursed loans of only about 50 percent, instead of 100 percent or better. A recent study by the World Bank—IBRD—indicated that its officers plan to maintain a liquidity ratio of approximately 50 percent in the future.

The same IBRD study, completed this spring, indicates that there had been no formal review of that institution's liquidity policy since fiscal 1952. I suspect that no similar evaluation of Inter-American Bank liquidity practices has been conducted in recent years. In fact, on April 21 last, I wrote to Mr. John R. Petty, Assistant Secretary of the Treasury, asking him to explain why the IDB has not been able to equal the World Bank in the efficiency with which the latter institution utilizes its resources. I have not yet received an answer from Mr. Petty, perhaps because no satisfactory answer can be readily formulated.

By their apparent insistence to maintain a ratio of liquid assets to undisbursed loans of at least 100 percent, the officials of the Inter-American Development Bank have needlessly impaired the utility of their institution and have incurred excessive interest costs. They have been borrowing long term by issuing bonds and then maintaining large balances of Treasury bills or time deposits, both of which pay lower rates. The officials of the World Bank departed from the maintenance of 100 percent liquidity after that institution had been in existence for 6 years. The IDB has been operational for a decade and should likewise be adopting more efficient practices of asset management. If it did so, the immediate crisis that Mr. Costanzo projects would evaporate. Under any circumstances, the liquidity practices of the Inter-American Development Bank will be one of the first subjects the Appropriations Subcommittee on Foreign Operations will investigate in its regular hearings next month.

OTHER PRACTICES OF THE IDB TO BE QUESTIONED

Since its inception 32 percent of the ordinary capital loans approved by the Inter-American Development Bank have been for investments in the industrial and mining sectors of Latin American economies, 24 percent for electric power generation and transmission, and 17 percent in the transportation sector. That is a total of 73 percent of the loans from ordinary capital which have gone for huge infrastructure projects. Only 8 percent of the loans have been channeled into agriculture, and none have gone into either education or housing. Admittedly,

the last three categories are the special responsibility of the Fund for Special Operations, and loans from the fund for these purposes have been proportionally higher. What I am suggesting, however, is that we ought to examine in detail whether a larger proportion of U.S. contributions to the IDB ought to go to the Fund for Special Operations. But the supplemental appropriation being pushed through today is now being pressed before we have had time to really examine that important issue.

As I pointed out, the Appropriations Committee was inaccurately informed. The fact is, no hearings have been held on this massive $3.5 billion of commitments which the Appropriations Committee is just beginning to fund in the supplemental bill. The Senator from Wyoming (Mr. McGEE) admitted to me, after the committee met, that he had been misinformed by a staff member.

WHAT ABOUT THE SPREAD?

The Inter-American Development Bank makes ordinary capital loans to Latin American governments or their agencies at 8 percent. Loans from the special fund are at 3 to 4 percent. These agencies in turn pay out the funds to the ultimate borrower and charge 12 or 13 percent. There are cases where the charge is higher—up to 18 percent. The standard explanation for the existence of this percentage point spread—from 4 to 8 percent in most cases—is that a differential of this size is required to supervise the utilization of the funds and to insure the local government against exchange risks, which it assumes. But what if the local currency does not depreciate as much in terms of the dollar as anticipated? What do local governments do with the earnings from the 4 or 8 percentage point spread? Has this differential in effect become a revenue-raising technique for borrowing governments? Is the differential maintained at this level to help bolster the revenues of governments that frequently experience difficulty collecting taxes? That is an important question. It should be answered before we appropriate. And it can be answered if we wait until the regular bill to do so.

The former president of the Inter-American Development Bank asserted that the Bank was not a reformer and had to conform in its lending practices to political realities in the various recipient countries. Some acceptance of existing political conditions is undoubtedly necessary, and I do not wish to quibble about matters of degree. But we should also recognize that when each and every loan must be approved by the current regime in the recipient's country, there exists tremendous potential for mischief. Perhaps the most important responsibility of any multilateral lending institution assisting economic development is to help change the existing distribution of income. As we have discovered from our modest attempts in this country, it is tremendously difficult to alter income distributions and any attempt to do so is likely to confront powerful political vested interests. I am skeptical whether the Inter-American Development Bank is employing its resources as effectively as it might to help distribute income more equitably throughout Latin America and to help eliminate the gulf between the wealthy and the impoverished.

We should not become overly intimidated by the knowledge that the IDB is characterized as a performer of good works, which it is designed to be. But, given the huge liquid balances now drawing interest, the spread between the original loan rate and what ultimate users pay, and the huge emphasis on big projects, the IDB may not be quite the charitable organization it is often thought to be. While the institution may be said to be dedicated to easing the plight of the poor and to eventually eliminating poverty, there is no reason to assume that the institution—in the case the Inter-American Development Bank—cannot perform more efficiently and use its available resources more effectively to accomplish its designated objectives. Like other bureaucracies, the IDB has a limited capacity for self-improvement through internal criticism. Much, probably most, of the drive for improvement must come from without. I firmly believe that the financial management practices of the IDB can be strengthened through a reduction in the ratio of liquid assets to undisbursed loans. In addition, I have raised a number of other questions that, while not necessarily implying mismanagement or poor policy formulation, bear serious investigation. The Subcommittee on Foreign Operations will examine all of these issues during the course of our hearings next month on the regular fiscal 1972 appropriation.

CONCLUSION

In conclusion, let me emphasize that nothing is to be lost and everything is to be gained from postponing the supplemental appropriation for the Inter-American Development Bank until next month, when this request for funding can become part of the regular appropriation for next year. The IDB faces no immediate financial emergency. Any talk of a crisis is merely the reflection of arbitrary financial guidelines that the managers of this institution initially adopted, but should now have outgrown in order to utilize available resources more efficiently. Senate appropriations hearings have never been held on the $3.5 billion projected expansion of IDB resources, $387 million of which is included in the supplemental request now under consideration. Because of the magnitude of this obligation, we should avoid any hasty commitment that, in the light of subsequent analysis, may prove to have been given without a corresponding pledge of desirable reforms.

The increased round of contributions to the Inter-American Development Bank by the United States—$823,520,000—the only nonborrowing member, was authorized on Tuesday, December 30, 1970. On Wednesday, December 31, 1970, by a final vote of 254,914 to 0 the resolution of the Bank's Board of Governors to increase the capital stock of the Bank by $2 billion was agreed to. These circumstances do not indicate that these negotiations which were initiated at the Board of Governors' annual meeting at Punta del Este 8 months previous were as strenuous or difficult as some would have us believe.

If these funds are not appropriated in whole or in part, is there any reason to believe that future negotiations—if, in fact, renegotiation is absolutely necessary—will be more difficult?

QUESTIONS

Let me conclude by asking a few questions about the increase in this bill.

Question No. 1: Why is it necessary to increase the ordinary and callable capital at this time when—

First, the IDB has liquid assets on hand in excess of the amounts needed to meet all of its commitments for the next 3 years? On December 31, 1970, it had $667 million in liquid assets to meet only $582 million in loan commitments to be dispensed over the next 3 years.

Second, when the testimony before the committee was that not one single penny of the funds were to be disbursed in fiscal year 1971.

Third, that in fiscal year 1972, only $15 million of the $50 million of ordinary capital would be used.

Fourth, that the policy on callable capital was to have resources available for 18 months in advance, and that the Bank could get along until December 31, 1971. In view of all of these facts, what is the emergency? Why cannot these matters be handled in the regular appropriation?

Question No. 2: Since there is no emergency for fiscal year 1971, why should we not examine a whole series of policies about the Interamerican Development Bank before we appropriated the initial funds for a multibillion program?

Why should the Bank be more than 100 percent liquid?

Why should the huge proportion of loans be for highways, powerplants, mining and industry, and a paucity of them for housing and education?

Why should there be such a big spread between the rate at which bank loans funds—3 to 4 percent and 8 percent—and the amount which many local institutions charge for the loans—12 percent in most cases but even up to 18 percent in a few? Who gets the spread?

Why should we go ahead to appropriate funds which are not needed in fiscal year 1971, or on any emergency basis, and only a small portion of which will be needed in the entire fiscal year 1972, when we can examine these questions and work through the regular appropriations process?

If we go ahead, why should there be an appropriations process at all? We are being told that because the amounts have been authorized and the Government has agreed with other countries, that we are now required to appropriate. If that is the case, Congress has become a useless appendage. For myself, I want no part of it.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter under date of May 14, 1971, from the distinguished Senator from Wyoming (Mr. McGEE), the former chairman of the subcommittee, to the chairman of the committee (Sen. ELLENDER), which clarifies the unfortunate misinformation upon which the committee acted when they assumed that there had been hearings. There had been none and no action was taken by the committee.

I also ask unanimous consent to have printed at this point in the RECORD a summary statement of investments in and loans by Inter-American Development Bank, as of December 31, 1970, and of global loans to financial institutions by countries as of December 31, 1970.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., May 14, 1971.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Appropriations,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN. During the consideration of the Second Supplemental Appropriations bill yesterday afternoon, Senator Fong offered an amendment to alter the action which had been recommended by the Foreign Operations Subcommittee. As you will recall, there was considerable discussion of Senator Fong's amendment and, as the past Chairman of the Foreign Operations Subcommittee, I was an active participant in the debate in favor of Senator Fong's amendment. I advanced a number of reasons supporting the position of Senator Fong, and amongst these I indicated that the Foreign Operations Subcommittee—of which I was Chairman during the 91st Congress—held hearings on the items in question. I was mistaken when I made this assertion, Mr. Chairman, and I confused the hearings which my Subcommittee of the Appropriations Committee had held with the hearings that were held by the Senate Foreign Relations Committee, of which I am also a member.

The Foreign Relations Committee had held hearings on the funds for the Inter-American Development Bank, the Asian Development Bank, the International Monetary Fund, and the International Bank for Reconstruction and Development—the so-called World Bank—on May 6, 1970, and July 9, 1970. However, by December of 1970, the authorization bill covering these International organizations had not yet passed the Congress. The Administration was concerned about the delay in passing these authorizations and their spokesman discussed with me the possibility of inserting appropriations for these items in the Foreign Aid bill at the time the Foreign Operations Subcommittee was marking up the Foreign Aid bill. After these discussions, it was decided that the only item requiring immediate action was the one to increase the resources of the International Monetary Fund in the amount of $1,540,000,000, and the Foreign Operations Subcommittee did include funds for this institution in the Foreign Aid bill, subject to the passage of authorizing legislation. These funds were retained in the bill that eventually came out of the Conference with the House.

As you will recall, the vote by which Senator Fong's amendment was adopted by the Committee was 16 in favor and one opposed. I am confident that my erroneous assertion before the Committee had no significant effect on the outcome of the vote. Nonetheless, I deeply regret having made this error, and urge you to take whatever action you feel may be necessary to bring this matter to the attention of the Members who voted on Senator Fong's amendment yesterday afternoon.

For your information, I have made a personal apology to Bill Proxmire, to whom I am sending a copy of this letter.

Sincerely,

GALE W. MCGEE.

SUMMARY STATEMENT OF INVESTMENTS IN AND LOANS BY INTER-AMERICAN DEVELOPMENT BANK, AS OF DECEMBER 31 1970

[In million of dollars]

	Capital subscriptions		F.S.O.[2] Contributions	Loans approved			
	Total	Paid-in[1]		Total Paid-in	Ordinary capital	F.S.O.	Total
Argentina	345.8	51.6	115.1	166.7	282.6	222.7	505.3
Barbados	4.1	2.1	.4	2.5			
Bolivia	27.8	4.1	9.2	13.3		82.0	82.0
Brazil	345.8	51.6	115.1	166.7	395.5	403.5	799.0
Chile	95.0	14.2	31.6	45.8	102.3	151.6	253.9
Colombia	94.9	14.1	31.6	45.7	141.9	165.2	307.1
Costa Rica	13.9	2.0	4.6	6.6	15.3	34.5	49.8
Dominican Republic	18.5	2.8	6.2	9.0	6.0	44.5	50.5
Ecuador	18.4	2.8	6.2	9.0	13.8	64.4	78.2
El Salvador	13.9	2.1	4.6	6.7	7.0	15.5	22.5
Guatemala	18.5	2.8	6.2	9.0	11.3	53.8	65.1
Haiti	13.9	2.1	4.6	6.7		12.3	12.3
Honduras	13.9	2.1	4.6	6.7	0.5	46.9	47.4
Jamaica	18.5	2.8	6.2	9.0		10.9	10.9
Mexico	222.3	33.1	74.0	107.1	267.9	228.0	495.9
Nicaragua	13.9	2.1	4.6	6.7	19.5	42.9	62.4
Panama	13.9	2.1	4.6	6.7	1.5	34.2	35.7
Paraguay	13.9	2.1	4.6	6.7	6.0	83.6	89.6
Peru	46.3	6.9	15.4	22.3	43.7	134.1	177.8
Trinidad	13.9	2.1	4.6	6.7		8.9	8.9
United States	1,173.5	150.0	1,800.0	1,950.0			
Uruguay	37.1	5.5	12.3	17.8	47.9	40.2	88.1
Venezuela	185.3	27.6	61.7	89.3	104.9	91.2	196.1
Regional					18.5	50.7	69.2
Total	2,763.0	388.5	2,328.0	2,716.5	1,486.0	2,021.6	3,507.6

[1] 50 percent of Latin contributions in dollars.

[2] $35,600,000 million of Latin contributions in dollars; rest in own currencies.

GLOBAL LOANS TO FINANCIAL INSTITUTIONS BY COUNTRIES AS OF DEC. 31, 1970

Country and date	Loan Number	Borrower	Amount (U.S. dollars)	Terms[1] (years)	IDB interest (percent)	Interest to sub-borrowers[2]
Argentina:						
July 13, 1961	13/OC	Banco de la Provincia de Entre Rios	15,000,000	8	5.75	9 percent maximum.
April 16, 1963	66/OC	Banco de la Nacion Argentina	24,960,000	11½	5.75	10 percent maximum.
December 10, 1964	108/OC	do	15,557,377	12½	6.00	Do.
April 8, 1965	113/OC	Banco Industrial de la Republica Argentina	15,000,000	12	6.00	Do.
August 15, 1968	164/OC	do	10,000,000	12	7.75	Do.
Aug. 21, 1969	183/OC	Banco de la Nacion Argentina	8,297,267	12	8.00	12 percent maximum.
Sept. 6, 1968	190/SF	do	15,000,000	12½	3.25	6 percent.
Aug. 21, 1969	229/SF	do	20,700,000	17	3.25	9 percent.
Bolivia:						
Feb. 24, 1961	1/SF	Corporacion Boliviana de Fomento	10,000,000	10	4.50	12 percent maximum.
Dec. 28, 1962	29/SF	Banco Agricola de Bolivia	2,600,000	12½	4.00	8 percent.
Oct. 31, 1963	35/SF	Republic of Bolivia	1,100,000	12½	4.00	Do.
June 23, 1966	100/SF	Banco Industrial, S.A.	1,000,000	12	3.25	12 percent maximum.
Nov. 10, 1966	120/SF	Corporacion Boliviana de Fomento	10,800,000	11	3.25	Do.
Nov. 26, 1969	242/SF	Republic of Bolivia	5,000,000	20	3.25	12 percent.
Brazil:						
July 30 1964	96/OC	Banco Nacional do Desenvolvimento Economico	27,000,000	11½	5.75	8 percent-U.S.
Dec. 28, 1966	141/OC	Banco do Nordeste do Brasil	6,000,000	12½	6.50	10 percent-U.S.
July 20, 1967	158/OC	Banco Nacional do Desenvolvimento Economico	13,300,000	12	6.50	8 percent-U.S.
Dec. 28 1967	157/OC	Banco do Brazil	4,200,000	16½	7.75	Do.
Apr. 9 1961	3/SF	Banco do Nordeste do Brasil	10,000,000	12	4.50	9 percent maximum.
Dec. 9, 1965	71/SF	Federative Republic of Brazil	20,500,000	17	2.25	12 percent members 10 percent cooperatives plus 6 percent maximum monetary correction.
Dec. 28, 1966	128/SF	Banco de Nordeste do Brasil, S.A	6,000,000	12½	3.25	6 percent U.S.
July 20, 1967	148/SF	Banco Nacional do Desenvolvimento Economico	8,700,000	11½	3.25	8 percent U.S.
Dec. 28, 1967	169/SF	Banco do Brasil, S.A.	10,800,000	16½	3.25	12 percent plus up to 10 percent monetary correction.
Mar. 6, 1969	205/SF	Federative Republic of Brazil	26,000,000	16	3.25	4 percent plus monetary correction.
Apr. 9, 1970	252/SF	State of Minas Gerais	29,000,000	15	2.25	8 percent plus up to 10 percent monetary correction.
Apr. 19, 1970	256/SF	Federal Republic of Brazil	35,000,000	17	3.25	9 percent plus up to 7 percent monetary correction.
Apr. 12, 1962	31/TF	Caixa Economica do Estado de Minas Gerais	6,400,000	10	1.45	7 percent.
Jan. 24, 1963	54/TF	Banco de Credito Agricola do Espirito Santo, S.A.	2,000,000	19½	1.25	8 percent maximum.
July 30, 1964	87/TF	Superintendencia do Desenvolvimento do Nordeste	2,700,000	19½	1.25	6 percent cooperative, 8 percent members.

Footnotes at end of table.

GLOBAL LOANS TO FINANCIAL INSTITUTIONS BY COUNTRIES AS OF DEC. 31, 1970—Continued

Country and date	Loan Number	Borrower	Amount (U.S. dollars)	Terms [1] (years)	IDB interest (percent)	Interest to sub-borrowers [2]
Chile:						
Apr. 9, 1961	4/OC	Corporacion de Fomento de la Produccion	6,000,000	10	5.75	6 percent.
Mar. 12, 1964	86/OC	do	6,000,000	9	5.75	Do.
Sept. 23, 1965	123/OC	do	8,000,000	9½	6.00	Do. t
June 1, 1967	147/OC	do	12,500,000	12½	6.50	8 percen .
July 10, 1969	180/OC	do	1,765,027	17	8.00	9 percent.
Oct. 30, 1969	187/OC	do	12,000,000	15	8.00	Do.
Sept. 15, 1966	110/SF	Instituto de Desarrollo Agropecuario	11,000,000	12½	2.25	Do.
June 1, 1967	147/SF	Corporacion de Fomento de la Produccion	6,500,000	26½	3.25	5 percent.
Nov. 21, 1968	194/SF	Banco del Estado de Chile	9,575,000	17	3.25	8.75 percent.
July 10, 1969	225/SF	Corporacion de Fomento de la Produccion	13,300,000	17	3.25	5 percent.
Do	226/SF	do	8,500,000	16½	3.25	6 percent.
Dec. 21, 1961	18/TF	do	10,000,000	10	1.25	6 percent maximum.
Sept. 7, 1967	1/UK	do	[3] 358,000	10½	6.875	7.5 percent.
Colombia:						
Apr. 9, 1961	5/OC	Corporacion Financiera Colombiana de Desarrollo	955,028	8	5.75	9.5 percent.
Oct. 10, 1963	72/OC	Banco de la Republicla	3,000,000	10	5.75	12 percent maximum.
Feb. 2, 1967	145/OC	Caja de Credito Agrario Industrial y Minero	12,200,000	7	6.50	Do.
Dec. 13, 1968	173/OC	Instituto de Fomento Industrial	2,639,344	12	7.75	18 percent maximum.
Dec. 14, 1967	161/SF	Banco Ganadero de Colombia	10,700,000	12	3.25	13 percent.
Dec. 13, 1968	200/SF	Instituto de Fomento Industrial	7,500,000	12	3.25	18 percent maximum.
May 21, 1964	79/TF	Fondo de Desarrollo y Diversaficacion de Zonas Cafeteras y Federacion.	7,000,000	19½	1.25	8 percent maximum.
Costa Rica:						
November 30, 1961	32/OC	Banco Nacional de Costa Rica	3,000,000	10	5.75	Do.
Aug. 9, 1962	53/OC	Banco de Costa Rica	3,001,630	9½	5.75	Do.
Dec. 21, 1965	126/OC	do	2,000,000	12½	6.00	Do.
Apr. 14, 1970	196/OC	do	2,200,000	13	8.00	10 percent.
Apr. 4, 1963	31/SF	Banco Nacional de Costa Rica	1,000,000	18½	4.00	7.8 percent.
Aug. 26, 1965	61/SF	do	5,200,000	15½	4.00	8 percent maximum.
Dec. 21, 1965	79/SF	Banco de Costa Rica	2,200,000	12½	3.25	8 percent.
Aug. 2, 1966	103/SF	Banco Nacional de Costa Rica	400,000	6½	3.25	8 percent maximum.
Apr. 14, 1970	255/SF	Banco de Costa Rica	3,300,000	13	3.25	6.5 percent.
Dominican Republic:						
Aug. 15, 1963	71/OC	Banco Agricola de la Republica Dominicana	6,000,000	9	5.75	8 percent.
Apr. 15, 1965	54/OC	Banco Central de la Republica Dominicana	5,000,000	11	4.00	9 percent maximum.
Apr. 20, 1969	220/SF	do	7,000,000	12	3.25	Do.
Aug. 23, 1962	41/TF	Banco Agricola de la Republica Dominicana	3,000,000	10	1.25	8 percent maximum.
Ecuador.:						
Aug. 10, 1961	17/OC	Banco Nacional de Fomento	2,343,000	13	5.75	8 percent.
Jan. 26, 1967	143/OC	Comision de Valores-Corporacion Financiera Nacional	2,500,000	12	6.50	10 percent.
Nov. 6, 1969	188/OC	do	4,500,000	12	8.00	12 percent maximum.
July 13, 1961	8/SF	Banco Nacional de Fomento	2,365,000	11	5.00	8 percent maximum.
Oct. 25, 1962	26/SF	do	6,000,000	10	4.00	9 percent maximum.
Jan. 26, 1967	133/SF	Comision de Valores-Corporacion Financiera Nacional	2,500,000	12	3.25	10 percent.
Mar. 20 1969	206/SF	Banco Nacional de Fomento	6,000,000	12	3.25	9 percent.
Nov. 6, 1969	234/SF	Comision de Valores—Corporacion Financiera Nacional	1,500,000	12	3.25	12 percent maximum.
El Salvador:						
Aug. 10, 1961	20/OC	Banco Central de Reserva de El Salvador	2,500,000	10	5.75	Do.
Apr. 15, 1965	115/OC	Instituto Salvadoreno de Fomento Industial	3,000,000	12½	6.00	9 percent.
Aug. 8, 1968	186/SF	Banco Central de Reserva de El Salvador	2,000,000	17	2.25	12 percent maximum.
Apr. 8, 1969	213/SF	do	4,000,000	15	3.25	8 percent maximum.
Aug. 3, 1961	3/TF	do	2,000,000	10	1.25	12 percent maximum.
Guatemala:						
Aug. 10, 1961	18/OC	Banco de Guatemala	5,000,000	5	5.75	8.75 percent.
Aug. 9, 1966	133/OC	do	3,200,000	15	6.00	9.25 percent.
Do	105/SF	do	2,000,000	15	2.25	Do.
Do	106/SF	do	800,000	15	3.25	8 percent.
Jan. 23, 1969	204/SF	Republic of Guatemala	4,500,000	17	2.25	5 percent maximum.
Feb. 14, 1963	58/TF	do	2,500,000	24½	1.25	5 percent.
Haiti: Apr. 9, 1961	4/SF	Banque Nationale de la Republique d'Haiti	3,500,000	12	4.00	8 percent maximum.
Honduras:						
Apr. 12, 1962	20/SF	Banco Nacional de Fomento	6,000,000	12	4.00	9 percent maximum.
Oct. 27, 1966	115–1/SF	do	4,300,000	17	3.25	6 percent to 9 percent.
Do	115–2/SF	do	2,700,000	17	2.25	Do.
Aug. 30, 1962	42/TF	do	2,500,000	20	1.25	9 percent.
Jamaica: Sept. 2, 1970	269/SF	Jamaica	6,200,000	16	2.25	4 percent to 6 percent.
Mexico:						
Aug. 10, 1961	19/OC	Nacional Financiera	3,000,000	6	5.75	11 percent.
Oct. 24, 1963	73/OC	do	5,000,000	7	5.75	10 percent.
Apr. 24, 1966	131/OC	do	8,000,000	12	6.00	Do.
Jan. 22, 1970	194/OC	do	5,000,000	12	8.00	12 percent maximum.
Dec. 19, 1967	163/SF	do	20,000,000	11	3.00	7 percent maximum.
Jan. 22, 1970	249/SF	Nacional Financiera S.A	5,000,000	12	4.00	9 percent.
Nicaragua:						
Mar. 31, 1961	3/OC	Instituto de Fomento Nacional	2,000,000	10	5.75	Do.
July 30, 1964	94/OC	do	2,330,000	22	5.75	Do.
Dec. 31, 1964	110/OC	Banco Nacional de Nicaragua	4,600,000	12	6.00	12 percent to 13 percent.
Aug. 5, 1965	119/OC	Instituto de Fomento Nacional	3,300,000	12	6.00	9 percent maximum.
Nov. 10, 1966	137/OC	Banco Nacional de Nicaragua	1,900,000	13	6.00	12 percent to 13 percent.
Nov. 29, 1968	168/OC	do	2,600,000	12	7.75	9 percent.
Apr. 10, 1969	177/OC	do	3,700,000	15	7.75	12 percent to 13 percent.
Dec. 31, 1966	52/SF	do	4,500,000	12	4.00	Do.
Nov. 10, 1966	118/SF	do	5,100,000	17	2.25	10 percent.
Nov. 29, 1968	196/SF	Instituto de Fomento Nacional	2,400,000	12	2.25	7 percent.
Apr. 10, 1969	218/SF	Banco Nacional de Nicaragua	3,700,000	15	3.25	12 percent to 13 percent.
June 14, 1962	36/TF	do	1,500,000	10	1.25	6 percent to 10 percent.
Panama:						
Sept. 22, 1966	135/OC	anco Nacional de Panama	1,500,000	17	6.00	8 percent.
Dec. 7, 1961	13/SF	Instituto de Fomento Economico	2,900,000	12	4.00	9 percent maximum.
Dec. 10, 1964	49/SF	Banco Nacional de Panama	1,000,000	10½	4.00	8 percent.
Sept. 22. 1966	112/SF	do	2,000,000	17	3.25	Do.
Nov. 26 1969	240/SF	Instituto de Fomento Economico	3,300,000	11	2.25	Do.
Do	241/SF	do	3,100,000	11	3.25	9 percent.
April 22, 1965	109/TF	do	2,500,000	19½	1.25	8 percent.
Paraguay:						
Mar. 24, 1961	2/SF	Banco Nacional de Fomento	3,000,000	7	5.75	9 percent maximum.
July 30, 1964	44/SF	do	4,000,000	11½	4.00	9 percent.
Nov. 10, 1966	119/SF	do	6,000,000	21½	2.25	9 percent.
Mar. 27, 1969	211/SF	do	12,000,000	12	3.25	Do.
Dec. 20, 1962	49/TF	do	2,900,000	20	1.25	Do.

Footnotes at end of table.

Country and date	Loan Number	Borrower	Amount (U.S. dollars)	Terms [1] (years)	IDB interest (percent)	Interest to sub-borrowers [2]
Peru:						
Oct. 18, 1962	55/OC	Banco Industrial del Peru	2,500,000	10	5.75	6 percent to 10 percent.
Nov. 5, 1963	75/OC	Peruinvest—Compania de Fomento e Inversiones	750,000,000	7½	5.75	11 percent maximum.
Dec. 12, 1963	78/OC	Banco Industrial del Peru	5,000,000	10	5.75	6 percent to 10 percent.
Apr. 15, 1965	116/OC	do	7,000,000	10	6.00	Do.
Feb. 16, 1968	159/OC	do	6,500,000	12½	6.5	Do.
Apr. 21, 1968	178/SF	do	2,500,000	12½	3.25	Do.
Nov. 5, 1970	277/SF	Republic of Peru	23,300,000	21	2.25	7 percent to 12 percent.
Oct. 19, 1961	8/TF	Cooperativa de Credito Central del Peru	1,000,000	10½	1.25	6 percent to 10 percent.
Feb. 16, 1968	2/UK	Banco Industrial del Peru	[3] 358,000	14½	7.375	6 percent to 12 percent.
Trinidad and Tobago:						
April 9, 1970	253/SF	Trinidad and Tobago	2,900,000	16	3.25	6 percent.
Do	254/SF	do	7,000,000	16	3.25	7 percent.
Uruguay:						
December 19, 1963	83/OC	Banco de la Republica	5,000,000	9	5.75	8 percent.
March 5, 1970	195/OC	do	4,500,000	12	8.00	8 percent to 12 percent.
Do	205/SF	do	1,500,000	12	3.25	Do.
Venezuela:						
May 18, 1961	7/OC	Corporacion Venezolana de Fomento	9,200,000	10	5.75	6 percent to 8.5 percent.
April 16, 1963	68/OC	Banco Agricola y Pecuario	6,000,000	7½	5.75	6 percent.
Nov. 12, 1964	102/OC	Corporacion Venezolana de Fomento	10,000,000	10	6.00	6 to 8.5 percent.
Apr. 7, 1966	130/OC	Cavendes—C. A. Venezolana de Desarrollo	3,000,000	9½	6.00	9 to 9.5 percent.
Dec. 21, 1967	156/OC	Corporacion Venezolana de Fomento	12,000,000	12½	7.75	8.5 percent.
Do	165/SF	do	3,000,000	12½	4.00	Do.

[1] There are varying grace periods in addition to the amortization terms, ranging from 3½ to 5½ years.

[2] In some cases, exchange risk is borne by borrower rather than by sub-borrower. Also, in some cases the maintenance of value, when repayment is in local currency, is borne by borrower rather than by subborrower. There are also cases where a monetary correction factor is included in addition to the service charge.

[3] Pounds Sterling.

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

Mr. PROXMIRE. I yield.

Mr. YOUNG. Mr. President, what are these 80 pages of hearings about the Inter-American Development Bank if they are not on appropriations?

Mr. PROXMIRE. The Senator from Wyoming acted under the impression that his hearings last year must have covered the prospective period of the next 3 years. But after they had a chance to review the hearings, it was found that this was not the case. It was an understandable error on the part of the Senator from Wyoming as a member of the committee which did hold hearings. However, the hearings were not held on the $3.5 billion.

Mr. YOUNG. Mr. President, what are these 80 pages in the supplemental appropriations hearings about? These were the Inter-American Development Bank officials testifying for the appropriation items in question.

Mr. PROXMIRE. Mr. President, I am not sure I understand. Is the Senator talking of the hearings the subcommittee held this year?

Mr. YOUNG. The Senator is correct.

Mr. PROXMIRE. Those were hearings over which I presided. Those were not the hearings referred to by the Senator from Wyoming. Those hearings raised so many questions as I have just tried to delineate them in my speech. The subcommittee decided by unanimous vote not to ask the full committee to proceed with any appropriations and to delete the funds entirely. Hearings were held to that extent. And those hearings showed that we should not proceed with the supplemental.

Mr. YOUNG. Mr. President, as the Senator knows, ordinarily I take the same position he does with respect to foreign aid. I take a dim view with regard to many of the programs. I supported this because the authorization had passed Congress. In the case of authorizations for a foreign program, it is looked upon by foreign countries pretty much as an agreement, even a treaty. We felt that we had an obligation to provide the funds, as many Latin-American countries have already made their contribution to the fund.

If we do not do it, the Latin-American countries would look upon us as reneging on the program we had agreed to. That was the reason I voted for it.

Mr. PROXMIRE. I appreciate that. The Senator made it very clear in the committee. I appreciate it.

If we have an appropriations process we should proceed under that process. If an authorization is a final commitment and we have to go ahead, we ought to change the process and abolish the appropriation subcommittee. Why have it?

The United States has already paid in almost $2 billion—$1.95 billion—of the $2.7 billion to be paid into the Inter-American Development Bank. Only the United States has taken no funds out. Far from reneging on this, we have kept our pledges in full in the past. And by postponing action until next year, we would cause no inconvenience. The funds are there. The Bank is able to meet its commitments. It has the money with which to go ahead and make it all the loans, at least for 3 years. As I have pointed out, there is no need for additional funds at this time.

Mr. HANSEN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement and two insertions on this subject by the Senator from Hawaii (Mr. FONG).

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

STATEMENT BY SENATOR FONG

A question has been raised about the appropriations provided for the Inter-American Development Bank in the pending bill (H.R. 8190) Second Supplemental Appropriation bill for fiscal year 1971.

The Senate Appropriations Committee, by a vote of 16 to 1, provided $337 million for the United States subscription to the callable or "guarantee" capital stock of the Bank and $50 million for the Bank's paid-in capital. Funds that were requested by the Administration for the IDB Fund for Special Operations and funds that were requested for the World Bank were not authorized by the Appropriations Committee and are not in issue here.

The House of Representatives has already approved $25 million for paid-in capital for the Inter-American Development Bank and $200 million in callable capital. In addition, the House approved $50 million for the Bank's Fund for Special Operations, whereas the Senate Appropriations Committee did not approve any funds for the FSO.

One of the main reasons for including appropriations for the IDB in the pending supplemental money bill is that the United States has an agreement with the Latin American members of the Bank on this capital replenishment. This agreement calls for payment on June 30, 1971—that is, before the end of the current fiscal year.

The United States vote for the Bank resolution establishing this payment date was specifically authorized by the Congress on December 30 of last year by Public Law 91-599. The text of the resolution appears at the end of my statement.

Under the Appropriations Committee's and the Office of Management and Budget's criteria for supplemental requests, this appropriation clearly qualifies. This was the overwhelming judgment of the Committee.

Circular No. A-41 Revised of the Bureau of the Budget, dated February 19, 1966 and still in effect, in paragraph 2 and subparagraph (d) makes clear that where Congress makes an authorization subsequent to submission of the annual budget estimate, a supplemental appropriation request can be made. As Congress enacted the authorization in December 1970 and the 1971 budget estimate was made in February 1970, the Inter-American Development Bank was qualified to submit a supplemental request. The complete text is printed in the record at the conclusion of my statement.

The U.S. subscription is essential to bringing the capital replenishment into effect. This is a condition of the IDB resolution. It is designed as a protection for the United States.

Thus, if the United States does not subscribe, the resolution providing for the replenishment will have to be renegotiated. The renegotiation could postpone the time for making payments, but this would cause the Bank to curtail its lending program by early fall of this year.

I would also be deeply concerned about the effect of our going back on a commitment authorized by Congress. I think this could have a major adverse impact on relations with Latin America. No valid reasons have been advanced for taking these risks.

The text of the pertinent portion of the Act (P.L. 91-599) passed by Congress and signed last December 30 is as follows:

§ 21. Amendment of Inter-American Development Bank Act

(a) The Inter-American Development Bank Act (22 U.S.C. 283–283n) is amended by adding at the end thereof the following new section:

"SEC. 18. (a) The United States Governor of the Bank is hereby authorized to vote in favor of the two resolutions proposed by the Governors at their annual meeting in April 1970 and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock to the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such resolutions the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to eighty-two thousand three hundred and fifty-two shares of $10.000 par value of the increase in the authorized capital stock of the Bank of which sixty-seven thousand three hundred and fifty-two shall be callable shares and fifteen thousand shall be paid in and (2) to pay to the Fund for Special Operations an initial annual installment of $100,000,000 and, upon further authorization by the Congress, two subsequent annual installments of $450,000,000 each, in accordance with and subject to the terms and conditions of such resolutions.

"(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of (1) three annual installments of $50.000,000 each for the United States subscription to paid-in capital stock of the Bank; (2) two installments of $336,760,000 each for the United States subscription to the callable capital stock of the Bank; and (3) one installment of $100,000,000 for the United States share of the increase in the resources of the Fund for Special Operations of the Bank."

It has been said that this appropriation is the beginning of a $3.5 billion commitment to the Inter-American Bank. I want the Senate to be clear that the total amount of the authorization involved is $823 million. We are considering today only a part of this authorization—$50 million of paid-in capital and $337 million of callable capital. Subsequent installments of paid-in capital and callable capital will be before the Appropriations Committee and the Senate for approval or disapproval in 1973 and 1974. Thus I do not believe it is correct to imply that the Senate is becoming involved in a $3.5 billion obligation by passing the pending Supplemental appropriation.

It has been suggested that this appropriation presents a challenge to the jurisdiction of the Appropriations Committee. I do not think so. The Committee had full discretion to meet the June 30 payment date, or not to meet it. The Committee decided, after reviewing all the facts, to appropriate the funds. I do not believe there is any basis for reversing that judgment.

It has been said, however, that the Appropriations Committee was inaccurately informed about the status of hearings on this matter when it acted to approve the IDB request by a vote of 16 to 1.

The fact is, the Senate Appropriations Subcommittee on Foreign Operations held hearings in April this year on this supplemental request of the Inter-American Development Bank.

There was a mix-up in the Appropriations Committee markup on the Supplemental bill as to whether more extensive hearings were held by the Senate Foreign Relations Committee, which had jurisdiction over the authorizing legislation which Congress later passed and which became law December 30. This Act, P.L. 91–599, authorized the amount the Senate is now asked to approve in the pending supplemental appropriation bill.

The issue of whether to act now or postpone this item for consideration in the regular foreign aid appropriation bill for fiscal year 1972 was squarely before the Appropriations Committee. The Committee decision was to act now.

It has also been alleged that the Bank does not need the funds requested. On this question I would like the Senate to be clear on three points:

1. If the funds are not appropriated, the Bank will run out of funds for ordinary capital lending by early fall of this year. I have checked this out very carefully with the Treasury. I think there is good reason to believe that the regular fiscal year 1972 appropriation will not be enacted by early fall.

2. It is suggested that the Bank use funds pledged against existing commitments as the basis for making new commitments.

But these liquid assets are already tied up as backing for previously made loan commitments and as reserves. They cannot be pledged against new commitments.

This is admittedly a conservative financial policy. But I do not believe we should be holding up funds to a Bank at this time because it is following a conservative policy. There would indeed be cause for concern if financial policies were too loose; but this is not the case. The major point is that regardless of the Bank's liquidity policy it will need the capital funds requested to meet future commitments. We believe that these funds should be made available now to conform with the agreed arrangements in the IDB Resolution.

3. There is a low budgetary impact under this appropriation. The callable capital is a guarantee and is not expected now or in the future to result in any expenditures. The paid-in capital is paid in the form of a letter of credit, and this is not drawn down until the funds are actually needed for disbursements. There will be no expenditures in FY '71 and only $15 million in FY '72 under the paid-in capital. The Senate Appropriations Committee action will have a budgetary impact in FY 72 which is $33 million less than the action taken in the House version of the pending Supplemental bill.

I also would like to point out that the replenishment arrangement represents the kind of burden-sharing and self-help that we would like to see more of. The Latin American members will put up, on June 30 this year, $72 million of paid-in capital (half in dollars and half in local currency) and $440 million of callable capital. (Borrowings may only be made against the U.S. callable capital, but any liabilities resulting from calls on this capital are shared 40% by the U.S. and 60% by the Latin members.)

Twenty of the 22 Latin American members have completed all of the steps necessary, including legislative action, to meet the June 30 payment date. This shows good-faith on their part, and we are now asked to show good faith on the part of the United States.

Economic development is a complex process. It is always possible to question and discuss how best to further this process and how institutions like the Inter-American Development Bank can best contribute.

But no evidence has been offered to suggest that the Bank is not doing a professional and creditable development finance job. I believe we should go forward without delay on the authorization made by the Congress last year and on the arrangements made with 22 Latin American countries.

Undoubtedly there are ways in which the IDB can improve its operations. There is hardly an institution that cannot stand some improvement. I am fully prepared to cooperate in the process of carefully reviewing the IDB activities to assure continued effective and efficient use of United States contributions to the IDB.

For all of these reasons I urge approval of ordinary paid-in and callable capital contributions to the Inter-American Development Bank as reported out in Chapter IV by the Appropriations Committee.

INTER-AMERICAN DEVELOPMENT BANK

RESOLUTION AG–11/70: INCREASE OF US$2,000,000,000 IN THE AUTHORIZED CAPITAL STOCK AND SUBSCRIPTIONS THERETO

Whereas: The Board of Executive Directors has studied the possibility of enlarging the resources of the Bank by means of an increase in its authorized capital stock and an increase in the resources of the Fund for Special Operations and has presented a report and recommendations to the Board of Governors;

The Board of Governors of the Bank has concluded that action to increase the authorized callable capital stock of the Bank would be desirable;

Article II, Section 2 (e), of the Agreement Establishing the Bank, provides for increases in the capital stock of the Bank·

The Board of Governors

Resolves that:

Section 1. Increase in the Authorized Capital.

(a) Subject to the provisions of paragraph (b) hereof, the authorized capital stock of the Bank shall be increased by US$2,000,000,000, in terms of United States dollars of the weight and fineness in effect on January 1, 1959, divided into 200,000 shares having a par value of US$10,000 each.

(b) Such increase shall become effective only if, on or before such date in the calendar year 1971, not later than June 30, as the Board of Executive Directors shall determine, at least 16 members shall have agreed, through the deposit of an appropriate instrument with the Bank, to subscribe at least US$1,500,000,000 in accordance with Section 2 of this resolution.

Section 2. Subscriptions.

(a) In accordance with Article II, Section 3(b), of the Agreement Establishing the Bank, each member may subscribe to the respective number of shares as follows:

Country	Paid in capital shares	Callable shares	Total additional subscription
Argentina	5,157	19,111	24,268
Barbados		290	290
Bolivia	414	1,534	1,948
Brazil	5,157	19,111	24,268
Chile	1,416	5,248	6,664
Colombia	1,415	5,243	6,658
Costa Rica	207	767	974
Dominican Republic	276	1,024	1,300
Ecuador	276	1,024	1,300
El Salvador	207	767	974
Guatemala	276	1,024	1,300
Haiti	207	767	974
Honduras	207	767	974
Jamaica	276	1,024	3,300
Mexico	3,315	12,285	15,600
Nicaragua	207	767	975
Panama	207	767	974
Paraguay	207	767	974
Peru	691	2,561	3,252
Trinidad and Tobago	207	767	974
United States	15,000	67,352	82,352
Uruguay	553	2,049	2,602
Venezuela	2,763	10,239	13,002
Unassigned	1,359	4,745	6,104
Total	40,000	160,000	200,000

(b) Each subscription shall include the full amount of both paid-in capital shares and callable shares assigned to the respective country in paragraph (a) hereof, and each subscribing member shall represent to

the Bank that it has taken all necessary action to authorize its subscription and shall furnish to the Bank such information thereon as the latter may request.

(c) The subscription of each member to the additional paid-in capital stock shall be on the following terms and conditions:

(i) The subscription price per share shall be US$10,000 in terms of United States dollars of the weight and fineness specified above.

(ii) Payment of the amount of paid-in capital stock subscribed by each member whose subscription is more than US$10,000,000 shall be made in three equal installments, the first of which shall be paid on or before such date in the calendar year 1971, not later than June 30, as the Board of Executive Directors shall determine and the remaining two installments shall be paid on such dates during 1972 and 1973 as the Board of Executive Directors shall determine, but not later than June 30, 1972 and June 30, 1973, respectively. The other members may subscribe in five equal installments, the first three of which shall be paid on the dates determined by the Board of Executive Directors as aforesaid and the last two shall be paid no later than one and two years, respectively, after the third of such dates.

(iii) Of each installment, 50% shall be paid in gold and/or dollars and 50% in the currency of the member.

(iv) The Bank may accept non-negotiable, non-interest-bearing promissory notes or similar securities in the form contemplated in Article V. Section 4, of the Agreement Establishing the Bank, in lieu of the immediate payment of all or any part of a member's subscription to the paid-in capital stock, provided that the Board of Executive Directors, taking into account the purposes of the increase of capital and the disbursement requirements of the loans to which the funds are committed, shall establish a schedule pursuant to which such promissory notes or securities shall be paid to the Bank.

(v) The liability of members for payment of the second and third installments of the paid-in portion of their subscription shall be conditioned upon payment of not less than 75% of the total obligation of the members due for the first and second installment, respectively, of the paid-in portion of the subscription.

(d) The subscription of each member to the additional callable capital stock shall be on the following terms and conditions:

(i) The subscription price per share shall be US$10,000 in terms of United States dollars of the weight and fineness specified above.

(ii) One half of the increase with respect to each member shall be subscribed on or before such date in the calendar year 1971, not later than June 30, as the Board of Executive Directors shall determine, and the other half shall be subscribed on such date in 1973, not later than June 30, as that Board shall establish.

(iii) The subscription of each member shall become effective with respect to each installment thereof as of the date when all the terms and conditions specified in the preceding paragraph of this section have been fulfilled with regard to at least 75% of the total of the respective installments of all the members.

(Approved December 31, 1970.)

At its meeting on January 7, 1971, the Board of Executive Directors of the Inter-American Development Bank tallied the votes received at Bank headquarters as of December 31, 1970 with respect to the proposed resolution on "Increase of US$2,000,000,000 in the authorized capital stock and subscriptions thereto" recommended by Resolution AG-4-70 of the Board of Governors. The results were as follows:

Country:	Number of affirmative votes
Argentina	34,717
Barbados	549
Bolivia	2,911
Brazil	34,717
Chile	9,631
Colombia	9,623
Costa Rica	1,523
Dominican Republic	1,987
Ecuador	1,987
El Salvador	1,523
Guatemala	1,987
Haiti	1,523
Honduras	1,523
Mexico	22,365
Nicaragua	1,523
Panama	1,523
Paraguay	1,523
Peru	4,769
Trinidad and Tobago	1,523
United States	117,487
Total	254,914

A total of 254,914 affirmative votes were cast by 20 member countries, thereby fulfilling the provisions of Article II, Section 2(e) of the Agreement Establishing the Bank and Section 5 of the By-laws of the Bank. The final vote required to meet the minimum conditions stipulated was received at Bank headquarters on December 31, 1970. Consequently, Resolution AG-11-70 of the Board of Governors on "Increase of US$2,000,000,000 in the authorized capital stock and subscriptions thereto" is considered approved and its date of entry into force is December 31, 1970.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 19, 1966.

To the heads of executive departments and establishments.

Subject: Submission of supplemental estimates and similar proposals.

1. *Purpose.* This Circular promulgates revised instructions for the submission of supplemental estimates and similar proposals. It replaces and rescinds Circular No. A-41 (Revised), dated October 11, 1960.

In addition to changes to make this Circular consistent with the revised Circular No. A-11, the following changes have been made:

a. The "Schedule on supplemental appropriations and revised estimates" is no longer required. The justification material will include data not otherwise available which were previously submitted on this schedule.

b. Instructions for the preparation of budget schedules (see section 2b of instructions) have been revised so that the third column in every case will represent the amount to be considered by Congress. Headings for revised estimates and for supplementals will therefore differ. Exhibit B has been revised to illustrate the headings for a revised estimate.

c. Instructions have been added for the preparation of schedules which involve both a supplemental previously reflected in the regular budget schedules and additional amounts for other purposes. A new Exhibit C has been added to illustrate this type of submission and the headings for a supplemental estimate.

2. *Policy on supplemental estimates.* No supplemental estimate (or increase in limitation) will be considered unless it is due to circumstances not foreseeable at the time the annual estimates were submitted or to subsequent action by Congress, and the matter is of sufficient urgency to warrant, immediate action. Every effort should be made to postpone, until the following fiscal year, action which would require supplemental appropriations. Most supplemental estimates will be expected to meet one of the following qualifications:

a. Cases where existing law makes it virtually mandatory to make payments within the year (such as pensions and grants), or cases where a liability accrues under the law and it is in the Government's interest to liquidate the liability as soon as possible (such as refunds on which interest is payable).

b. Cases involving emergency situations requiring unforeseen expenditures for the preservation of life or property.

c. Cases where workload is uncontrollable except by statutory change.

d. Cases where new legislation enacted after the submission of the annual estimate will require provision of additional funds within the year.

Proposed changes in administrative expense limitations (or authorizations) of Government corporations and trust funds will also be subject to the above qualifications.

3. *Coverage and timing of submissions.* All budget estimates to be transmitted to Congress, except those included in the annual budget, will be subject to this Circular and the attached instructions.

Supplemental estimates and similar proposals will be grouped by the Bureau of the Budget for submission to the President and transmittal to Congress. Only items of an emergency nature will be considered for unscheduled transmittal.

Agencies should submit estimates by January 6 annually for inclusion in the first consolidated transmittal. These should cover all needs for the remainder of the current fiscal year, including all supplemental estimates which are being forecast specifically in the current-year column of the budget. Agencies will be advised informally of the dates on which material will be required for inclusion in other consolidated transmittals.

CHARLES L. SCHULTZE,
Director.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

UNRESOLVED LABOR DISPUTE IN THE RAILROAD INDUSTRY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-112)

The PRESIDING OFFICER (Mr. CHILES) laid before the Senate a message from the President of the United States, which was referred to the Committee on Labor and Public Welfare.

Mr. ALLEN. Mr. President, I understand this message is with respect to legislation regarding the railroads. I ask that it be read at length at this time.

Mr. BYRD of West Virginia. Mr. President, may I state that this is a privileged matter and, therefore, does not violate the Pastore rule of germaneness.

The PRESIDING OFFICER. The clerk will read the message.

The legislative clerk read as follows:

To the Congress of the United States:

After extended efforts at settlement the Nation is once more confronted by an emergency arising from an unresolved labor dispute in the railroad industry. The dispute involves disagreement over wages, hours and working conditions between the Brotherhood of Railway Signalmen representing approximately

10,000 employees and the National Railway Labor Conference representing the Nation's railroads. Throughout the course of negotiations, the parties have had the assistance of the Federal Government in their efforts to resolve their differences. Now, all existing governmental procedures for resolving this dispute have been exhausted and the union has called a nationwide work stoppage this morning, May 17, 1971.

A nationwide stoppage of rail service would cause great hardship to all Americans and strike a serious blow at the Nation's economy. It is essential that our railroads continue to operate. I had hoped for a voluntary negotiated settlement of this dispute; however, this was not forthcoming. I am, therefore, recommending that Congress enact legislation which would extend the present negotiations until July 1, 1971. Such a recommendation is not only consistent with the national interest in continued rail service but preserves the processes of free collective bargaining. I have asked the Secretary of Labor to follow closely the situation as it develops, to continue assisting the parties and, if no settlement has been reached, to report to me and the Congress by June 21, 1971.

It is indeed regrettable that Congress must act once again to forestall another in a long line of crises occurring in the railroad industry. This situation reemphasizes the chaotic nature of collective bargaining in the transportation industry as it functions under existing legislation. The time has long since passed for active consideration and action by the Congress on the proposals which I have twice presented to it to resolve emergencies such as this in an equitable and conclusive manner and, thus, to preclude the necessity of Congressional action on each individual dispute. It is inexcusable that the Nation should continue to pay the price of archaic procedures for the resolution of labor-management disputes in the transportation industry.

However, pending such action, I must urge that Congress act immediately on the proposal we are now presenting so that a crippling stoppage can be averted and the Nation can continue to have rail service.

RICHARD NIXON.

THE WHITE HOUSE, *May 17, 1971.*

SECOND SUPPLEMENTAL APPROPRIATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield to the distinguished Senator from Maine, such time as she may need.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mrs. SMITH. Mr. President, for the past 2 years, there has been considerable acrimonious Senate debate on the matter of invasion of committee jurisdiction. The debate was so acrimonious that I introduced resolutions calling for a study of this matter. As yet, the Committee on Rules and Administration has not acted or held hearings on either of my resolutions.

Most of the acrimony expressed has been that of members of the Committee on Foreign Relations against the Committee on Appropriations with respect to making appropriations for which there has been no authorization. This has been regarded by the Foreign Relations Committee as a grave and unwarranted usurpation of authority by the Appropriations Committee.

There have been other clashes between committees with respect to what many have felt have been violations of committee jurisdiction as between the Committee on Interior and Insular Affairs and the Committee on Public Works, the Committee on Foreign Relations, and the Committee on Armed Services, and other committee clashes.

In the supplemental appropriation bill before us, there are at least six instances of appropriations without prior authorization and on which a point of order could be raised. In these six instances, the cognizant authorization committees could take serious exception to invasion by the Appropriations Committee of their jurisdiction if they so saw fit to do so.

A classic example of the continuing erosion of committee jurisdiction is the provision contained in chapter IV of the 1971 supplemental appropriation bill.

Without review or evaluation by the legislative committees concerned and contrary to existing restrictions contained in authorizing legislation, chapter IV of the supplemental bill would allow over $4 million of NASA funds to be used to construct facilities and purchase equipment for the specific use of such diverse agencies as the Geological Survey, NOAA, and EPA.

I believe review of the history leading to chapter IV is appropriate.

In 1970, NASA's Mississippi Test Facility, designed specifically to test large launch vehicles, was scheduled to be placed in standby, because of the suspended production of the Saturn V. In order to facilitate the possible use of the Mississippi facility and its related computer facility in nearby Slidell, La., language was inserted in the 1971 Independent Office Appropriation Act to set aside $10 million of NASA funds for "institution and technical services" for other Federal agencies who might locate at the Mississippi facility.

The proposal was not brought to the attention of the Space Committee before it was inserted in the Independent Offices Appropriation Act. Yet I—and several of my colleagues, reluctantly agreed to withhold objection because we were assured that, first, the provision was a temporary expedient involving only 1 year, and second, no major construction by NASA would be involved because the existing NASA facilities were of the type needed by these other agencies.

As an indication of these assurances I point to the fact that the $10 million was made available in a NASA appropriation which remains available for only 1 year and whose funds are specifically prohibited for use in major construction. Further, I point to an agreement between NASA and NOAA dated June 30, 1970, which specifically provides that NASA will not be required to fund construction for NOAA activities at Mississippi.

Apparently, those agreements and assurances are no longer valid. Chapter IV of the 1971 supplemental appropriation bill would require NASA to fund construction and purchase equipment at its Mississippi site which have no relation to aeronautics or space activities. To illustrate—

About $2.8 million for a marine hydrological testing facility for NOAA;

About $900,000 to change a warehouse into a laboratory for Geological Survey; and

About $500,000 to construct an insecticide testing laboratory for EPA where samples from all 50 States will be tested.

It seems to me that new capabilities for these agencies at a specific location are decisions that should be reviewed and evaluated by the specific legislative committees assigned such responsibility under the rules of the Senate.

What then is the result of this seemingly innocuous provision in the supplemental bill?

One result is a complete lack of fiscal integrity. For another, it bypasses the jurisdiction of the legislative committees concerned. A final and perhaps more significant result is that it would permit the use of NASA's research and program management appropriation funds to be used for major construction projects which is specifically prohibited by the provisions of the 1971 NASA Authorization Act.

The Committee on Aeronautical and Space Sciences, if it saw fit to do so, could take exception to, and raise a point of order on, the provision in the bill that permits funds for the Mississippi test facility for construction work when the previous authorization for such funds would bar such diverted use of these funds.

I am particularly interested in this item since I am a member of both the Committee on Aeronautical and Space Sciences—the authorization committee—and the Committee on Appropriations. Further, I am interested in this item since it is in the research and program management of NASA and there have been some rather scandalous actions in NASA's expenditure of funds in its research and program management program. Two of these have been centered in the NASA consultant program and in the NASA executive mess where top NASA officials pay only bargain basement prices for rather luxurious luncheons and food that has been illegally procured and on which records have been falsified and on which false statements have been made by some NASA officials.

I shall not go into detail on that at this time but rather later on, sometime

prior to, or during, the Senate consideration of the NASA fiscal year 1972 bill.

Another item on which a point of order could be raised is that which relates to the $750,000 on Geological Survey in chapter V dealing with the Department of the Interior. Obviously, the Committee on Interior and Insular Affairs could take exception to the Committee on Appropriations' usurpation of authorization action in this legislation on appropriations.

The Committee on Labor and Public Welfare could take exception to provisions in chapter VI that extend the time for the availability of funds with respect to certain health and medical programs and negation of sections of the Social Security Act and could make a point of order on these provisions as legislation on appropriation.

The Committee on Commerce could take exception to provisions in chapter X which provide for refunds to airlines on the SST program and to the authorization of railroad research funds of the Federal Railroad Administration until expended rather than the restricted period of the current fiscal year and make a point of order on these provisions as being legislation on appropriation. The same thing could be done with respect to the lack of legislative authorization for making funds available for the Commission on Government Procurement 7 months longer than under the deadline under the authorization legislation.

Let it be noted that the Committee on Appropriations has brought these instances to the attention of the Senate on pages 110 and 111 of the committee report on this bill. Such formal notice is a requirement arising out of the acrimonious debate in the past 2 years in which the Committee on Foreign Relations bitterly protested the action of the Committee on Appropriations in placing legislation on appropriations.

I bring this matter pointedly before the Senate so that no Member of this body can claim ignorance of these instances of legislation on appropriation and in acceding to these instances of legislation on appropriations cannot deny the precedents thereby established as an excuse for doing the same thing over and over again in the future.

When this is done over and over and over again, the anguished cries and protests against violation of parliamentary procedure on legislation on appropriation have a decidedly hollow ring. Let us face the real truth and be honest. Too many times such protests under the proclaimed guise of principle are nothing less than sheer parliamentary sophistry in which the real reason for the protest is opposition to a specific proposal, program or item, and not the sanctimoniously claimed defense of legislative principles.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum, the time to be taken from each side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. 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. PROXMIRE. Mr. President, I ask that the distinguished Senator from Louisiana, the chairman of the committee, yield to me 15 minutes.

Mr. ELLENDER. Mr. President, I yield 15 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

THE SUPERSONIC TRANSPORT

Mr. PROXMIRE. Mr. President, one of the issues on which the Senate is going to be required to vote in this appropriation is the supersonic transport. The question is whether or not the language which is now in the House bill, which provides that the $85 million, which the House appropriated, will go to continue the supersonic transport contract instead of to terminate the contract.

An amendment will be offered on Wednesday immediately after the vote on the Mansfield amendment, to change that language. There are two possible alternative approaches. One approach is to do what the Appropriations Subcommittee of the Senate recommended, which is to provide the $85 million plus about $12 million, which the Department of Transportation has said it needs to wind up its supersonic transport operations, in addition to funds they had in the past, plus $58.5 million to provide repayment for the amount the airlines committed to the supersonic program.

I very strongly feel, on reflection, that the airlines are entitled to it and that this kind of termination payment should be made. I was somewhat skeptical about it, because I was concerned about the legal position, but there is no question that the airlines have a moral right to it. The administration says they have a moral right to it. They made that deposit. They urgently need the funds. They need them now. I feel we should provide them as soon as possible. It is so much money that if we delay it for 6 months, it is literally a matter of $2 million in interest. At this time the airlines are not in a position and cannot stand that kind of deferral.

At the same time, it is a difficult question, because if we go ahead and provide these funds, then we have to decide in conference the difficult issue of whether we terminate the SST program now or not.

Another approach which has been proposed by other Senators is that we simply cut out the $85 million in the bill—that we cut it out and do nothing about termination. Then the SST would be up for consideration as to whether we terminate or continue when the appropriation bill is before us later this year, presumably in July or September.

It is difficult to know which course to follow. I frankly have not decided finally which course to follow, but it will be up for consideration some time today and we will have to come to a conclusion as to which course to take.

There are certain fundamental elements of the SST that just have not seemed to impress too many Members of the Senate. The argument is made over and over again that if we do not have the SST, the British and the French and the Russians will have one which will be competitive and will be the plane of the future, which will have to be bought by the U.S. airlines. The facts are just overwhelming that this is not the case. The British Overseas Air Corp. and Air France have said that the British-French Concorde will have a cost twice as high per passenger mile as the 747. There has never been a plane less efficient that has replaced a plane that is more efficient. It cannot be done.

To make the SST competitive with the 747, this means either stiff premium fares for the supersonic transport—that is, 50 percent higher, or even a 100-percent surcharge. Of course, if the fares go that high, people will not travel on the SST. Only a few wealthy people or corporation executives will. So they would not have the traffic they need to pay.

Another alternative would be to raise fares on the subsonics sufficiently so the SST could be "carried." If that procedure were followed, it would mean that air travel would not grow at the rate at which it is expected to grow if we are going to have the kind of demand in the future that we have had in the past. Fewer planes would be bought and there would be fewer jobs. So the argument that the supersonic transport would make more jobs would not be true, because fewer that would fly, there would be less demand and this would result in fewer jobs, not more jobs. This problem has been worked out carefully by an economist who used to work for the FAA.

This is one of the problems we run into when the Federal Government tries to force a less efficient aircraft on the market.

Furthermore, I do not think many people have realized that, because of the sonic boom route restrictions, the SST will not be able to fly over land in the United States, and not very much of Europe, or much of Africa or Asia. Therefore, the payloads would be restricted, and the bread and butter routes would not be available.

Furthermore, the range of the SST without refueling is only two-thirds that of the 747. It is less than 4,000 miles for the SST, while the 747 has a range of 6,000 miles. Of course, this means a less efficient operation.

The SST can barely make a transatlantic crossing. It would have difficulty reaching noncoastal cities such as Rome, Copenhagen—or Chicago, St. Louis, or Houston on incoming flights. Transpacific flights would require one or more refuelings.

A great deal has been said about foreign competition. As was seen before the Joint Economic Committee in the past, one has to get into the British-French

Concorde to realize how unattractive it is. It is a "flying pencil." One has to hunch down when he gets in. It is not a plane that compares with the tremendous seating capacity of the jumbo jet, which is luxurious. The Concorde has only 110 seats, it is cramped, and its range is even less than that of the American SST.

Furthermore, there are no orders for the British-French Concorde; there are only options. The U.S. airlines are unenthusiastic about it. All indications are that they would like to drop the options they made. BOAC and Air France are also unenthusiastic. If they buy it, it will be solely due to government pressure, because the British Government owns the BOAC and Air France is owned by that government.

With respect to the argument that the airlines will buy the Russian TU-144, let me point out that no free country has bought any airplanes from Russia with the single exception of Italy, which bought a few, five or six, a year or two ago. There are good reasons why the Russian planes have not been bought. For one thing, they have a bad reputation on maintenance. For another, it is clear that the Russians put politics ahead of economics. In providing service and very expensive maintenance, the airlines would have to rely on unstable relations between the United States and Russia. If the Russians decided that our relations were so exacerbated that they did not want to cooperate, they could cut off servicing. This could be a nightmare for an American airline company. Even now the airline companies are in very straitened circumstances, and are likely to be for a year or two or more ahead.

The passenger markets for the SST have been greatly exaggerated. The Department of Transportation predicts a market of 10 percent by 1985. An analysis so far by independent analysts who have studied the question say that they will be lucky if they get 3 percent. The present market of regular overseas passengers is less than one-half of 1 percent. The notion that overseas flights would increase to the enormous proportion which the Department of Transportation has projected seems very unlikely.

The SST is now expected to cost $50 million each, but every development, every month that passes, indicates that the costs will be greater, such as costs of operation to reduce the noise and the cost of amortizing the investment. While the estimates are that the capital cost of the plane would be $50 million each, it could be substantially more than that. When we recognize that the airlines are losing money—TWA lost $120 million last year, United $40 million, and American in 1 month this year already has lost $10 million—it is hard to see where the airlines are likely to pick up the money to make the investment.

One of the reasons why they are in trouble is that passenger business has dropped off, but another reason why they are in difficulty is that they have invested so much capital for the new planes they are buying. But the investment they have made on the jumbo jets is far far less than it would cost them for the SST. We are comparing a cost of $20 million with $50 million a plane. So one can see how unlikely it is that the airlines of this country, in the foreseeable future, will want to invest in a large supersonic plane when it is so confined to flying over very limited routes, and not the bread and butter routes.

Mr. President, the environmental problem still exists. The sideline noise problem, which at one time indicated that the noise made by the supersonic transport would be on the order of 124 perceived noise decibels, compared with the limit, now, of 108, does not, as the figures might be taken to indicate, mean a 20- or 30-percent increase in the amount of noise, but would mean a level three or four times as high as the present noise level. Aircraft manufacturers realistically recognize that to meet the limitation would require some substantial technological changes. Such changes are being considered, but this is one of the reasons why Boeing says it would cost $500 million to $1 billion more to resurrect the contract and go ahead, because they recognize that to comply with noise limitation requirements will be very expensive, and of course that is not the end of the costs, because operations also will cost more.

We still have the problem of upper atmosphere pollution. Some people say that ecological concern has faded. It may have faded in the Senate; people may not be talking about it very much; but we have established the fact that the SST will probably increase ultraviolet radiation and it is still a very painful fact, which I think has been the principal reason why a very large proportion of the American people are opposed to the SST.

Yesterday I spoke at a union meeting in Milwaukee, a meeting of employees of the only company in my State which has a substantial subcontract on the SST. I had been approached by the leaders of that union, and had been told that they were very unhappy about my position, and that I should revise it. Frankly, it was the Machinists Union.

I spoke to the meeting of that union—it was actually a debate with the international vice president of that union, who had come from Washington to Milwaukee for the debate. We spoke to about 200 members, and I can tell you that the sentiment of those members was at least 2 to 1 against the SST, though their jobs were at stake. I laid it on the line and pointed out what we had to do under the circumstances. I talked with a number of those men after I had finished, and they agreed it was something they did not want their tax money to go for. As I stated, this was the biggest subcontract we have in our State, though it is not large in comparison with those in California and some of the other States. But many of those men recognized that this project has a lower priority than health, education, and many other projects now being underfunded, and which, if funded, would provide jobs that are badly needed.

What has changed in this situation since the Senate last defeated the SST is the cost of the program. Boeing's William Allen, the board chairman, says that start-up costs, as I have stated, would be $500 million to $1 billion. This would simply get us back to where we were on March 31. Even more significant, from a cost standpoint, is Boeing's statement that Government must now be expected to help with production. This is completely open-ended; the sky is the limit.

What we have to recognize is that there is a period an interim between the end of research and development, which is the first phase and was supposed to cost the Federal Government $1.34 billion, and the final phase, the commercial production and the beginning of flights in commercial operations, where revenue could be yielded to pay off the cost of the SST. The amount to be expended during that intervening 5- or 6-year, has been variously estimated at between $4 billion and $6 billion.

Where is that money coming from? We all know that it is not coming from the airlines; they just have not got that kind of money. The manufacturers have not got that kind of money. The banks have made it clear they are unlikely to carry it. So there is only one place the money can come from, and that is the Federal Government.

This is not simply a $1.3 billion program, nor a $2.3 billion program if we add the amount which Mr. Allen estimated, but it is more likely to be a $5 billion program or even more.

We should ask ourselves over and over again, where is that money coming from I have asked that question repeatedly, and I am still waiting for an answer. I have asked all the people who have testified in connection with the SST, and they shrug their shoulders. Somehow it is supposed to develop; there is no suggestion from where.

Mr. Borch, the chairman of the Board of General Electric, had an even more interesting suggestion when he said that if they are going to go ahead, they would want the Federal Government not simply to meet 90 percent of the research and development costs, but 100 percent of those costs.

Furthermore, he said last week:

> The only way we could compete with foreign SST's is on the same financing terms—i.e., 100 percent Government funding.

That is research and development. But then you get into the production period before there is a payout, before passengers are flying on the SST and money can come back. On the basis of Mr. Borch's proposal, the Federal Government would have to pay for virtually all of that.

Mr. President, I do hope, in view of the fact that the Senate has killed the SST, or I should say voted against the SST in December of last year and again in March of this year, that now, with no really new developments except the adverse development of the huge additional costs of starting over, the Senate will decide once again to vote against it.

I have not yet made up my mind, nor had an opportunity to discuss with other Senators, what kind of amendment we

intend to offer. It will be either an amendment to strike all of the funds and postpone termination payments until we consider the full Department of Transportation appropriation bill, or to put in the payments in full, including the airline costs, as termination payments, and then hope that, in conference, the House might accept that and we might terminate the program as of now.

We will have to make that determination later today.

I thank the distinguished chairman, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum, with the time to be taken from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ELLENDER. Mr. President, I wish to say a few words about the SST, and yield myself 10 minutes for that purpose.

The PRESIDING OFFICER. The Senator from Louisiana is recognized or 10 minutes.

Mr. ELLENDER. As I indicated previously, I did all I could as chairman of the committee to have the committee strike out that part of chapter 11, beginning with line 17 on page 24 of the bill and ending on line 22 of page 24.

My idea was to have the House language stricken so that the entire question raised by the House would be in conference.

As I indicated awhile ago when we had the debate on the SST, the administration, through Mr. Volpe, indicated that the entire cost of the existing contract would be $1.342 billion, that the Boeing Co. had agreed to put in $278 million, and that others had agreed to advance certain sums, and that the total cost of the project would not exceed $1.723 billion. That was to complete the construction of the two prototypes.

As was pointed out in debate, in order that the plane be constructed by Boeing after the two prototypes were tried out, the plane had to conform to certain environmental conditions and would have to be acceptable, under all circumstances, to the chairman, Mr. Volpe, Secretary of the Department of Transportation.

Now, it was my view that the situation warranted postponement, because it was my feeling that the Members of the House acted without having the full facts before them. It was shown by positive evidence last March that if the contract had to be renegotiated, it would add a few hundred million dollars to the then existing contract.

Now, since termination of the contract and the attempt at revival by the House, Boeing, through Mr. Allen its president, stated to the press that if the SST contract were renegotiated, the additional cost would be around $500 million and probably as much as $1 billion. Those costs would be paid by the Federal Government.

There was a lot of opposition to the construction of the SST when the contract cost to the Government was $1,342 million. I feel confident that if the contract is renegotiated and as much as $500 million added to that contract, the House would not be willing to go along with the contract. That is my reason for postponing this matter, so that the subcommittee of the Appropriations Committee that regularly handles matters of this kind could have hearings on the subject matter, and obtain the facts so that not only the Senate could be informed but also the House as to additional costs.

I state that I believe the House might take a different view to that expressed by it last week if the record shows an additional increase to the extent pointed out by an article published in the New York Times on Friday, May 14, 1971.

Mr. President, in that article Mr. Allen, the president of Boeing, indicated that if the contract were negotiated, the cost may go up as high as $1 billion. If that were the case, it would simply mean that the Federal Government would have to put up as its share $2.342 billion to build these two prototypes.

Another article which appeared in a subsequent edition of the New York Times quoted someone as saying that the additional costs were exaggerated. I realize, of course, that there is a difference in the matter of estimates.

Mr. President, it is my belief that the best way to find that out is to have hearings on the matter, and the regular subcommittee dealing with transportation problems can look into the matter so that the Senate, as well as the House, will not act on it in the dark and we can be informed as to the entire cost to the Federal Government of building these two prototypes.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the two articles to which I have referred.

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

BOEING HEAD SEES HALF-BILLION RISE IN OUTLAY FOR SST

(By Richard Witkin)

WASHINGTON, May 13.—The board chairman of the Boeing Company, William M. Allen, said today that revival of the supersonic transport program would require at least half a billion dollars more in Government financing that was needed before the project was canceled.

Mr. Allen said that the cost increase for developing two prototype test planes could go as high as $1-billion and that the Government also would have to advance funds to start SST production.

The statement undercut a primary argument used by pro-SST forces in organizing yesterday's House reversal of its vote last March shutting off funds for the program. This was that it would cost more to terminate the program than it would to re-start it, and to finish building and testing two prototype planes.

The leader of the anti-SST forces, Senator William Proxmire, tried promptly today to get the Senate to reject the new $85.3-million appropriation provided yesterday in the surprise House reversal.

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

WANTS FUNDS DELETED

The Wisconsin Democrat introduced a motion at the Senate appropriations committee to delete the funds. The Senate panel voted 13 to 7 to reject the motion. This was consistent with past committee sentiments on the SST.

Senator Allen J. Ellender, chairman of the committee, told newsmen that he hoped the funds legislation would go to the Senate floor in a few days. But though the Louisiana Democrat has been a consistent SST supporter, he said of the project:

"I still think it's dead."

The Senate Democratic leader, Mike Mansfield, had said earlier he was not sure other legislation could be set aside to bring the SST issue to an early vote.

The House minority leader, Gerald R. Ford, who led the rescue effort in the House, said he thought Mr. Allen was simply maneuvering to get the best possible price in a renegotiated contract.

"Obviously, the Boeing statement couldn't have been made at a worse time," the Michigan Republican said. "But I'll take those unrealistic figures with a grain of salt."

The White House was reluctant to discuss the Boeing forecast of huge new costs if the SST program was resurrected.

At a morning news conference, Ronald L. Ziegler, the Presidential press secretary, said he had supposed that some additional funds would be required, but he did not know how much. All follow-up inquiries at an afternoon conference drew "no comment."

EXPLORATION OFFERED

Boeing's chairman offered his startling estimates of SST costs at a briefing with newsmen prior to accepting for his company the 1970 Collier Trophy for "the greatest achievement in aviation" in this country. It was for the development of the 747 jumbo jet.

Mr. Allen stressed that Boeing still had no "lack of enthusiasm" for the SST and thought the nation needed it. But he added that the March vote canceling funds had inevitably pushed up the costs.

"People have been dispersed" said the bald, mild-mannered executive. "Subcontracts have been terminated. We have to pick up the pieces."

"That in itself," Mr. Allen continued, "will involve an additional expenditure of a very large amount—an expenditure on the top side of about $1-billion, on the low side of at least half a billion."

A moment later, Mr. Allen said:

"I know this a shocking figure, but in this business you don't just turn projects on and off as you do a spigot."

The Boeing chairman went further and said the Government would also have to help finance a start on production if 100 hours of tests on prototype planes were successful.

Senator Proxmire reacting quickly, said:

"The Boeing statement confirms that the start-up costs of the SST will be enormous and would cost as much to terminate as to go ahead."

Senator Proxmire urged that a careful study be made of what the costs would be. He added that this should be done even if it took weeks or months, and that he intended to use the Senate rules "to the fullest to prevent early and precipitate action on this."

The General Electric company, which had been making the engines for the Boeing plane, had indicated too that the costs for re-starting would shoot up.

Fred J. Borch, its chairman, said earlier in the week that the Government would have to accept the entire cost of development, not just the original 90 per cent.

All Government outlay, under the SST contracts, were to have been repaid, with interest, from royalties on sales of planes.

SST proponents have been estimating that it would cost about $478-million to re-start and complete the prototype program and that termination would cost about $678-million.

The latter figure included estimates for payment of unemployment insurance, loss of income taxes, and the like.

Mr. Allen's estimate of restart costs would have brought the minimum figure to well over $900-million.

One major subcontractor, the Fairchild-Hiller Corporation, took sharp issue with the Boeing statement that subcontractor costs would soar with the negotiating of new contracts.

Its chairman, Edward Uhl, said in an interview that the company could complete its work on rear fuselage sections within the original contracts terms—just under $36-million.

The deputy director of the Department of Transportation's SST office also took exception to the Boeing figures.

The official, Robert Parsons, said that Mr. Allen's estimates had included outlays for a projected "quiet" new engine but that this cost did not have to be borne until after the completion of the prototype plane tests. The engine development is expected to cost about $150-million.

Mr. Parsons also insisted that subcontractor costs could stay near the original target figures.

[From the New York Times, May 15, 1971]

SENATE TO VOTE WEDNESDAY ON BID TO REVITALIZE SST

(By Richard Witkin)

The Senate agreed yesterday to hold its first vote next Wednesday on the unexpected new effort to resurrect the supersonic transport program.

The vote will be on an amendment by Senator William Proxmire, spearhead of anti-SST forces, to reverse a House vote Wednesday granting the program a new $85.3-million appropriation. The funds are included in an omnibus supplemental appropriations bill covering such vital matters as Government salaries and welfare and food-stamp programs.

If the Proxmire amendment is passed, the Senate is expected to vote quickly on the over-all bill and send it to a conference with the House.

If it is defeated, the Wisconsin Democrat will still have the option of carrying out a filibuster threat to try to prevent Congress from reviving the SST program, which it ostensibly ended in March.

The Nixon Administration, meantime, sought to blunt the effects of a Boeing statement Thursday that revival of the SST would require between $500-million and $1-billion more in Government financing than was needed before the project was canceled.

STATEMENT HELD DAMAGING

The statement, by the company chairman, William M. Allen, was widely viewed as having seriously damaged, and perhaps killed, chances that funds to re-start the program would be approved by the Senate.

John A. Volpe, Secretary of Transportation, said he did not think the added costs of reviving the program "will be anywhere near" those estimated by Mr. Allen.

"I don't know how anyone at this stage can determine" the extra costs, said Mr. Volpe, whose department has been directing the SST program.

Mr. Allen's minimum figure of half a billion dollars would have brought to well over $900-million the cost to the Government of restarting and completing the development stage of the SST program, which calls for building two prototype planes and putting them through 100 hours of test flights.

The Secretary spoke on the NBC-TV "Today" show.

WHITE HOUSE HOPES

Ronald L. Ziegler, White House press secretary, said the Government had hopes that the project could be completed for a sum that would not exceed the $500-million to $600-million it estimates as the final cancellation costs.

Boeing's chairman, in giving his huge estimates of re-start costs, said they were round numbers and declined to offer precise figures on various cost categories.

He did get specific on some of the reasons for the increases, citing the following: the need to renegotiate contracts with subcontractors, the delay in the program and the inflation associated with it, and the need to get the SST teams back together.

A critical item that Mr. Allen had intended but neglected to mention, company sources said, was the huge outlay that was going to be needed to development the "quiet" engine needed to power production versions of the SST.

According to Government officials, that development cost has been estimated in the past at about $150-million. But these officials have also suggested that most, if not all, of this development can be deferred to a later phase of the SST program, when Government funds may no longer be needed.

In the past, Boeing is said to have estimated added costs of subcontracts at $200-million and a one-year delay in the program at from $50-million to $100-million.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

UNRESOLVED LABOR DISPUTE IN THE RAILROAD INDUSTRY

Mr. MANSFIELD. Mr. President, notwithstanding the rule of germaneness, in view of the fact that the President has sent up an emergency message dealing with the strike situation affecting the railroads, I wonder if the distinguished Senator from Louisiana, with the approval of the Senate, would grant me 2 minutes in which to make some comments.

Mr. ELLENDER. Mr. President, I have no objection.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that in this instance the rule of germaneness be waived as far as these 2 minutes are concerned.

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

Mr. MANSFIELD. Mr. President, I intended to be on the floor when the President's message came up. I am delighted to note that it was referred immediately to the Committee on Labor and Public Welfare. I would express the hope that committee would go into session shortly and arrive at a decision after reasonable consideration and, in that way, as expeditiously as possible, report a measure which will give the Senate as a whole the benefit of its recommendations.

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

Mr. MANSFIELD. Mr. President, I am delighted to yield.

Mr. COTTON. Mr. President, I thoroughly agree with the distinguished majority leader.

It is my understanding that the administration also sent up a suggested resolution and that the Senator from New Jersey (Mr. WILLIAMS), the chairman of the committee, and the Senator from New York (Mr. JAVITS) are on their way to the floor and that probably the Senator from New York will offer the resolution to be referred also to the same committee so that they may have the suggested administration resolution considered at the same time they consider the President's message.

Mr. MANSFIELD. Mr. President, I am delighted with that news. I am quite sure that the two distinguished Senators, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from New York (Mr. JAVITS), will expedite consideration of the resolution once it is presented and referred to their committee.

Mr. President, I thank the Chair.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time for the last quorum call, as well as this one, be charged to both sides.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR WAIVER OF RULES VII, VIII, AND XIV, AND FOR THE IMMEDIATE RECOGNITION OF SENATOR JAVITS

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. May a Senator be recognized at this time on the subject matter of the supplemental appropriation bill?

Mr. BYRD of West Virginia. Mr. President, does the Senator plan now to introduce a measure with respect to the railroad strike?

Mr. JAVITS. I do.

Mr. BYRD of West Virginia. I ask unanimous consent that the Senator from New York may be recognized, that the time be equally charged against both sides, and that rules VII, VIII, and XIV be waived, in view of the emergency nature of this legislation.

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

TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS WITH RESPECT TO THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE—INTRODUCTION OF A JOINT RESOLUTION

Mr. JAVITS. Mr. President, I thank my colleague very much. It is an emergency. The railroads of the country are down, and I am the ranking member of the Senate Committee on Labor and Public

Welfare. At the request of the administration, I send to the desk for appropriate referral, which I trust will be to the Committee on Labor and Public Welfare, a joint resolution, to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

The joint resolution (S.J. Res. 98) was referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I have conferred with the chairman of the committee, the Senator from New Jersey (Mr. WILLIAMS), and it has been decided by Senator WILLIAMS that there will be a meeting of the committee on Labor and Public Welfare at 4 o'clock today, to hear witnesses on this matter and to take testimony as the basis for a resolution. I hope very much that we will be able to report out a resolution, so that the wheels can get rolling again, by sometime tonight.

Whatever may be the determination of the committee with respect to the form of that resolution will have to abide the event. I trust that the labor and management representatives will be able to appear this afternoon and testify, and that we may have the benefit, not only of their advice and assistance, but of their full cooperation. It has been one of the great traditions of our country, when we have run into these emergencies before, that citizens—and railroad employees have been an outstanding group of citizens in this country—follow the dictates of our Government regarding law, and if we pass a resolution in both Houses and it is signed by the President, which calls for the workers to come back on the job, I express every confidence that they will do so, as railway labor always has in similar situations.

Also, Mr. President, I am very pleased to note, which I think will be a great step forward, that we have had at long last, as a cumulative result of so many of these emergencies, a real determination to cope, on the part of the Labor and Public Welfare Committee, with the problem of dealing with national emergency strikes, and to revise our laws and procedures on that score.

I am sure that most Members of this body and the other body will agree with me that the role in which we are cast, of acting after the hour has passed for a strike, with the tremendous dislocation to the country which ensues and the need for us to legislate on an ad hoc basis, is most regrettable. It is no way in which to proceed, even in a national emergency.

These emergencies are clearly foretold by the expiration of all legal remedies and the remaining inability of labor to know what to do or of management to know what to do, except to get to the point where there is actually a strike. We have given them no procedure by which they can find their way out of it, except their ability, or inability, to agree after collective bargaining in good faith.

I should also like to pay tribute to the Secretary of Labor, Mr. Hodgson, and the Assistant Secretary, Mr. Usery, who have not in any way spared themselves—physically or mentally or any other way—or the department in trying to arrive at a settlement.

It is very unfortunate that the matter is now in our hands, but I am sure that under the existing laws and procedures there were no other alternatives.

I express the hope that, recognizing the emergency, notwithstanding the assurances which were given by the leadership in good faith respecting the business that would be transacted today and tomorrow, the Senate will act on a resolution between now and tomorrow night—hopefully, today in the Senate, so that the other body can act tomorrow or as quickly as possible—and that Senators will accommodate themselves, in every way that Senate procedures allow, to the assurances which were given, in the greatest good faith, to many Senators who are not here.

I should like the people to note, too, because it is important, that many Senators were induced to leave by those assurances. Indeed, I would be in Japan today, were it not for the pendency of amendments I have to the supplemental appropriation measure and to the so-called Mansfield amendment to the draft bill, for which I could not possibly have returned and kept the engagement I had in Japan.

I hope that these things will be carefully noted by the press and the public. This is a very sudden matter. We will do our utmost to cope with it. Every Senator who had assumed that we would not be faced with any such emergency had a right to so assume. I hope the public and the press will handle the matter with that understanding.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. Mr. President, I congratulate the Senator on his statement. This involves legislation to deal with an emergency which was not foreseen at the time the various unanimous-consent agreements were entered into.

I think I can speak on behalf of the leadership on this side of the aisle to say that when the committee has reported the measure back to the Senate for action, the Senate leadership will cooperate in every way with the committee, in the effort to expedite the action on this emergent legislation.

Mr. JAVITS. I thank the Senator.

I would hope, also, that for that purpose the Senate may be kept in session until we are able to notify the leadership that we can or cannot meet the deadline tonight.

Mr. BYRD of West Virginia. The leadership will be awaiting the information from the committee, and I do not think they will have any problem on that score.

Mr. JAVITS. I thank the Senator.

QUORUM CALL

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the quorum call be charged equally against both sides.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. ELLENDER. Mr. President, I yield 10 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER (Mr. McGOVERN). The Senator from Wisconsin is recognized for 10 minutes.

(The remarks of Mr. NELSON when he introduced S. 1881, the Supersonic Environmental Protection Act, are printed in the RECORD in the routine morning business section under Statements on Introduced Bills and Joint Resolutions.)

SECOND SUPPLEMENTAL APPROPRIATIONS, 1971

The Senate resumed the consideration of the bill (H.R. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

Mr. JAVITS. Mr. President, I am ready to proceed if I may have some idea of the parliamentary situation.

The PRESIDING OFFICER. The time is presently under the control of the senior Senator from Louisiana (Mr. ELLENDER), and the Senator from North Dakota (Mr. YOUNG).

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

The PRESIDING OFFICER. On whose time does the Senator suggest the absence of a quorum?

Mr. JAVITS. Mr. President, will the Senator yield me time?

Mr. ELLENDER. Mr. President, how many minutes do I have remaining?

The PRESIDING OFFICER. The Senator from Louisiana has only 3 minutes remaining.

Mr. JAVITS. Mr. President, how much time does the minority side have remaining?

The PRESIDING OFFICER. The Senator from North Dakota has 98 minutes remaining.

Mr. JAVITS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 15 minutes.

THE NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM

Mr. JAVITS. Mr. President, the problem I would like to present to the Senate is the Neighborhood Youth Corps summer program problem. I wish too say at once that in the other body and in this body the committees have shown a refreshing and admirable attitude toward this problem—which is very

heartening. I am going to present to the Senate a situation in which I know we have the sympathy of the members of the committee and it is not a situation in which I feel there is any hostility or adverse sentiment on their part.

Mr. President, a number of us have moved to increase the amount provided for the Neighborhood Youth Corps over and above what has been provided in the committee's recommended supplemental appropriation by $57,428,359, or roughly one-third over and above what has been provided for in the other body and by the committee here.

I shall be prepared to justify that figure in terms of the urgent needs of the cities, as certified to us by their mayors.

Mr. President, I am now addressing myself to amendment No. 93, proposed by me for myself and for Senators WILLIAMS, NELSON, CRANSTON, EAGLETON, MONDALE, BAYH, BROOKE, CASE, HART, HUMPHREY, McGOVERN, and RIBICOFF. The sponsorship is, therefore, completely bipartisan, and it will be noted, also that there is a very broad geographic distribution in the States of Senators who sponsor the amendment.

The amendment is necessary in order to meet the need certified to us by the U.S. Conference of Mayors of 641,639 jobs, the committee has made an allowance for 601,400 of those jobs. The difference, then, is some 40,239 jobs.

We have a choice here in this respect. The committee provision is for a 9-week term for each summer job. The traditional program and the program which we pursued last year was for a 10-week term for each summer job. It is our view that the 10 weeks—which is the general nature and quality of this program—is the preferred figure and, therefore, we believe that if the committee does feel strongly in disagreement with us about the 601,400 figure, at the very least it should be made a 10-week program.

If we were to accept the number of slots recommended by the committee, it still would take another $38 million of increase over and above the $100 million in order to be able to make up for the 1 week.

In our judgment it is critically important that the mayors' survey, however, be met, which calls for 641,639 10-week opportunities. Lest it be thought that we are talking about only the big cities, these include 330,973 in the 50 largest cities and 310,666 in the rural and other areas.

We have already submitted for the RECORD, and I will submit again in connection with the immediate statement I am making an analysis designating the major cities which require these openings, showing the figure of 330,973.

Mr. President, I ask unanimous consent that a letter dated April 16, 1971, from the League of Cities and a table based upon the survey made by the league may be printed in the RECORD.

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

NATIONAL LEAGUE OF CITIES, U.S. CONFERENCE OF MAYORS,
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 oportunities. According to the Office of Management and Budget, only $51.5 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 Administration 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 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.

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	576
Gary	4,300	1,584	2,714
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. Mr. President, there are two critical factors which affect the reason why we must do better this year than last year. In that connection I wish to point out that last year we had 414,000 slots on a 10-week basis. If the money which has been provided in the other body and by the committee, too, were devoted to 10-week slots it would give us 474,676 such slots. Therefore, we have an absolute increase—even if we went to a 10-week basis of 60,000 in slots this year. That is why I said what I did about

the sympathetic attitude of the committee.

The reason we contend for what we ask, as developed by the Conference of Mayors, is based on two major points: First, there is the great increase in national unemployment which has an immediate impact on the situation on youth and especially minority groups. Second, the Alliance of Businessmen, which spearheads private employment, had such a disappointing record last year that we do not believe that the anticipation, as to what they will be able to accomplish in 1971, is justified.

For those two reasons we feel this matter has to be pressed on Congress, although again I repeat I think the committee has shown a most admirable and commendable sympathetic understanding of this situation in allowing, even on the basis of last year's program, some 12 or 13 percent more in slots than we had last year.

I do not want to appear to be complaining in any way. I am simply bringing to the attention of my colleagues a very difficult situation.

To take these two points in more detail: National unemployment is 6.1 percent compared with roughly 4.6 percent which we faced 1 year ago. This is reflected in a most alarming way in unemployment among the young. Teenage unemployment in April was 17.2 percent, the highest overall rate in 3 years, and the rate among black teenagers in the poverty neighborhoods is 44.9 percent, which is the highest level ever recorded.

I would like to compare these figures with the situation only a year ago. Then national unemployment was 4.6 percent, the teenage rate was 13.8 percent, and the unemployment rate among black teenagers living in poverty neighborhoods was 32.7 percent.

Mr. President, the second point relates to the hopefulness of getting something out of the private enterprise system, without Federal financing, as it were, summer jobs. Our main hope there is the National Alliance of Businessmen, which, in a letter to me, dated April 14, 1971—which I included at page 15106 in the RECORD of May 14, 1971, said it hopes to provide 150,000 private sector jobs to economically disadvantaged youth.

I wish to point out that last summer on a forecast of 180,000—as compared with this year's 150,000—the performance fell short of that by about 20 percent. They had 143,000 jobs against a 180,000-job target. If 20 percent is deducted from the 150,000 which they now estimate—and it may be worse than that, in view of the higher rate of unemployment—there is a need right there shown, in that one category, of 30,000 jobs in terms of expectation from the private sector.

We have seen, from the demonstrations here in Washington and other problems, that our country cannot be regarded as being in a highly pacific condition. There is a great deal of tension in the country.

That tension could be sparked into flames in the cities. Indeed, the Kerner Commission has warned us most strictly against the dangers to the cities from the unemployment situation in these months. In its report on the riots in Newark and Detroit, it pointed out that we have to make larger fiscal commitments to programs such as the Neighborhood Youth Corps and related programs to meet the needs in the poverty areas for unemployed youth, thereby diminishing the effects of poverty and disorder.

We must soberly recognize that when we get up to a rate of black youth unemployment in ghettos and slums of almost 50 percent, we are really looking for trouble if we do not make the most adequate provision of which we are capable.

The argument is made that even if we give them the money, it cannot be used. I think that argument has been thoroughly exploded. We have given money to the cities as late as June, and sometimes as late as July, and the money has been used with remarkable effectiveness by the cities. This is a tribute to the cities and the mayors in those particular programs. What we are seeking is what the League of Mayors has certified as an urgent need.

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

Mr. JAVITS. I yield myself 2 additional minutes.

This is a very, very critical situation, and I hope very much, as it is before the Senate, it will see the desirability of answering the need by giving, considering what is involved, the relatively small amount of money which is required to enable the mayors to really have the resources with which to deal with a very incendiary and serious situation. I wish to point out that even if our request is granted, we will be reaching only one-third of the disadvantaged youth in the "target" group, which now approaches 2 million persons.

Before I take my seat, may I thank the ranking minority member (Mr. COTTON), who controls the time. I have been very free to yield myself time in his absence, and I thank him for his courtesy and consideration in allowing me to proceed.

Mr. MAGNUSON. Mr. President——

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

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. COTTON. Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator has 84 minutes.

Mr. COTTON. I yield 10 minutes to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I and all the members of the subcommittee on Labor-HEW, of course, have a great sympathy for the program the Senator from New York has referred to. I think it is one of the fine programs we have going. However, we have to consider practical matters, as the Senator well knows, being a former member of the committee: First, the House figure; second, the budget figure; and third, whether or not we are going to run into one of the problems we ran into before. If we do not keep the bill within the range of what the administration requested—I do not think the administration objects to certain additions to this program, but I mean if we go too far—we are likely to run into the same problem we have had here for 2 long years. We want to get the bill passed, and we want to get on with the program as soon as possible, because time is running. So this is the situation.

I want to refer for 2 or 3 minutes to the unanimous recommendation of the committee.

The bill includes an additional $100 million for the Neighborhood Youth Corps summer program, an increase of $35.7 million over the request. We went beyond the request $35.7 million for the summer youth program. Of the total $100 million provided, $12.8 million is for the summer recreation program for boys and girls 8 to 13 years of age. This $12.8 million is not for summer jobs, but involves a combination of recreation programs. The remainder, $87.2 million, is for an additional 176,400 summer jobs over last summer's program.

As it said, the amount recommended by the committee for summer jobs is $35.7 million more than the supplemental request, which is included in the $87.2 million for that purpose. Together with the funds already appropriated and presently available, the recommended amount will provide a total of $253 million, in round figures, for the support of 601,400 summer jobs for high school youth. This is an increase of $70.3 million over the amount spent for the program last summer and, again, will support 176,400 more summer job opportunities than was provided last summer.

I agree with the Senator from New York. I think that last summer we were a little skimpy, but we have increased it to the tune of $70.3 million and 176,400 more job slots.

Added together, I think we have made a very substantial increase in a fine program.

The committee felt, after much testimony, that this was about as far as we could go to keep the program moving, as we all want it to do.

I do not disagree with the Senator from New York. I might have personally voted for more, but the committee felt this was about as far as we could go. I suppose the Senator from New York will want a vote on his amendment. Will he not?

Mr. JAVITS. Yes.

Mr. MAGNUSON. Of course, if the Senate disagrees with the committee, we will have to take it to conference.

But I think, considering all the factors involved, that we went just about as far as we could go, and we have provided for 176,400 more jobs over last year. This will bring the total to close to 601,400 summer jobs. I think perhaps we could stand 1 million, and I have no objection to the amendment of the Senator from New York, but we are dealing with some practical facts here, considering that this is a supplemental appropriation.

In the regular appropriation bill, I assume we will be more generous, and add to the funds requested for this program for next summer. But I understand the position of the Senator from New York.

Summer jobs are coming up within the next 2 or 3 weeks, and these people have to know what they will have. But this will provide over 600,000 youngsters with employment, and it is a great step forward from what we have been doing with the program in the past few years.

Naturally, representing the committee, I shall have to vote against the amendment of the Senator from New York, but we are in a position where we are not going to argue too much about the merits of the program or how fast we should move. This is the best we thought we could do in the committee.

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

Mr. MAGNUSON. I yield.

Mr. JAVITS. Mr. President, as I have said many times, I appreciate the feeling of the committee and the sympathy of the committee; and, indeed, my amendment was heavily premised upon their sympathetic consideration.

Let me lay before the Senate a few facts which bear upon what the Senator from Washington has just said.

The committee position represents the addition of a few slots at the expense of a reduction of the program from 10 to 9 weeks. It was felt that the extension of this program at the 10-week span was just about the right approach. The analogy is very obvious, but it is true that it is much like building a bridge: If you build it one-tenth too short, it does not do you much good. A 9-week program is, of course, important and meaningful. But I am pointing out that the normal program and the normal expectation of a program for the young people was a 10-week program, and that in order to bring the number of slots recommended by the committee into a 10-week program would require $38 million.

We are in a kind of interregnum here—where Senators will not be back until Wednesday, and they will have enough to decide without adding this problem to the list—and I would like to ask whether or not, in view of the great sympathy of the committee, we might not perhaps prevail upon the committee, on the Senate floor, to go with us to the extent of that added $38 million and take it to conference on the plea that it is on the basis of making the program run the way it always has run, that is, on a 10-week basis.

Mr. MAGNUSON. Of course, I think it should be considered by the Senate that we did not have too much to say about this, but the program is a 9-week program.

Mr. JAVITS. That is right.

Mr. MAGNUSON. The Senator's amendment would call for a 10-week program?

Mr. JAVITS. My amendment calls for an additional $57 million above the in respect to those slots and the others more slots and for a 10-week program committee recommendation, for 40,000 already available. In the hope—because of the fine attitude the Senate committee has taken, of coming to an agreement without the necessity of tying up the Senate with more votes, I am making the proposal to the Senator from Washington, asking him if the committee would be willing to take to conference the total figure of $138 million instead of $100 million, on the premise of a 10-week program.

Then we will not be hassling with the House or with the committee about the slots. We are only challenging the integrity of the program as a 9-week instead of a 10-week program, and we could see what the committee can do with that.

Mr. MAGNUSON. I do not know what the Senate will do, but we looked at this very carefully. I think there is some merit to what the Senator from New York says, but the 9-week program was predicated at a time when there was more availability in the private sector of summer jobs. We went from 8 to 9 weeks as I remember.

Mr. JAVITS. That is right.

Mr. MAGNUSON. That availability has now been shrinking a good deal.

Mr. JAVITS. It is very limited.

Mr. MAGNUSON. And in the urban centers, the picture is not very good. But we will wait and see what the Senate does.

The Senator from New Hampshire and I, and other Members, including the Senator from Louisiana (Mr. ELLENDER), were very sympathetic. We did the best we knew how in the committee. The Senator understands how those matters work——

Mr. JAVITS. I do.

Mr. MAGNUSON. From his previous membership on the committee.

Mr. JAVITS. Mr. President, I am making the plea with the Senator, perhaps in anticipation of its coming up, that we would reduce——

Mr. MAGNUSON. Will the Senator yield to me on a matter of personal privilege for a minute?

Mr. JAVITS. Yes.

VISIT FROM FORMER SENATOR CLARENCE C. DILL

Mr. MAGNUSON. Mr. President, I do not wish to break in on this debate, but I note the presence in the Chamber of a former Member of this body from my State, the distinguished former Senator from Washington, C. C. Dill. Clarence, I hope you are listening to this.

Senator Dill served with great distinction in the Senate for many years, as well as in the House of Representatives. He at one time was chairman of the Senate Committee on Commerce, and he knows what problems we have on that committee. I am glad to see him here, looking healthy and well. I do not know how many Members of the Senate who served with him are still here. The Senator from Louisiana, I am sure, was here.

Mr. ELLENDER. No.

Mr. COTTON. Mr. President, if the Senator will yield briefly, when Senator Dill was here I happened to be here in the capacity as a member of the staff of the late Senator George H. Moses. So for 4 years, I recall the distinguished presence and activities of the distinguished former Senator from Washington, Mr. Dill. I think that was between 1924 and 1928. So in that sense, I have a very vivid personal recollection of him, and in a sense I can almost claim to be a Member of the Senate who served with him.

Mr. MAGNUSON. I appreciate that, and I want to say to Senator Dill, we are glad to see you here. It is remarkable how active he is at his age. I only hope that some of us can be so fortunate as this distinguished former Senator from Washington. Senator ELLENDER is checking the book to see just who is left and who was here when Senator Dill served in this body.

I find that Senator Dill retired in 1935, so evidently Senator ELLENDER took up about where he left off. I just wanted to note that for the sake of the RECORD.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

Mr. MAGNUSON. Mr. President, I have nothing further to say about the proposed amendment.

Mr. JAVITS. Mr. President, will the Senator from New Hampshire yield me 2 minutes?

Mr. COTTON. Surely.

Mr. JAVITS. Mr. President, while the Senator from Washington is here, I would like to put a matter before him, if I may have his attention.

It will be noted that the committee report says, on page 33:

> This will provide $87.2 million for 187,200 new summer jobs and expand the total program from 8 to 9 weeks.

I point out to the Senator from Washington that that statement is inaccurate. It is an unwitting error, but it is inaccurate. The program has always been for 10 weeks. The administration came up here and talked with the committee about either making it 8 weeks or increasing local participation. Finally, when it seemed they had no takers on either, they settled for 9 weeks, and the committee went along with them. But the program has always been a 10-week program.

All I am doing is reinforcing my plea to the chairman. I would hope very much that perhaps today or tomorrow morning the Senator would feel free to confer with his colleagues about the possibility of accepting so much of our amendment as would be required to maintain the program as a 10-week program—and that amount is $38 million.

Mr. MAGNUSON. I think the Senator has a good point. We were sort of closed in. The Senator is correct in saying that technically it is not correct. They could have requested enough for 10 weeks, but they did not.

Mr. JAVITS. That is correct.

Mr. MAGNUSON. We finally got in the middle with 9 weeks, and this was our problem. I think the Senator has a point, that there is legislative authority for 10 weeks, and the administration came up only with 9. They wanted it to be 8 weeks, which the Senator from New Hampshire and I thought was too short;

but we got into the position I have mentioned to the Senator.

Mr. JAVITS. I would appreciate it greatly.

Mr. MAGNUSON. I think the Senator has a point, in view of the national situation with respect to jobs.

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

Mr. MAGNUSON. I yield myself 1 additional minute.

I think we should take the full amount for 10 weeks. But I may have to vote against the Senator, because the committee decided this. We discussed this at some length. I think many things have changed since the budget came up that would probably justify an amount that would make it fulfill the 10 weeks.

Mr. JAVITS. That is correct.

That is what I am pleading for, if the committee would see it that way.

Mr. COTTON. Mr. President, I yield myself 3 minutes.

I should like to ask a question of the distinguished Senator from York. If $38 million were added to this supplemental appropriation—I want it clear in my mind—would that extend the program from 9 to 10 weeks for the same number of jobs or would it extend the program from 9 to 10 weeks and add more jobs?

Mr. JAVITS. It would extend the program for the same number of jobs as the committee recommended. But the committee, of course, by whatever figure it added, could add more jobs if it stayed at the 9-week period. Our amendment proposes $59 million, which would add 40,000 jobs and maintain the program as a 10-week program. But in the hope—because of our parliamentary situation the next couple of days, of getting some agreement with the committee on the floor I had advanced the other suggestion. But the basis for our amendment is not along that line.

Mr. COTTON. I would say to the Senator from New York that, as does the chairman of the subcommittee, I think this is one of the most worthy and most pressing programs we have. It has to be handled in the supplemental because, as we all know, the regular appropriation bill is actually forward funding for a year later. It is not going to assist the situation at all for this summer.

Mr. JAVITS. Exactly.

Mr. COTTON. From the standpoint of trying to stretch the dollars as far as we can stretch them and use them the most effectively, even though they are inadequate, would it be the Senator's considered opinion that it would be better policy to stick to 9 weeks and have more jobs or advance to 10 weeks without greatly increasing the jobs? I understand that the Senator does not want either; but if there had to be a choice between the two, what would be the Senator's reaction?

Mr. JAVITS. I think that, on the whole, I would like longer jobs. That is why I moved as I did.

The Senator happens to be demonstrating typical New England frugality because, as the Senator may know, it will cost less money to fill the mayors' slots with 9-week jobs than to take the existing slots provided by the committee and make them 10-week slots. That is true. It would cost just about half of the figure we are talking about.

But I thought that in view of the tradition of the program, perhaps if the committee felt that strongly about its figure on slots, it would at least give us the continuance of the program at the 10-week period. Naturally, from the point of view of domestic tranquility, the 10-week program is to be preferred. I do not see any way to avoid that. That would take, for the same number of slots, $38 million.

Mr. COTTON. At 9 weeks, how much would it cost to add 40,000 jobs?

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

Mr. COTTON. I yield myself 4 additional minutes.

Mr. JAVITS. It would cost $16.6 million to take the same number of slots the mayors need to a 9-week basis.

Mr. COTTON. I agree with the distinguished chairman; and I also agree that, unfortunately, we have this left for final debate in the crowded voting that is bound to come Wednesday.

I hope that the chairman and the chairman of the full committee and the members of the subcommittee may consider this matter more carefully, in the hope that we can accomplish something without going through a vote.

Mr. JAVITS. That is very kind. I appreciate it.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, will the Senator yield to me 2 minutes?

Mr. ELLENDER. I yield.

Mr. MAGNUSON. Mr. President, in this bill is an additional amount of $100 million for cancer research. This is the House amount, and the Senate accepted it, so it will not be in conference.

This did not have anything to do with the suggestion that is going on as to whether we should have a separate cancer task force with a separate agency—the administration is suggesting something in between, raising the status of the institute at the NIH and report directly to the President—or maintaining it in NIH. There are three alternatives.

In view of the importance of the matter, the committee felt that we should not discuss that and should take the $100 million, which I think everyone has agreed to, and we will discuss later the matter of the administration of the cancer conquest program.

Mr. JAVITS. I agree.

Mr. MAGNUSON. I think we all agree on that.

Mr. JAVITS. I agree with it.

Mr. MAGNUSON. Because it is needed. Some exciting things are going on in cancer research, and we want to take advantage of them.

I do not always agree with the Vice President in what he says, but he made a statement the other day with which I think every American will agree. He said,

> What do you think would be the most welcome headline on any given morning when the citizens of the United States pick up their morning newspapers?

That is the kind of question that one must ponder. Would it be "Peace Has Been Declared?" which would be welcomed news. But he said:

> I think the most welcome news would be a headline in big, black type, "Cure for Cancer Found."

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER (Mr. SAXBE). The Senator from Illinois is recognized for 10 minutes.

Mr. PERCY. Mr. President, 8 weeks ago, when the Senate and the House voted to refuse further Federal funds for the SST, the decision was widely acclaimed as a victory for economic commonsense, a step forward in the journey to right our national priorities, and a long-awaited official acknowledgement that we must have answers to environmental questions before we proceed to a point of irreversible ecological degradation. I find it very difficult to believe that we are fighting this same battle again.

The part I assumed in that battle some weeks back was based almost entirely on the economic problems that I saw ahead if we continued with the development and production of an SST.

In the brief span of these 8 weeks, the issues surrounding the SST have not changed. There have been no new answers propounded to the environmental questions. Nothing has happened to reduce the enormous financial risk inherent in SST development. No new private financial backers have arrived on the scene indicating their faith in the program and their willingness to invest in it. The airlines have shown no new capability to buy the SST once it is produced. And there is no new evidence indicating that the cost estimates are accurate.

The only respect in which the issue we are now debating differs from that decided in March is that the specific request for funds is smaller. In March, we were debating the wisdom of appropriating $290 million; now we are debating the wisdom of appropriating $85.3 million. On the surface, it may appear as though $85 million would be more easily justified than $290 million, but on closer examination it must conclude that just the opposite is true.

The fact that Boeing has dispersed many of its people and terminated subcontracts since the March vote is no secret. Regular news broadcasts have kept America posted on the readjustment process that the company has had to make. Many of us in Congress—on both sides of the aisle and on both sides of the SST issue—have sought to make a legislative response equal to the need, particularly with respect to the unemployment problem.

The winding down of the SST project which followed the congressional rejection of continued appropriations 8 weeks ago will create new problems and new costs if the project is revived. William Allen, chairman of the board of Boeing Co., indicated just last week that revival of the SST program would require half a billion to one billion dollars more in Federal money than was needed before

the project was terminated. In the speech I made on the Senate floor just prior to the March vote, I expressed serious doubt as to the reliability of the cost estimates offered by SST proponents. At that time I said:

> We have been told that prototype development will cost $1.3 billion. . . . But the nature of developmental research makes this promise illusory.

Mr. Allen's newest cost projections are stark confirmation of my suspicions.

As grim as the prospect of an additional half-billion to $1 billion is, it is made worse by the absence of any financial plan for production of the SST. In March, I reiterated my refusal to vote to fund a project on which there had never been a financial plan prepared and on which there had, therefore, never been any substantiated cost estimates nor cost limitations established.

We had been told that Federal participation, in any case, would be limited to development of the SST prototypes. Now, Mr. Allen indicates that, if the SST is revived, the Government will have to advance funds to start production.

All of the things we have said over the course of the past several months concerning the inappropriateness and the foolhardiness of investing Federal dollars in the prototype program are even more pertinent when applied to Federal support of production of the SST. If this country has any faith in the private enterprise system, if we believe at all that products should have to stand the market test of supply and demand, if we conceive of Government's role as primarily regulatory and not developmental with respect to its relationship with industry, and if we are commited to applying the limited Federal resources to programs which serve the best interests of all Americans, I simply cannot find a justification for our putting another cent in the SST program.

Mr. President, when Mr. Allen made his statements concerning the prospect of another $85.3 million being appropriated for SST development, he in effect confirmed what many of us have been saying for many months: That the costs could not possibly be limited to the $1.3 billion amount originally estimated and that Federal involvement would not end after the prototype stage. This really is the only advantage I see in having to debate again the SST question: We finally have on public record the statements of the head of the major contractor company confirming our worst fears. It is both significant and helpful that one of America's most prominent and respected industrialists has made our case for us.

In addition, General Electric has issued statements in which they indicate that it is their view that the project can no longer be continued with 90 percent Federal funds and 10 percent private; instead, it will require 100 percent Federal funds.

I will speak tomorrow on the situation regarding the airlines, but I felt it was extremely interesting to have fully revealed to us the circumstances under which the airlines voluntarily contributed $58 million toward the production of the SST.

The voluntarism exercised reminds me of the "hot box" in a fraternity house where tactics fall a little short of rubber hoses. When the airlines were called in to the Department of Transportation and told that they were expected to contribute $1 million toward every plane, as regulated companies standing before those who have the responsibility not only for regulating them but who can also set life and death sentences over the companies, how voluntary are the contributions of $58 million made by the airlines toward this SST project?

So this whole exercise that has intervened during the 8-week period has at least revealed that everything we have said has been confirmed by the Boeing Co. and by General Electric, the major contractor. We have smoked out what really happened when the airlines, presumably, voluntarily made contributions toward the SST in their desire to see it go into production.

There is no need to rehash all the arguments for and against the SST. Every Senator has studied all the factors and made a decision. The issue we must decide now is whether the expenditure of $85.3 million at this time to revive the SST is going to do more harm than good; will the investment actually be worth it?

What will we accomplish if we make this investment, Mr. President? First, we will breathe just enough life into the program to cause it to pulsate for a moment, but not enough to insure new life. This is, in my judgment, playing with the life and expectations of a great company, a great industry and thousands of aerospace employees. The decision made last March to discontinue the SST was a difficult and, in some cases, painful one; I doubt if anyone in the Congress saw it as a black-and-white issue. There were reasons to go ahead and there were reasons to stop. The reasons to stop funding prevailed. By attempting now to allocate funds in dribbles, we hold out false hope of success and interest in the program. I think this is one of the things Bill Allen was saying in his statement of last week: "Don't play games with us."

I think the American public is also perplexed. They are perplexed, by Congress. They certainly are perplexed in the way we seem to start, then stop, then reverse, and then move ahead in a program like this.

Do we not ever make a decision that is really lasting?

It is up to us to decide conclusively that we will shoot down this flying Edsel, make that decision once and for all, and then live with that decision.

I have said many times that I know we will be called to account, years from now, as to whether our judgment on this issue was right or wrong.

Let me say, Mr. President, that I am quite willing to be called to make such an accounting.

The PRESIDING OFFICER (Mr. SAXBE). The time of the Senator from Illinois has expired.

Mr. PERCY. Mr. President, I ask unanimous consent for an additional 2 minutes.

Mr. COTTON Mr. President, I yield myself 1 minute and then intend to yield 2 minutes to the Senator from Illinois; but, in the absence of the senior minority member on the Appropriations Committee, I find myself handling the time and I do not know how many commitments he has made. I also wish to yield to the Senator from Arkansas (Mr. FULBRIGHT), who is seeking recognition. But, I do not want the senior member on the Appropriations Committee to return here and find that I have used up all the time.

I yield to the Senator from Illinois 2 minutes, but would like to find out where we stand on time before I keep yielding it.

The PRESIDING OFFICER. The Senator from Illinois is recognized for an additional 2 minutes.

Mr. PERCY. Mr. President, if we invest this new $85 million in the SST we will be committed to a program that promises to cost the Federal Government at least double, perhaps triple, the original estimate of $1.3 billion. There is no way we can continue the SST program and have it cost less, or even the same as the amount we debated last March.

Third, if the Senate grants these funds, we ignore the views of the industry itself. When Boeing says, in effect, it does not want the money, what possible justification can there be for forcing the funds on the company? Would we do so merely to express our concern over unemployment? Boeing says it has already laid off 4,500 employees. It might take more than the $85 million to unpack the materials and mobilize the people. Would we do so because we are worried about the foreign SST competition? If there were really strong competition, Boeing could make its case with private investors and not have to rely on the Government; we have gone over this point a thousand times before. Would we do it because we have already invested millions and feel we cannot extricate ourselves now? This was not persuasive in March; how can it be persuasive now, especially when Boeing has promised us that the costs will far exceed the amounts we were discussing before?

Mr. President, I am grateful that the industry's spokesman has been forthright with us as we undertake debate on this new appropriation. When the chairman of the board of Boeing confirms the skepticism and fears many of us expressed before the March vote, I am inclined to heed his caution. Any Senator who found the investment difficult to justify in March must conclude that it is even more difficult now. And those who supported Federal funding in March must recognize that it is a new issue which faces them now, to be wrestled with on the basis of new facts and a new time.

I urge my colleagues to support an amendment to the supplemental appropriation that would allocate funds for termination, but not for continuation of the SST contract.

I thank my distinguished colleague for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, I yield 10 minutes to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, there has just been handed to me a notice that I had not seen before to the effect that the distinguished senior Senator from Louisiana (Mr. ELLENDER) is purported to have said on the floor that he does not want the SST money in the supplemental bill for fear that it would stall this measure and that he may oppose it permanently because of its cost.

Mr. President, I congratulate the Senator from Louisiana on his wisdom. His statement makes my remarks more or less superfluous. If the Senator from Louisiana opposes the passage of the SST money, it has not any more chance of passage than a snowball has in you know where.

Mr. President, for the third time in 6 months we are debating the question of further Federal funding for the supersonic transport.

The Senate has made its views quite clear on two previous occasions and I am confident that we will once again reject the SST. It would appear, however, that the proponents of the SST are engaged in what might be called a "war of attrition" and seem to feel that eventually those of us who oppose further funding for the ST will somehow wither away.

If anything, the case against the SST has become stronger since the last vote on March 24. The very close vote in the House last week did not take into account the statement by Mr. William Allen, chairman of the Boeing Co., who indicated that the revival of the SST would require between $500 million and $1 billion more in Government financing than was needed before the project was canceled. Of course I realize that the administration has suggested that Mr. Allen, as head of the company which is prime contractor on the plane, does not really know what he is talking about. I suspect, however, that this is one of those rare cases where Congress and the public are not being misled about what the actual cost of a project in the aircraft industry might be.

Mr. President, the SST question was before the public much of last year, and during the fall political campaigns I believe it was made clear and certain that the public did not want to see its money dissipated in this manner. I have heard from great numbers of my Arkansas constituents on this issue and in almost every case they have been opposed to further Federal funding for the SST.

The earlier defeat of the SST was correctly hailed as a major initial step in the reordering of our national priorities and a triumph for the people and the popular will. Now, however, there are those who would reverse this move toward a more rational allocation of our public funds.

The basic fact remains unchanged: It is a gross distortion of our national needs to allow tax money to be spent for this unncessary plane. It is highly ironic that the administration is withholding some $12 billion in funds appropriated by the Congress for various Federal programs, many of them of vital importance to the people of Arkansas and other States, yet wants to push ahead in spending tax money for this unwise luxury project, as well as a $250 million loan guarantee for the Lockheed Corp., with its record of mismanagement and mammoth cost overruns.

It is very strange, indeed, to me that this tremendous emphasis is being put upon these aircraft for the benefit of a limited number of people.

The case for the SST remains a weak one, as the Wall Street Journal pointed out in an editorial on May 14:

> Well, national prestige is nice, but there are better ways to enhance it. The government, for example, could do more to strengthen the dollar, whose troubles have been causing so much foreign concern in recent days.
>
> Jobs are to be desired, too, but there must be more useful ways to provide them than through revival of a project whose economic viability—at the moment, at least—still appears highly questionable.
>
> The airlines hardly seem ready to take on an entirely new generation of aircraft right now. After financing development of an SST, would the government then feel obligated to finance purchase of the planes by the troubled airlines?

Mr. President, the case against the SST, on both economic and environmental grounds, is a compelling one. Last September I submitted to the Senate the results of a survey taken by my staff of the views of 16 of the Nation's leading economists. As is well known, they were almost unanimous in their belief that proceeding with the SST would be unwise and not justified on economic grounds. Subsequently, this survey has been updated and in most cases the economists have strengthened their opposition to the SST.

The SST proponents claim that our balance of payments would be adversely affected if we do not proceed with the SST. This claim has been effectively and convincingly refuted by the economists. Walter W. Heller, professor of economics at the University of Minnesota and former Chairman of the Council of Economic Advisers said, "Much of the balance-of-payments reasoning on behalf of the SST is specious," a view consistent with that of other leading economists.

As Professor Heller said:

> Seen in proper perspective, our balance-of-trade interest is best served by devoting our resources to their most efficient uses, not to undertakings that require a $1.3 billion subsidy to get off the ground.

Or, as Arthur W. Okun, another former Chairman of the Council of Economic Advisers, stated:

> Even if Congress made the judgment (which I do not) that a long-term stimulus to exports was desirable, it could find far more efficient incentives than the funding of the SST.

I must add that if the balance of payments is really a primary concern, then the amendment introduced by the distinguished majority leader to reduce the number of troops in Europe offers a much more direct and rational approach to the problem.

Those favoring the SST also rely heavily on the "jobs" argument. Economist Milton Friedman is one of the many who have pointed out the fallacy of this argument:

> The funds spent on the SST will have to come from somewhere. Extra employment on the SST will be offset by smaller employment elsewhere. Our objective should not be jobs but productive jobs and that objective is best achieved by the test of the market not by the Government subsidization of leaf-raking jobs—and if the SST is not commercially viable then jobs in producing it are the economic equivalent of leaf-raking.

The plain truth is that there are countless ways in which an equivalent amount of public money could be spent which would not only provide jobs but would serve the broad public interest. Many of our largest cities are in desperate shape; our smaller cities and rural communities are not getting Federal assistance needed to enable them to develop properly. How can we even contemplate subsidizing this exotic luxury when we have so many unmet needs?

As has been frequently pointed out, the SST would serve a tiny percentage of the population. Such problems as urban transportation and ground transportation to and from airports are much more urgent and an appropriate subject for our technologists.

It is very obvious that the average American family does not need the SST. The average family could benefit from better transportation facilities and services, but a plane that will get them to Europe 3 hours quicker—for a higher fare—is totally irrelevant. It should also be recalled that existing planes will carry considerably larger passenger loads than would the SST.

Mr. President, I repeat what I have said many times before: Spending our tax money on the SST represents one of the clearest examples of misplaced priorities ever to confront us.

Those of us who oppose the SST have been accused of standing in the way of technology. Instead, we are demanding that technology be applied so as to do the greatest good for the greatest number of people.

Mr. President, I ask unanimous consent that an article entitled, "Boeing undercuts SST" from the Washington Daily News of May 14, be printed in the RECORD.

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

BOEING UNDERCUTS SST

(By Dan Thomasson)

The Boeing Co. may have scuttled its own supersonic transport project despite a vote by the Senate Appropriations Committee to give the controversial aircraft a new lease on life.

As the committee yesterday was following the House's lead by converting $85.3 million in SST termination funds into continued development money, Boeing officials seemed to hamper chances for full Senate approval of the action by upping the price tag on two prototypes.

Boeing Board Chairman William Allen said it would cost at least $500 million—and maybe $1 billion—to resurrect the $1,800 mile-an-hour plane killed by Congress last March. Using Mr. Allen's top figure the cost to the

government for the two test plans would be $2.3 billion instead of the original $1.3 billion.

Mr. Allen's statement that a new, higher priced contract would have to be negotiated couldn't have come at a more disadvantageous time for SST forces in Congress.

It undercut arguments by SST proponents that it would cost nearly as much to terminate the contract as it would to continue it. And the statement left the impression that Boeing wasn't overly interested in reviving the project.

This impression was reinforced by congressional sources who reported the General Electric Co., the SST's engine builder and the project's major sub-contractor, also appeared cool to the efforts to save it.

Appropriations Committee Chairman Allen Ellender, D-La., a former SST backer now says he may have to vote against it because of the extra cost.

"I don't think Boeing would cry about it if we let it die."

Sen. Ellender also said he doubts the full Senate will back up the committee's action.

"I think the SST is still dead," he said.

And Sen. William Proxmire, D-Wis., leader of the anti-SST movement, said Allen's new figures were a "clincher" against reviving the project.

"It means that in addition to all the other arguments against the SST you now have a program that will cost more than was contemplated when the Congress in both Houses killed the program," Sen. Proxmire said.

Mr. FULBRIGHT. Mr. President, we have read in the newspapers recently and have seen pictures made of people from all over the country, people who formerly had been members of previous administrations in Washington, who are attempting to obstruct the passage of the Mansfield amendment. I think that these matters are not unrelated to the program that has been brought forth in the House and resulted in the reversal of this matter. It obviously has been the re ult of an extremely well-organized lobbying program.

Mr. President, that prompts me to make a very few comments about a subject that I think is related.

Mr. President, there was considerable controversy following the showing of the CBS documentary program, "The Selling of the Pentagon" on February 23.

In all the tumult, however, no one was able to deny the basic accuracy of this program on the Pentagon's extensive public relations operations.

Now that the dust has settled somewhat, I think it is appropriate to take note of the fact that "The Selling of the Pentagon" has been honored with a number of major awards, including those most coveted in television.

Most recently "The Selling of the Pentagon" won an Emmy award from the National Academy of Television Arts and Sciences for outstanding achievement in news documentary programing.

Earlier it was one of the winners of the 1971 Saturday Review Television Awards "for a courageous, terse, and revealing expose of the dimensions—not generally known to the public—of the Defense Department's use of Federal tax moneys to promote and perpetuate its own bureaucratic interests, power, and privilege in the Nation's military-industrial complex.

The program also won a special Peabody Award for "electronic journalism at its finest." The prestigious Peabody Awards are administered by the Henry W. Grady School of Journalism at the University of Georgia.

Additionally, the Boston University School of Public Communications honored "The Selling of the Pentagon" with a citation in these terms:

The documentary reflecting the highest standards of investigative journalism has become a symbol of the determination of the news media to exercise and preserve their rights and responsibilities under the First Amendment, free of government interference.

Mr. President, I ask unanimous consent that several newspaper articles pertaining to the awards won by "The Selling of the Penatgon" be printed in the RECORD.

This program and some of the subsequent developments were also the subjects of recent editorials in two Arkansas newspapers, the Arkansas Democrat, Little Rock, and the weekly Dumas Clarion. I ask unanimous consent that they be printed in the RECORD as well, along with an editorial from the Boston Globe.

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

[From the Washington Post, Apr. 14, 1971]

A PEABODY FOR CBS AND "PENTAGON"

(By Nancy L. Ross)

"The Selling of the Pentagon," the Columbia Broadcasting System's controversial documentary on the Pentagon's $30 million a year program to sell itself to the American people, will receive a special Peabody Award when the awards are officially announced April 21. It will be cited for "electronic journalism at its finest."

In naming the documentary, first shown Feb. 23 of this year, the prize committee broke a 31-year tradition of limiting awards to programs aired during the previous year. The Peabody Awards, among television's most prestigious ones, are decided by judges connected with the TV industry and administered by the Henry W. Grady School of Journalism at the University of Georgia.

Though panel members refused to discuss the award yesterday for the record, one gave the following reason for the unusual action: "This collegium decided to get into the 20th century and not be obsolete." This was interpreted by some close to the industry to mean that the award would have lost much of its punch if it had been made a year later when the controversy had been forgotten. It was also taken as a sign of support for CBS by the industry in the face of widespread criticism from government and the military.

Paul A. Porter of the law firm Arnold and Porter and a former chairman of the Federal Communications Commission was quoted as saying, "We nominated 'The Selling of the Pentagon' even before Vice President Spiro T. Agnew did." Agnew charged among other things the program was "a clever propaganda attempt to discredit the defense establishment of the United States."

The Vice President's office declined comment yesterday on the selection of the Peabody winner as did Rep. F. Edward Hebert (D-La.) The chairman of the House Armed Services Committee had castigated the program as a "vicious piece of propaganda."

CBS officials also declined to comment on the award. However Peter Davis, writer and producer of the program, termed the committee's action "courageous for going out of its way to amend its rules (to give the award) while we are under attack." The House Interstate and Foreign Commerce Committee has subpoenaed all untelevised material related to "The Selling of the Pentagon." CBS has thus far refused to comply with the subpoena.

"The Selling of the Pentagon" has been the subject of controversy on the air and in the press. The original program was broadcast twice by CBS and carried twice in the Washington area by WTOP. The second airing included a short period for rebuttal by the Vice President, Rep. Hebert and Defense Secretary Melvin Laird.

Dr. Frank Stanton, CBS president, defended the documentary. Since then others, including The Washington Post's editorial page, have questioned some of its editing techniques while praising its contents.

The next—though maybe not final—chapter will be written Sunday, April 18 when CBS at 10 p.m. Channel 9 will present "Perspective: The Selling of the Pentagon." The show, anchored by George Herman, will cover the same issues as the original documentary but with different dramatis personnae. Discussing the role of the Pentagon in public information and foreign policy and the size of its budget will be Senate Foreign Relations Committee Chairman J. William Fulbright, author of "The Pentagon Propaganda Machine," and Harvard law professor and former government official Adam Yarmolinsky. Opposing them will be military historian and author Brig. Gen. S. L. A. Marshall and an as yet unnamed fourth participant.

[From the Washington Post May 8, 1971]

EMMY TO "SELLING"

NEW YORK.—The controversial CBS documentary "Selling of the Pentagon" won an Emmy award Friday night for outstanding achievement in news documentary programming.

The producer Peter Davis accepted the award at a dinner at the New York Hilton Hotel and said "great pressure has been put upon us in television news and particularly us at CBS News and this helps to ease that pressure."

The documentary has come under attack from Nixon administration figures. The House Special Subcommittee on Investigations has subpoenaed material used in putting the documentary together. CBS has refused to provide any material except that which was broadcast and the network has defended the program.

Winners in major entertainment categories will be announced Sunday night on NBC.

[From the Baltimore Sun, Mar. 29, 1971]

AGNEW'S DIATRIBES ARE ERODING CONFIDENCE IN THE PRESS

(By Marquis Childs)

WASHINGTON.—The institutions of representative self-government are fragile if only because they rest in the last resort on public confidence and trust.

That goes with special force for the media—the concept of a free press. And the question inevitably arises whether Vice President Agnew is deliberately out to erode confidence in an institution that has survived since the founding of the republic.

During his entire term, Mr. Agnew has attacked the media. He concentrates on those elements in press and television critical of the administration to such a degree that it looks like blatant intimidation.

By the selectivity of his attacks on, for example, monoply control, he seems to be trying to frighten segments that continue to criticize.

He is centering a lot of his fire on the Columbia Broadcasting System, using the docu-

mentary, "The Selling of the Pentagon," to support his charge of bias and slanted reporting.

The documentary, run twice on the network, has a powerful presentation of the huge resources of the Department of Defense and how they are used to convince millions of Americans that the military is the embodiment of the good, the true and the beautiful.

The Pentagon does not confine itself in its propaganda to glorifying military might but it intrudes, according to the documentary, on foreign policy through the wide circulation of hard-line, anti-Communist films, many dating from the cold-war era.

Mr. Agnew and F. Edward Hébert (D., La.), the chairman of the House Armed Services Committee and the successor to the late Mendel Rivers, found specific flaws in the film. Mr. Hebert said an interview he had with an Army colonel was used under false pretenses. Statements made by military men were taken out of context, according to Mr. Agnew.

The whole episode might have been forgotten, as public-information men in the Pentagon hoped it would be, had it not been for the Vice President. He chose a speech in Massachusetts at the Middlesex Club to fire his heaviest broadside.

Not only did he attack CBS's Pentagon film but he went back to two earlier documentaries, "Project Nassau" and "Hunger in America."

Of the latter he said CBS had represented a baby as dying from malnutrition when that was untrue.

On "Project Nassau" he renewed his charge that CBS had paid to bring off without success, a rebellion in Haiti and then film it. Richard S. Salant, the president of the CBS news, denied these charges in a statement following the second showing of the Pentagon documentary.

Senator Edward W. Brooke (R., Mass.), who flew with Mr. Agnew to Massachusetts for his appearance there, was appalled when he was shown the text of the Middlesex speech. He had hoped the Vice President would discuss national issues such as transportation and unemployment, both vital in New England. Instead, an audience of a thousand or more heard him slug CBS and other media elements.

An incident occurred that night revealing perhaps of the kind of partisanship Mr. Agnew stirs. As he was speaking, a bearded hippie-type, a reporter it later turned out for an underground paper, stood up. From all over the hall came angry cries of "Kill him," "Lynch him," "Drag him out." The Secret Service closed in and what he had intended was never known.

In the congressional campaign last fall Mr. Agnew won the favor of conservative Republicans who helped to bring about the Nixon nomination in 1968. They are his constituency and, if the President contemplates dumping Mr. Agnew in 1972, he can count on their opposition to any such move. This may be the explanation of his continual rousing of old animosities toward the media.

But Mr. Agnew's personal fortunes are, for the long pull, unimportant when measured against the strengths and weaknesses of the institutions that sustain a free society. Like all human institutions the media is a long way from perfection. It is often over-competitive, so bent on the immediate sensations—the day's headline—that the underlying cause and effect are lost to view.

A press still relatively free is one of the few checks on the excesses of government and the bigness of big industry and big labor. "The Selling of the Pentagon" while it may have erred in stressing the propaganda aspect, illuminates what a $75 billion defense budget means in power and priority.

In his book "To Kill a Messenger," William Small, the Washington news director for CBS, puts it aptly. It is a struggle between the real world and the fantasy world of the extreme right and the extreme left:

They both want to kill the messenger who tries to tell it like it is.

[From the Boston Globe, Apr. 29, 1971]

CBS News Chief Sees Peril for Journalism

(By Percy Shain)

"The Selling of the Pentagon" documentary has resulted in a crisis that threatens the survival of free broadcast journalism, Richard S. Salant, president of CBS News, said in an address yesterday at the Boston University School of Public Communication.

Salant, honored by the school for the biting expose of Pentagon propaganda spending, warned that government intrusion would sound the death knell of honest reporting on the airwaves and demanded an end to the "shackling effects" of licensing.

"Three decades of increasing intrusion into the delicate areas of news editing, news treatment and news judgments, no matter how nobly proposed or intended," he said, "have brought us today to a point of no return where the issue is nothing less than whether free broadcast journalism can exist.

"And if free broadcast journalism cannot exist, how secure can print journalism be? Can only our end of the rowboat sink?

"For journalism, like a nation, cannot exist half free and half slave. Unless the issues which now confront us are resolved in favor of freedom, honest, independent, credible broadcast journalism—and if it is not honest, independent and credible, it isn't journalism at all—honest journalism is at an end."

Defending his network's refusal to turn over to a Congressional committee material that was not used on the Pentagon telecast, he said:

"When you cut through all the words, it comes down to one stark fact—the government, through a legislative committee proposes to sit in judgment on our editing and our accuracy. It proposes to decide whether we have met its notions of proper journalism.

"If the subcommittee goes forward with this, and the full Commerce Committee, and then the full House of Representatives, and then the United States Supreme Court uphold it, broadcast journalism is substantially excluded from the First Amendment altogether.

"We become not just second class citizens, but aliens.

"This has been a long time coming. How we got to this point is a story of self-delusion that we could live with the step by step encroachments, that each encroachment, that encroachment would be the last, that somehow we could muddle through and the issue need never be drawn. We were wrong."

He said he could not foretell what would happen in the courts in the event of a contempt citation by the House.

"But even that," he went on, "however important, is short term. The subpoena is but a symptom. What will remain is to reconcile what is now the irreconcilable—to find some sensible and practical way to accommodate the irresistible force and the immovable object.

"The irresistible force is the First Amendment—a free press, the people's right to know. The immovable object is licensing."

In a surprisingly mild speech, Salant avoided heaping calumny on his detractors. Rather, he called them, "fine men, beneficently motivated, seeking to achieve what we all want to achieve—excellence in reporting and editing, truth, accuracy, fairness, balance, and an informed public essential to a viable democracy."

Only once did Salant indulge in personalities and that was during the question period when he said, in answer to a query about Vice President Spiro Agnew's intentions: "I am the least qualified man in America to tell what goes on in the vice president's mind. I don't understand it."

Before his address, Salant received a scroll that praised "The Selling of the Pentagon" in these terms:

"The documentary reflecting the highest standards of investigative journalism has become a symbol of the determination of the news media to exercise and preserve their rights and responsibilities under the First Amendment, free of government interference."

Dr. John R. Silber, new president of BU, in his first appearance before a packed journalism division audience, solidly supported Salant in his fight against Congress, declaring: "It is a frightful event in our national life that this broadcast should have so concerned Congress that it had to resort to a subpoena to inquire into something that CBS did not do.

"Where is the crime here? What is Congress afraid of? What is the Pentagon afraid of?" Silber said.

The plaque was presented to Salant by Gerhart D. Wiebe, dean of the School of Public Communications, who was introduced by Dr. David White, chairman of the Division of Journalism.

[From the Arkansas Democrat, Apr. 24, 1971]

CBS Apparently Has a Hit

Despite all the huffing and puffing by government officials, it appears that the CBS documentary "The Selling of the Pentagon" is accomplishing its purpose.

The Pentagon has announced that it will review some of the improper public relations programs that were exposed in the documentary. Such things as (1) demonstrations of ways to kill in hand-to-hand combat for audiences of children, (2) information films that depict American foreign policies of a decade ago, and (3) talks to local civic groups by officers who are not familiar with current national policies.

The purpose of the program was to make the public aware of the waste of their money—millions of dollars in taxes—to convince us to let them spend millions more. If the Pentagon is truly interested in doing right, it will also review programs in which thousands of dollars worth of ammunition is wasted to show visitors in the bleachers a lot of explosions and in which defense contractors are allowed to drive tanks and fire big weapons.

The Pentagon's vast expenditures of money for such things is just one symptom of a disease that appears to be growing in Washington. Agencies that should be concentrating on doing their job instead spend a large percentage of their energy lobbying. A certain amount of this is necessary for survival, we suppose. But it gets out of proportion when the aim is expansion of power rather than maintenance of quality.

J. Edgar Hoover's Federal Bureau of Investigation is a good example. For most of that agency's history of distinguished service, Hoover has used his skills as a lobbyist for keeping high quality agents and well-financed programs. Hoover used to resist attempts by Congressmen to expand his agency into areas that should be handled by state and local police. But now the FBI seems to have caught the bug, accepting the addition of 1,000 agents and 702 supporting personnel for dealing with aircraft hijackings and campus disorders.

As for all the huffing and puffing about the documentary, mainly by the vice president and Congressman Hébert, we don't take it very seriously. It's the press' duty to make oversensitive politicians holler. The time for the public to be worried is when politicians

and reporters get friendly. We don't believe they would dare use FCC licensing powers to censor a network.

The main danger is that television newsmen will be intimidated, and CBS doesn't show too many signs of that so far. Its last 60 Minutes show documented the millions of dollars the government is spending to subsidize the tobacco industry while the health department warns about the dangers of smoking. And it is resisting, with the support of most of the other journalists in the nation, the subpoena of the House Commerce Subcommittee, which has demanded that it produce its notes, recordings and film produced by CBS in preparing the "Selling of the Pentagon."

GIANTS AND ANTS

Comparing the CBS television network to a weekly newspaper like the Clarion is analogy between the giant and the ant.

When CBS speaks, it is with a giant roar heard around the country, while a country weekly is more like an ant with an annoying sting.

But the ants among us are concerned with what the government is attempting to do to the giant. CBS dared to make a documentary, entitled "The Selling of the Pentagon," and the Pentagon and government officials didn't like it a bit. Congress has gotten into the act with a move dangerous to freedom of the press.

The House Commerce subcommittee has attempted to subpoena research material gathered for use in the CBS documentary to determine whether the network was fair in the way it edited material. "Fairness might be strictly a matter of opinion and critics of the documentary are not likely to see any of it as "fair."

If the House committee can subpoena the notes of a giant successfully, this precedent could be used to crush all the ants in the country—subpoenaing notes of any size newspaper that published material controversial in nature.

The First Amendment specifically guarantees freedom of the press, and the House Committee's effort to acquire CBS research and editorial material in its files is a dangerous precedent if allowed to stand. Without being able to protect its sources of information, any media can lose them—be that media giant or ant-size.

[From the Boston Globe]

A FREE PRESS MEANS A FREE TV

Every last American—and not merely those who own or have access to a TV set—has or should have a vital interest in the words spoken yesterday by Richard S. Salant, president of CBS News, in receiving a citation from the Boston University School of Public Communication for the TV broadcast, "The Selling of the Pentagon."

For very directly at issue is the freedom of the press—and by "press" we mean not only televised news and documentaries, but the printed media as well. It is about time to bring the First Amendment's guarantee of freedom of the press up-to-date and apply it to television, licensed though it is. For otherwise, the freedom of the press itself will fall by the wayside.

This most basic issue is what is involved in the controversy between CBS News and the House Interstate and Foreign Commerce Committee's Special Subcommittee on Investigations.

The subcommittee has subpoenaed not only the televised film, which had drawn criticism from Vice President Agnew and others, but also all "outtakes" and other raw materials used in preparing the broadcast but not actually broadcast. The purpose transparently is to lay a basis for a claim that the documentary was unfair. CBS has respectfully declined to furnish any other material than what was broadcast.

We think the position of CBS is eternally the right one. Nor does it matter whether "The Selling of the Pentagon" was or was not a fair presentation of the defense establishment's attempts to propagandize itself and the war. We happen to think it was, but we would take the same position on this vital constitutional issue even if we agreed with the criticisms made of the program by Rep. F. Edward Hébert (D-La.), chairman of the House Armed Services Committee.

For the question is not whether the documentary was fair, but whether government can lay its heavy, censoring hand on the preparation and presentation of such a program, fair or unfair.

Like other newspapers, The Globe must use its best editorial judgment in presenting to readers in print about one-fiftieth of all the material that comes in each day from its reporters, news services and other sources. Sometimes it may make mistakes. But freedom of the press includes the freedom to make those mistakes, and as long as the press is truly free and competitive, there is a built-in assurance that mistakes will be corrected.

How different it would be if the government could oversee and control every detail of the preparation of the news!

The position of broadcast journalism ought to be precisely that of printed journalism. If the House subcommittee goes forward with its nefarious campaign and is backed by Congress and the courts, then, as Mr. Salant says, "broadcast journalism is excluded from the First Amendment altogether." And the loser is all of the people.

The fact is that because of the threat from government licensing, broadcast journalism is not as good as it could be and should be. There should have been many more documentaries like "The Selling of the Pentagon." They have been all too rare simply because, as Mr. Salant so frankly put it, there are those in the industry who have said, "Let's skip this one, let's not make waves, let's stay out of trouble."

Mr. Salant calls for "a new Bill of Rights for broadcasting," and he is right. It must be supported by the printed press, whose own freedom is being similarly threatened by government encroachment. And it should be supported by all of the public, of every shade of opinion, because the public's very right to know is crucially involved.

Mr. FULBRIGHT. Mr. President, I conclude by saying with regard to the SST, as well as the removal of troops dealt with in the Mansfield amendment, that these matters will be voted on, on Wednesday.

I do not know whether or not under the controlled time I will have another opportunity to speak on both of these matters.

To me they both represent an effort by Congress and a most commendable effort to rearrange the emphasis we give in this country to these various projects; that is, the comparison between the SST and also the maintenance of troops in Europe with the needs of the country at home in our respective States.

It strikes me that both of these efforts are in the highest tradition of the Senate and I very much hope that the Members of this body will support both the move to eliminate the SST and to bring home from Germany the number of troops provided in the Mansfield amendment.

This morning in hearings before the Committee on Finance the Secretary of the Treasury testified. It was quite clear from his testimony and the exchanges between him and members of the committee that our country is in a most serious financial situation. Much of this has been printed in the press, but I repeat there are approximately $50 billion of short-term dollar demands upon our Treasury. As someone remarked, the analogy is not too appropriate, but that any bank with such a situation, such a condition, would be declared bankrupt. I do not say that our country is bankrupt; I say it is in a very serious condition.

The SST, on economic grounds alone, should be rejected; and also 150,000 of the troops in Europe, as provided in the Mansfield amendment, should be brought home. These are preliminary steps, next to stopping the war in Vietnam, which are very important in the process of reordering our priorities and reemphasizing those things which are most important for the welfare of our country.

The hearing this morning was most interesting and I commend it to Senators as illustrating the seriousness of our economic situation and the necessity for our doing something.

I again wish to commend the senior Senator from Louisiana, the chairman of the Committee on Appropriations, who has such good judgment in matters of this kind, on his statement with regard to the SST.

The amounts in each of these cases, compared to our overall budget, do not seem so enormous or out of line, but when one adds them all up, all the individual projects of this kind, they come to enormous sums. The same can be said about our troops in Germany. If we had that alone and they constituted the only troops we had beyond our borders it would not be so serious, but it is the largest single concentration of troops outside of Vietnam, and it is only typical of a great many bases. We have 384 major military bases abroad. It is high time that we began to draw some of them back to our own country.

Mr. JACKSON subsequently said: Mr. President, last Wednesday's vote by the House of Representatives to provide $85.3 million for the continued development of the civil supersonic transport prototype program and the Senate Appropriations Committee's concurrence on Thursday gives the Congress an opportunity to reconsider the unfortunate and unwise decision made last March to terminate this important program.

The issue before the Senate today, and the issue which the Members of this body will vote upon on Wednesday, is whether this country will say quit; whether the Congress will walk away from the tremendous investment of human and monetary resources that has been made in this program over the past decade.

Last week's action in the House on the second supplemental appropriations bill puts at issue once again one of the most important questions this Nation faces in the decade of the 1970's. The question is whether the Congress as an institution has the capacity to make rational decisions—based on facts and not emotion—on the role of the Federal Government in advancing the frontier of science and the development of new technology.

Unfortunately, the level of debate on this general question, and, specifically, as it has been raised in connection with the civil supersonic transport prototype program, has not been very distinguished. The temptation to indulge in simplistic answers, to use scare techniques, to ignore the facts, and to distort the record has been too great for many Members of the Congress to resist.

Mr. President, this program is too important to the Nation to permit it to end without providing an opportunity for the administration and the contractors to review the situation in depth and to provide the Congress with a definitive statement of the alternatives, their costs and their benefits. Approval of the Appropriations Committee's recommendation to provide $85.3 million will buy the necessary time.

It is clear that the failure to fund the program in March will result in some increase in the overall cost of the two prototypes. The termination process once started is difficult to reverse. What these costs will be is not known, but I am confident that it will be much less than the cost of terminating the program and forfeiting the jobs and the technology which are at stake.

Many things have happened since this matter was last before the Senate. In my view, these changed circumstances justify reconsideration of the program.

Unemployment has continued to increase and now stands at 6.1 percent. The aerospace industry is experiencing levels of unemployment far in excess of this.

The number of poor people in this country increased by 1.2 million in 1970 after a constant 10-year decline. Many of the newly poor were once skilled workers in the aerospace industry.

The British and French are continuing with the Concorde and it is clear that the Concorde will be successful. On May 7, in a demonstration of national confidence, the President of France took a flight in the Concorde.

The environmental issues have been laid to rest. All people knowledgeable about the program are in agreement that an environmentally sound American supersonic transport can be built.

Mr. President, I urge my colleagues in the Senate to reconsider this matter; to vote in favor of continuing with the prototype program.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, I suggest the absence of a quorum, with the time to be charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COTTON. 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. COTTON. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 93

Mr. JAVITS. Mr. President, I call up my amendment No. 93 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 11, line 12, strike out "$100,000,000" and insert in lieu thereof "$157,428,359".

Mr. JAVITS. Mr. President, I will do my utmost to find a way to get together with the committee. However, in order to preserve our right and to be able to get a vote, I understand we have to act on it today unless it can be done by voice vote. Therefore, I intend, as soon as we have enough Senators in the Chamber, to ask for the yeas and nays. At the present time we do not have a sufficient number of Senators in the Chamber to do so.

Mr. President, I wish to make a few observations in the few minutes I have. First, I wish to thank the committee for two things they have done, which are most laudable.

Second, they made provision to help us greatly in the cities by providing $25 million for section 236 housing and $25 million for section 235 housing. There is a backlog of almost $300 million in the very important section 236 program and of $85 in the section 235 program. I think this action by the committee will be extremely helpful and I appreciate this action and hope it will be sustained in conference.

Mr. President, I ask unanimous consent that a copy of a letter on this subject, sent to the Senator from Rhode Island (Mr. PASTORE), which was circulated by the Senator from Michigan (Mr. HART) and myself, and which was signed by 22 Senators, be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., Apr. 29, 1971.

Senator JOHN PASTORE,
Chairman, Independent Offices Appropriation Subcommittee, Washington, D.C.

DEAR MR. CHAIRMAN: In approving the Housing and Urban Development Act of 1970, Congress increased the authorizations for the Section 235 housing program by $25 million and for the Section 236 housing program by $25 million.

No request to have these funds appropriated has been made.

The National Association of Housing and Redevelopment officials estimates that the backlog of unfunded 235 applications is about 100,000; of 236 applications, about 250,000. It also should be noted that with the decision to phase out the Section 202 elderly housing program puts an extra demand on 236 funds.

Clearly appropriation and release of the unused authorization would not put much of a dent in that backlog, but at least Congress would be living up to its commitment and would be providing funds to keep the programs going during the beginning of the current construction season.

Despite some difficulties with the programs, it is generally recognized that they have provided flexible means of supplying low- and moderate-income housing. It is our understanding that in the past two years Section 236 funds have helped finance 250,000 rental units; Section 235 funds, 160,000 houses.

Unhappily, even with decreases in interest rates, too many American families remain unable to buy or to rent adequate housing, and this number will increase if the recent upturn in interest rates is the start of a new trend.

We do not believe that an increase in federal housing funds would feed inflation. In view of an unemployment rate of 10.9 per cent in the construction industry, the fact that the industry in general is operating at less than 75 per cent of capacity, and the Administration's wage and price guidelines for the construction industry, the expenditure of $50 million in housing funds would add no inflationary pressure on the economy.

As a matter of fact, the Joint Economic Committee determined at its recent hearings that the manpower and resources needed for an increase in construction has been available since July 1, further indication that the economy can expand in this area.

Finally, the expenditure limit approved by Congress does not preclude the addition of housing funds. The fact is that the spending-limit law provides that the limit shall be increased by the amount Congress increases any budget request.

Therefore, we urge the Senate Appropriations Committee to approve a total of $50 million for the Section 235 and Section 236 programs in the Second Supplemental Appropriations bill.

With best wishes,
Sincerely,

OCCUPATIONAL HEALTH AND SAFETY

Mr. JAVITS. Mr. President, I am also grateful to the committee for beginning to make some provision for the administration of the occupational health and safety legislation which we passed last year. Their action in appropriating $1,400,000 for this purpose will enable us to implement the law that much sooner.

UNITED NATIONS EXTENSION

Mr. President, another situation to which I would like to call the attention of the committee is rather a disappointing one and that relates to a $20-million appropriation for an extension of the United Nations headquarters in New York, which so far has been denied. I think this is a very serious matter because I am advised very reliably that the installations of the United Nations which need to be housed will unquestionably be moved to Europe, probably Geneva. Assuming they do, it will deprive the United States of some 2,400 jobs, which generate estimated expenditures of about $13 million. We have already lost 1,000 U.N. jobs to Europe and this would accelerate the trend.

It will also deprive us of $80 million in construction contracts, although we are only directly contributing $20 million.

I understand it also involves the loss of about $90 million in procurement by agencies of the United Nations, which will be located abroad, rather than in New York City.

Mr. President, I think this is most distressing and regretful especially since the appropriation requested would be only one-fourth of the total cost of the U.N. extension.

If we have the United Nations in this country we should have them here with a full heart and be ready to respond to whatever the dynamics expansion on account of progress requires. If we do not want them in this country we should invite them to leave. I do not honestly think Americans want any such thing.

So this action in not allowing any money for expansion is regrettable, in view of the fact the other body also allowed nothing. I think this sentiment originated in the other body, but I am sorry to see it carry over to this body. I rise to protest what is a serious situation in that regard because I do not think it helps the U.N. situation in this country by such an occurrence at this stage.

LAW ENFORCEMENT EDUCATION PROGRAM

The other matter about which I am considerably troubled is a matter we discussed at the time of the last supplemental which comes under the heading of "Judiciary Committee." It is the program to assist law enforcement by the education of our police and similar law enforcement forces. We have talked about the urgent need for $10 million for that particular program. I hope very much—because I think this can be done within the context of the work of the Committee on Appropriations—that we may be able to induce the administration to actually earmark an additional $10 million for this type of education of law enforcement officials within the context of the law enforcement assistance act itself. I think this is extremely desirable and I hope very much it can be accomplished.

It would be important if the Senator from Louisiana (Mr. ELLENDER) had any observation or any information which he could convey on that score. I ask unanimous consent that the letter I sent to Senator MCCLELLAN on this subject be included in the RECORD.

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

APRIL 22, 1971.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee State, Justice, Commerce, the Judiciary, Appropriations Committee, Washington, D.C.

DEAR JOHN: Last year I testified on the Supplemental Appropriations bill which was considered by the Senate on December 14, 1970, requesting an additional $10 million for the law enforcement education program at LEAA. Because of the fact that the new authorization for LEAA funds had not yet been passed, the matter was deferred by the Appropriations Committee. When I raised this item on the Floor it was also the feeling of Senators Byrd and Hruska that it should be deferred because of lack of authorization. However, Senator Hruska indicated at that time that the appropriation could be reconsidered when the supplemental bill came early this year.

The 1971 appropriation was $21 million for the LEEP program and this year the appropriation for FY '72 is $30 million. I have been informed that applications for the program total $60 million at this point.

I believe that the LEEP program which serves over 700 colleges and universities and over 50,000 students is a very important program and essential to a coordinated law enforcement effort. It has long been recognized that law enforcement personnel should be highly educated in their fields of speciality and LEEP seeks to do this. Police officers with college level education are better prepared to handle the complex social problems which they are faced with every day. In addition, many police departments need the benefits of skills in the areas of management, finance and personnel. LEEP benefits have now been extended to campus police who certainly need all the training possible in these times. A similar argument also applies to court and corrections personnel who can only become more effective with increased educational training. However, because of budgetary limitations, the program is mainly reserved for returning students. I feel it is a mistake not to allow the program to grow as it could with additional funds.

Therefore, I request that the Subcommittee consider allocating an additional $10 million to the LEEP program from the funds appropriated to the LEAA.

Thank you for your consideration.

Sincerely,

JACOB K. JAVITS.

Mr. ELLENDER. Mr. President, I may state to the Senator from New York that the subcommittee considered this matter and decided that the Attorney General could do what the Senator proposes. We did not think it proper, under the present bill, to say what should be done with these funds.

I was advised that next fiscal year under the budget estimate the amount would be raised by $7.750 million, so that for the fiscal year 1972 the amount in that category will be $30 million instead of the $22.7 million this year.

Mr. JAVITS. We expect applications will be about $60 million, but to have the Senator answer the question directly, may I ask my colleague if there is anything which the committee has done which would be inimical to the Attorney General's using his resources for that purpose?

Mr. ELLENDER. No, not at all. We felt, in addition to not desiring to tell the Attorney General what to do, when he had the power to do it, that this was a matter which could be considered in the regular bill. The bill before us is a supplemental bill, as the Senator knows. For that reason, we felt we should let that matter remain as it was.

I wish to state to my good friend from New York with respect to the other matter he mentioned, the U.N. building, if the Senator desires me to comment on it, that the subcommittee considered the matter at length and decided not to provide the funds, for the reason that, through contribution that would be made by various agencies of our Government, the contribution would increase percentagewise from 25 percent to as much as 40 percent. The committee felt the best thing to do was to have the matter considered further in the regular appropriation bill.

Mr. JAVITS. I think the Senator could be very helpful on that if he told us what was the disquiet of the committee on that score, because it may very well be that some negotiation would be required by the President inside the United Nations in order to bring before the committee a reflection of view on that score which would be of assistance to the committee.

Mr. ELLENDER. The whole matter revolved on the amount to be contributed by the United States taxpayers. It was not clear as to what would be contributed, and before the committee would take definite steps as to what to do, it was felt we should go into the matter a little more deeply.

The House report states that, at a cost of $92 million, I think it was, our contribution and that of New York City, would be in excess of $65 million. There was a conflict in evidence and it was decided to let this matter go over and let it be considered by the full committee in the regular bill.

Mr. COTTON. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. JAVITS. I yield.

Mr. COTTON. Mr. President, a parliamentary inquiry. The Senator from New York having offered, some minutes ago, an amendment, is it my understanding that from the time he offered that amendment, we have been proceeding under a 30-minute limitation on his side of the amendment and a 30-minute limitation in the control of the distinguished chairman of the committee on the other side, and that we are not proceeding under the time that we had left for general consideration, which would be obliterated, anyway, at 3 o'clock, and that the debate so far has been out of the time of the Senator from New York?

The PRESIDING OFFICER. That is correct. There is an hour on each amendment. Having submitted and called up the amendment, the time has been running on that amendment.

Mr. JAVITS. The time has been running since I called it up.

The PRESIDING OFFICER. Yes; under the control of the Senator from New York and of the chairman.

Mr. JAVITS. How much time have I consumed?

The PRESIDING OFFICER. The Senator has consumed 11 minutes.

Mr. COTTON. Mr. President, will the Senator yield for another parliamentary inquiry, briefly?

Mr. JAVITS. I yield.

Mr. COTTON. Mr. President, my understanding is that if the amendment of the Senator from New York is open to be voted on tomorrow or Wednesday, any amendment to his amendment, or any substitute for his amendment, would have to be offered this afternoon, but could not be debated until all the time had been used or yielded back on the original amendment, and if the time were used, there would be no time at all, but any substitute would have to be offered today, or could it be offered today so that it would be in order to be voted on subsequently.

The PRESIDING OFFICER. It could be offered today after debate of the pending amendment has been exhausted or yielded back, or on Wednesday before the vote on the pending amendment.

Mr. COTTON. Mr. President, I would like to serve notice that I wish to offer, in case we do not come to some arrangement, an amendment to the amendment of the Senator from New York, which, instead of adding $57 million to the funds in question, would add $16 million-plus; and that if there were no chance to debate it, I would seek a rollcall vote on it prior to the vote on the main amendment tomorrow or next day.

I will say now for the record, if the Senator will permit me, because I may not be allowed to have a chance to say

it later, that the $16 million added to what is in the bill, applied on the basis of 9-week jobs, would allow for 40,000 more summer jobs this coming summer and would not add appreciably to the amount in the bill.

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

Mr. COTTON. May I have 1 minute more?

Mr. JAVITS. Mr. President, the Senator has a little time.

Mr. COTTON. I do not have any time.

Mr. JAVITS. Yes; the opposition has a half hour.

Mr. ELLENDER. I yield 2 minutes to the Senator.

Mr. JAVITS. Not only that, but could the time be taken up which the Senator used in his earlier 3 or 4 minutes, because I have so little time?

The PRESIDING OFFICER. The Chair should announce at this time that an amendment would be in order on Wednesday, prior to the vote, but there would not be time for a presentation or opposition to the amendment.

Mr. COTTON. Mr. President, I would like to ask for 3 minutes more, because I have been rather generous with the time I had under control.

Mr. JAVITS. Certainly.

Mr. ELLENDER. I yield that time.

Mr. JAVITS. Mr. President, may I ask the Chair to accept 3 minutes in addition on account of the opposition time that has been used by the Senator from New Hampshire (Mr. COTTON)?

Mr. ELLENDER. Mr. President, that is agreeable. That will make 6 minutes altogether.

Mr. COTTON. I thank the Senator for being so generous.

Mr. President, for the purposes of the RECORD, in case I shall not be permitted to argue my amendment, adding only $16 million to the present provision, instead of the $57 million suggested by the amendment of the Senator from New York, would allow, on the basis of the 9-week period, 40,000 additional jobs, which would seem to the Senator from New Hampshire a very reasonable compromise and something that the Senate conferees could take to conference wholeheartedly and expect that it would survive the conference.

As a practical matter, if the Senator from New York prevailed and got his $57 million, to express only the opinion of the Senator from New Hampshire, he would not expect it to survive the conference.

So I would hope the Senator from New York and those associated with him in this very laudable endeavor would look with favor upon taking half a loaf rather than take the chance of losing it all.

I shall offer that amendment. I may have to offer it without opportunity to debate it.

I thank the Senator.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

I intend to poll the sponsors of the amendment to see if we can agree. I could agree myself now on the $38 million figure, which would be taking the committee slots and putting them on a 10-week basis. But I shall talk with those who have sponsored the amendment and come back to the Senate on this proposition.

Mr. President, I ask the Chair whether it would be possible, by unanimous consent, to provide that at any time until the vote on Wednesday we could get the yeas and nays on this amendment, even though the Senate may be engaged in other business.

I am not yet making that request, because I have not cleared it with the assistant majority leader.

The PRESIDING OFFICER (Mr. SAXBE). It would be possible, if the Senator will ask unanimous consent now.

Mr. JAVITS. I thank the Chair. I shall do so very shortly.

Mr. President, I reserve the remainder of my time, and ask unanimous consent that I may reserve that time and allow the Senate to go ahead with the rest of its unanimous consent agreement, which takes us, in debate, up to 3 o'clock.

The PRESIDING OFFICER. In other words, the Senator is asking now that it be in order for him to raise the question of the yeas and nays at a time not involved in the present debate?

Mr. JAVITS. That is exactly right.

Mr. COTTON. Mr. President, I make the same request as to my amendment.

The PRESIDING OFFICER. First, on the request of the Senator from New York, is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. I yield 30 seconds to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I make the same request as to my amendment which I intend to offer to the amendment of the Senator from New York.

The PRESIDING OFFICER. Without objection, it will be in order to order the yeas and nays at any time.

Who yields time?

Mr. ELLENDER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 25 minutes on the Javits amendment, and 3 minutes on the other. But all time on this bill expires at 3 o'clock, until Wednesday.

Who yields time?

Mr. JAVITS. Mr. President, I suggest to the Senator from Louisiana that we ask for a quorum, and ask that the time be divided.

Mr. ELLENDER. Mr. President, I have only 2 minutes left.

Mr. JAVITS. No; the Senator has 25 minutes.

The PRESIDING OFFICER. The Senator has 25 minutes.

Mr. ELLENDER. I understood that I had 2 minutes left under the original unanimous consent agreement.

The PRESIDING OFFICER. That is correct, but we are now on the amendment offered by the Senator from New York. Time is running on that, and the Senator from Louisiana has 25 minutes.

Mr. JAVITS. I will agree, then.

Mr. MANSFIELD. Mr. President, where does the 3 o'clock time come in?

The PRESIDING OFFICER. That is in accordance with the unanimous consent agreement.

Mr. ELLENDER. Well, I have only 2 minutes left under that unanimous consent agreement.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, are we on the general time or the time on the amendment?

The PRESIDING OFFICER. We are on the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that all time on the amendment, on my side and on the opposition side, may be reserved, and that we may proceed on the remainder of the unanimous consent request.

The PRESIDING OFFICER. Be reserved until when?

Mr. JAVITS. Until Wednesday.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, we are caught a little short, so I ask unanimous consent that there be a quorum call, with the time charged to both sides, so we can get unraveled here.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. COTTON. Mr. President, I ask for the yeas and nays on my proposed amendment to the amendment.

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

The PRESIDING OFFICER. That has already been granted.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I yield myself 1 minute, just to say to the minority whip, for the information of the Senate, that we are going to try to come to an agreement, and I understand, from a discussion with the majority whip, that it will be satisfactory at any time, either tomorrow or the next day, to consummate that agreement through appropriate unanimous consent, so that that will dispense with the rollcall. Is that satisfactory?

Mr. BYRD of West Virginia. That is agreeable.

Mr. JAVITS. Mr. President, I ask unanimous consent that there may be a quorum call, and that the time may be charged to the time of the minority on the general debate, or whatever the proper description is, which has, I gather, a considerable amount of time left.

The PRESIDING OFFICER. There are 33 minutes remaining. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. HRUSKA. Mr. President, $49 mil-

lion in this appropriation bill now before the Senate is for the Law Enforcement Assistance Administration. More than $47 million of this appropriation will be used to provide grants for the construction, acquisition, or improvement of State and local facilities and the improvement of correctional programs and practices. This new authority was added to the Omnibus Crime Control and Safe Streets Act of 1968 as a new part E last year. The provisions of part E are similar to S. 2875, which I introduced on September 9, 1967, and which later were adopted as part of the administration bill to improve the LEAA program.

At that time I commented that the condition of the jails and prisons of this country constitutes a national disgrace to which relatively little in the way of additional effort and resources had been committed. The result of this inattention is that these institutions corrupt rather than rehabilitate, and thus contribute to the high rate of recidivism—the endless cycle of arrest, imprisonment, release, and rearrest—which has plagued us for so long.

Most prisons today are still brutal and degrading. Most jails are even worse. Effective probation systems are practically nonexistent. Juveniles are often thrown in with hardened criminals. Society expects that a youth or an adult offender sentenced to jail or prison will come out better equipped to play a constructive role in society. But, as hard facts still show, nothing could be more wrong. In too many institutions violence and homosexuality are commonplace. Narcotics are often freely available. Too many institutions are in effect run by the inmates themselves, because the correctional personnel are simply not available to do the job in sufficient numbers, or they do not have the skills, or they do not care.

The President recognized these facts when he called more than a year ago for a program of national correctional reform. In November of 1969, he directed the Attorney General to mobilize the resources of the Federal Government toward that end. At that time he said:

> The American system for correcting and rehabilitating criminals presents a convincing case of failure. No realistic program to substantially reduce crime can ignore the appalling deficiencies of our prisons and rehabilitation efforts.

Since then the Federal Government, in cooperation with State and local governments, has been making an all-out effort to improve our entire corrections system as rapidly as possible.

For instance, the Law Enforcement Assistance Administration has vastly increased its emphasis on corrections, raising the total LEAA funds from approximately $3 million in fiscal 1969 to more than $68 million in fiscal 1970 and possibly $175 million this year. It is worth noting that if you were to break out the juvenile delinquency related programs in that fiscal 1970 total, they would come to more than $32 million. This year it is expected that this figure will be more than doubled for juvenile delinquency programs. Correspondingly, if you were to break out the community-based corrections programs it would come to something like $22 million.

These funds are not enough, however, for a system that is spending approximately $1.5 billion a year for corrections. Modern prison construction can cost up to $20,000 for each prisoner. If you assume that about half the current prison accommodations are unfit and should be replaced, a prison building program could cost almost $15 billion—substantially more than can be spent by LEAA for the entire law enforcement system. Thus, only token sums have as yet been applied to correctional construction programs.

The present appropriation bill will substantially increase the available funds for improving the corrections system. The amount spent for corrections by the States under LEAA funding may increase to as much as $250 million next year. This increase was made possible by the action of Congress in passing part E of the Omnibus Crime Control Act of 1970, which is designed to provide States with added resources to improve outmoded prisons and jails, and to establish programs for rehabilitation as well. Funds allocated under part E will be in addition to funds available for corrections from the regular LEAA grant programs.

The States will obtain these funds in the same way they now obtain block grants under the Safe Streets Act: By incorporating their requirements in the same comprehensive law enforcement plans that they now submit to the Law Enforcement Assistance Administration.

It should be noted, however, that while most of the Nation's prisons should be replaced, it is not good sense in either economic or social terms to lavish all of our resources on replacing them. LEAA has no intention of modernizing the corrections system in the United States simply by building more cells. Experts have estimated that only about 25 percent of those now in jail and prison really need to be held there. Three out of every four include such inmates as people awaiting trial, drug addicts or alcoholics who would be far better off in rehabilitation control programs, or offenders who would not be there if there were adequate probation or parole programs.

Congress recognized this by including in the legislation requirements for the States to meet certain guidelines and criteria, which according to the provisions of part E must include:

The development of community-based programs, particularly for juvenile and youth offenders;

The use of advanced techniques in the design of institutions and facilities;

The sharing of facilities between jurisdictions where feasible;

The use of advanced personnel standards; and

And the adoption of projects and programs to improve the education and training of correctional personnel.

The instructions that Congress gave to the Law Enforcement Assistance Administration will therefore insure that the financial help that is now available to corrections will not be used to perpetuate the kinds of jails, prisons, and programs that we have had in the past—or that we now have for that matter—but to make significant and far-reaching improvements.

These efforts of the Federal Government to bring about a revolution in our corrections systems are to be commended. Improving our corrections system can reduce crime. It can sharply reduce the number of crime repeaters. It can salvage the lives of thousands of adult and juvenile offenders who otherwise would continue lives of crime. And it can protect from harm uncounted numbers of law-abiding citizens who might become crime victims if these offenders were not rehabilitated.

It is for these reasons, Mr. President, that I applaud the inclusion in the supplemental appropriation bill of these funds for the correctional programs undertaken by LEAA. It is my hope that this body will support the action of the Appropriations Committee and approve this item in the bill.

Mr. JAVITS. Mr. President, will the Senator from New Hampshire (Mr. COTTON) yield?

Mr. COTTON. I yield 2 minutes to the Senator from New York.

MINORITY BUSINESS ENTERPRISES

Mr. JAVITS. Mr. President, I want to raise another issue on the supplemental. It relates to the Office of Minority Business Enterprise. We are deeply interested in facilitating minority business enterprise which helps the black and similar communities. The budget request was $298,000 and I note that the committee denied anything, though the House allowed $130,000. This money would be used to publicize the program, to set up MESBICS and to give technical assistance to minority enterprises.

Senator ELLENDER has informed me that the theory was to wait for the regular budget. But the difficulty is that it results in a delay of 6 months if that is done, and this is extremely valuable time in which they wanted to get the program going.

It is not timely to fight about it here, but I hope that this matter will receive consideration when the House and Senate conferees consider the question.

Mr. ELLENDER. I assure the Senator that it will receive consideration.

Mr. JAVITS. Mr. President, I again suggest the absence of a quorum, on the same terms as before.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COTTON. 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. COTTON. Mr. President, only 2 or 3 minutes remain, which I understand are in my control, and I should like to use the time to propound a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SAXBE). The Senator will state it.

Mr. COTTON. It has been provided that on Wednesday, after the disposition of the other matters, there shall be a vote on the so-called SST pro-

vision of this bill. The yeas and nays have not been ordered on that. Can the yeas and nays be called for Wednesday prior to the vote?

The PRESIDING OFFICER. The Chair is of the opinion that the yeas and nays can be ordered on Wednesday if the amendment is up.

Mr. COTTON. That is, when it is called up for a vote.

The PRESIDING OFFICER. Yes. It could be done otherwise, if unanimous consent were obtained to make it in order.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the amendment to be offered by the Senator from Wisconsin (Mr. PROXMIRE) dealing with the SST.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Reserving the right to object, at what time would that—if I may inquire—at what time would that amendment come?

Mr. BYRD of West Virginia. May I say to the Senator from Mississippi that this would not affect the unanimous-consent agreement that has already been entered with respect to the time that the vote would occur. We are making it in order now to order the yeas and nays on the amendment at this time.

Mr. STENNIS. Yes—I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Is there a sufficient second?

The yeas and nays were ordered.

AMENDMENT NO. 94

Mr. ELLENDER. Mr. President, on behalf of Senator——

The PRESIDING OFFICER. The hour of 3 o'clock having arrived——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended for 1 minute to allow the distinguished chairman of the committee to make a brief statement.

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

Mr. ELLENDER. Mr. President, on behalf of the Senator from Wisconsin (Mr. PROXMIRE), I move that on page 24 of the bill, lines 17 through 22 be stricken.

The PRESIDING OFFICER. That amendment is not in order at this time. The chairman, through unanimous consent, could ask that it be in order whether he may do so, but it is not now in order because there is an amendment pending.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order for the able Senator from Louisiana (Mr. ELLENDER), to offer the amendment which he proposes.

Mr. JAVITS. Mr. President, reserving the right to object—and there is objection—but reserving the right to object, what does that do to the pending amendment?

Mr. BYRD of West Virginia. It does not do anything to it at all.

The PRESIDING OFFICER. It has no effect on the pending amendment.

Mr. ELLENDER. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? There being no objection, it is in order.

Mr. ELLENDER. On page 24, I move that lines 17 through 22 be stricken. This is done on behalf of the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

AMENDMENT NO. 94

On page 24 strike out all after line 16, down through and including line 22.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. SAXBE). The hour of 3 o'clock having arrived, the Chair, pursuant to the previous order, lays before the Senate the unfinished business which the clerk will state.

The legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed consideration of the bill.

Mr. MANSFIELD. Mr. President, on the ticker today there is a statement entitled "Balance of Payments" which reads as follows:

The deficit in the U.S. balance of payments rose to a record level in the first three months of the year, the Commerce Department said today.

The Department said the deficit on the offical reserve transactions basis reached a seasonally adjusted $5.5 billion in the first quarter.

The official reserve transaction basis represents all transactions with foreign governments and foreign central banks. The deficit on the basis deteriorated by $2.2 billion from the last three months of 1970, the Department said.

Excluding allocations of special drawing rights, or "paper gold," the new international reserve asset, the deficit was even worse, reaching almost $5.7 billion.

The Department said the payments deficit on the liquidity basis was $3 billion in the first quarter, up $2.5 billion from the last quarter. The liquidity basis measures all transactions with foreign countries.

Secretary of the Treasury John B. Connally gave the figures to the Senate Finance Committee at a trade hearing and said, "clearly, that level of deficit is not sustainable."

Furthermore, Mr. President, there is another article on the ticker, reading in part as follows:

The White House made public a letter from a top-ranking official of the North Atlantic Treaty Organization (NATO), warning that a unilateral reduction of U.S. forces in Europe would undermine the Atlantic alliance and injure NATO's flexibility for an "immediate nuclear retaliation if attacked."

Mr. President, I ask unanimous consent that the remainder of the article concerning the letter written by former Ambassador Manlio Brosio, now the NATO Secretary General, be printed in the RECORD at this time; and I would say, before permission is granted, that it is described as another step in the administration's offensive against the Mansfield proposal.

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

The letter, sent to Nixon by Manlio Brosio, NATO's secretary general, was another step in the administration's offensive against Mansfield's proposal.

Press Secretary Ziegler said that the Brosio letter was not solicited, "I think he was moved to write the letter," he said.

Brosio said that he had seen reports of Mansfield's proposed cut and added, "Everyone is, of course, entitled to his own opinion, and I do not doubt, or contest, the good faith and intentions of Sen. Mansfield or of anyone who may share his view.

"Nevertheless," Brosio added, "I feel bound to say that to me the ideas underlying this proposal appear to be untenable, and to run counter to the conclusions of the extensive study which has recently been completed on alliance defense problems in the 1970s."

"The assumption that the unilateral reduction of U.S. forces in Europe would not undermine the Atlantic Alliance and NATO solidarity is deeply and dangerously mistaken," he asserted.

Brosio said that such a step would "withdraw all credibility from NATO's ability to keep its commitment and to maintain a solid deterrent in the Warsaw Pact strength."

He added that it would compromise efforts to reach an agreement with the Communist bloc and deprive the Alliance of any serious basis for East-West negotiations on political problems and on armaments controls.

"Finally, and most importantly," he said, "the proposed reduction would mean a return to a trip-wire strategy, in contradiction to the basis of the Alliance's present strategy, in contradiction to the basis of the Alliance's present strategy of flexibility in response, for it is NATO's overall strength in Europe which provides the Alliance with an alternative to an immediate nuclear retaliation if attacked."

Mr. MANSFIELD. Mr. President, the troop reduction amendment has long roots. It derives not from sudden inspiration, but from months and years of consideration. The question has been raised and reraised, discussed and discussed again, with Presidents and Secretaries of State, Treasury, and Defense, before Senate committees, and on the Senate floor.

My own position in this matter has been clear for more than a decade. Originally, it derived from a concept which called for a mutual withdrawal with the Soviet Union. But that position was taken by me not yesterday, not a year ago, but 11 years ago. That was when the overall balance of force, as between the two nuclear powers, the prevailing technology of military transport, and the strength of the U.S. financial position in the world—all of these factors seemed to me to provide a more pertinent basis than any which now exists for negotiated mutual withdrawals. However, so far as I am aware, there was little sign of an inclination to negotiate through the decade except for those brief periods in recent years when the Senate's interest in the subject has been aroused.

In my judgment, it is not only the Senate's interest which is now aroused; it is also the public's. Again, there is talk of negotiations; it comes from sources both in the Soviet Union and in the United States. That is all to the good. But I must say, in all candor, that times have changed. The balance between the

two principal nuclear powers has altered and there is now a third nation with nuclear weapons. Moreover, military technologies in transport have developed in such a way as to provide greater mobility to the forces of the United States. What has changed most of all is the international financial position of the United States.

In my judgment, these changes have given increased validity to U.S. troop reductions in Europe as a unilateral act in our national interest even as they have reduced the significance of negotiated mutual withdrawals with the Soviet Union.

To be sure, I should still like to see a negotiated understanding on troop reduction reached next month, next year or whenever. However, whether negotiations on this question are ever pursued—let alone whether an agreement is reached—does not alter, in my judgment, the urgency of the amendment. The need for a reduction in U.S. forces in Europe remains, with or without negotiations, as an act of national interest. An excessive deployment of military resources in Western Europe does not create a position of strength for negotiations. Rather, it contributes to a weakening of our position not only in Europe but throughout the world. It gives no advantage. What it gives is added expense to the taxpayers of the Nation. Wasteful use of national resources is what it is—waste—debilitating to the Nation and irrelevant to the purposes of constructive foreign relations.

When the excess has been cut from the troop deployment in Europe, when we are closer to what is needed for a foreign policy of peace, as Dwight D. Eisenhower defined that need many years ago, our negotiating position for mutual reductions with regard not only to troop withdrawals but to all armaments will not be weaker. It will be stronger. The waste and excess fool no one but ourselves. It is not, in my judgment, an historic error, or even asinine, to try to bring the waste and excess to an end. It is an obligation which the Senate owes—all of us owe—to the people of the Nation.

Mr. President, lest anyone still have any questions about the roots and development of my position, I ask unanimous consent that a selection of statements on this subject which I have made over the years beginning in 1961 be printed in the RECORD at this point.

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

PERSONAL OPINION OF SENATOR MIKE MANSFIELD, JANUARY 2, 1961

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

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

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

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

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

[From the CONGRESSIONAL RECORD, Apr. 25 1966]

STATEMENT OF SENATOR MIKE MANSFIELD

Mr. President, the scope of the change is not yet clear. The timing is not yet set. But whether or not it is welcomed, a modification in the structure and deployment of N.A.T.O. is to be expected. Such is the effect of the recent letter which President de Gaulle addressed to other heads of states on his intentions with respect to French participation in the organization.

The pressure for change in NATO, however, did not begin with this letter. If there must be a unique role ascribed to President de Gaulle, it is that of opening the valve to release the pressures for change in NATO which have been building for many years. Now that it is open, the valve is not likely to be closed again until there has been a thorough consideration of the premises as well as the present relevance of the bureaucratic structure which underpins the Atlantic Alliance. Indeed, it would seem in the best interests of the United States to insist that the valve remain open until there can be a full re-examination of NATO a decade and a half after its establishment and in the light of the vastly altered circumstances which exist in Europe and the world today.

What I am suggesting, Mr. President, is that the French letter be regarded, not as a shocking impertinence, but rather as a helpful initiative which could lead to adjustments in NATO that serve not only the interests of France, but or interests as well, not to speak of other member nations.

Let me add that I am not unaware that the French position has not generally been viewed in this fashion. On the contrary, it has more often been interpreted as dangerous in the extreme or as a personal affront, or as a reflection of a hostility towards the United States. Indeed, one sometimes has the impression from such interpretations that the United States has been challenged to a duel by the President of France, that the choice of weapons—since it falls to us—has been made and we are already on a diplomatic field of honor from which we cannot budge until satisfaction has been obtained.

I think that that is a most unfortunate impression, and it is a source of regret that it has had so wide a circulation. Certainly there is nothing in the words of President de Gaulle's handwritten letter to President Johnson which suggests antagonism toward the United States in any way, shape, or form. Certainly, there is nothing in President Johnson's reply which suggests hostility to France in any way, shape, or form. Good sense ought to predominate in this matter and it ought to be kept free of personal vindictiveness or vindication. If I read the de Gaulle letter correctly, the United States is asked to reduce its costs as well as its responsibilities in Europe, at least insofar as they are incurred as a contribution to the defense of France. I would be inclined to see that as a refreshing and welcome change rather than evidence of French hostility. And if I interpret President Johnson's reply correctly, there may be differences with the French analysis of the current situation, and its present position on N.A.T.O. but certainly there is no hostility toward France or her distinguished President.

It would be my hope, therefore, that the sensible attitudes of the two Presidents would percolate into all of the negotiations which must flow from the French letter. In this connection, I am hopeful that references in the press to the effect that such attitudes do not prevail will prove to be erroneous. If restraint and understanding do not govern these negotiations, then certainly there is a basis for deep fear, not only for the future of NATO, but for the Atlantic Alliance itself.

I think that President Johnson has made it amply clear that he desires not solely the preservation of NATO but also the preservation of the Atlantic Alliance and of good relations with France. These three objectives are not, in my judgment contradictory objectives or mutually exclusive and, to their simultaneous achievement, our best efforts ought to be bent. Indeed, if we aspired only to the first while ignoring the second and third we would be engaged only in an exercise in petulant futility.

I have no doubt that the chief elected officer in each nation fully appreciates the need not only for the warmest relations between the United States and France but also for the Atlantic Alliance and, in present circumstances, for some form of institutional substructure with which to undergird it. In any event, there is too much at stake here for both France and the United States to permit a breakdown or an estrangement between the two nations. The relationship is so fundamental to the North Atlantic and, indeed, to the world that it would be my hope that the highest elected officials of France and of the United States would not hesitate to meet themselves, if the relationship were threatened in any way by a failure of diplomacy.

[From the CONGRESSIONAL RECORD, Aug. 31, 1966]

REDUCTION OF U.S. FORCES IN WESTERN EUROPE

Mr. MANSFIELD. Madam President, I have a resolution at the desk, which I ask to have read.

The ACTING PRESIDENT pro tempore. The resolution will be read by the clerk.

The legislative clerk read the resolution (S. Res. 300), as follows:

"Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people, and the maintenance of world peace; and

"Whereas the the United States in implementing these principles has maintained large contingents of American Armed Forces in Europe, together with air and naval units for twenty years; and

"Whereas the security of the United States and its citizens remains interwoven with the security of other nations signatory to the North Atlantic Treaty as it was when the treaty was signed but the condition of our European allies, both economically and militarily, have appreciably improved since large contingents of forces were deployed; and

"Whereas the means and capacity of all members of the North Atlantic Treaty Organization to provide forces to resist aggression has significantly improved since the original United States deployment; and

"Whereas the commitment by all members of the North Atlantic Treaty is based upon the full cooperation of all treaty partners in contributing materials and men on a fair and equitable basis but such contributions have not been forthcoming from all other members of the organization; and

"Whereas relations between Eastern Europe and Western Europe were tense when the large contingents of U.S. forces were deployed in Europe but this situation has now undergone substantial change and relations between the two parts of Europe are now characterized by an increasing two-way flow of trade, people and other peaceful exchange; and

"Whereas the present policy of maintaining large contingents of U.S. forces and their dependents on the European continent also contributes further to the fiscal and monetary problems of the United States: Now, therefore, be it

"*Resolved by the Senate,* That—

"1. It is the sense of the Senate that, with changes and improvements in the techniques of modern warfare and because of the vast increase in capacity of the United States to wage war and to move military forces and equipment by air, a substantial reduction of U.S. forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty;

"2. Senate Resolution 99, adopted in the Senate April 4, 1951, is amended to contain the provisions of this reduction and, where the resolution may conflict, the present resolution is controlling as to the sense of the Senate.

Mr. MANSFIELD. Madam President, the resolution just read is cosponsored by the entire membership of the majority policy committee—Senators Long of Louisiana, Smathers, Hill, Richard Russell, Hayden, Magnuson, Pastore, Symington, Muskie, Hart, Brewster, and Inouye. It is intended to express to the President the sentiment of the Senate that there be a substantial reduction in the U.S. forces stationed in Western Europe. The Senate will recall that recent unofficial counts put these forces somewhere between 400,000 and 450,000 and, together with dependents, the total is between 900,000 and 1 million Americans—military personnel and families—stationed and supported in Europe.

The Senate should be cognizant of the circumstances which have led to the introduction of the proposed resolution. Consideration of the question began in a wholly spontaneous fashion at the July 13 session of the committee. The question of troop deployment in Europe was raised in connection with a general discussion of the international position of the Nation. It became at once the focus of the proceedings and in the end, the membership, by unanimous agreement, directed the chairman to advise the President of the committee's deep concern over what appeared to be an excessive and unchanging departmental deployment of ground troops in Western Europe.

Accordingly on July 14, the President was notified by letter. His response was immediate and helpful. He made available to the committee for further expert consideration of the question, Secretary of State Rusk, Secretary of Defense McNamara, and Secretary of the Treasury Fowler. The meeting with these Cabinet officers was held on July 18 at the Department of State. As a further contribution to the committee's study of the question, the administration sent Ambassador George McGee, who had just returned from Germany, to meet with the group on July 22. On July 20, August 10, 25 and 30, the committee convened in camera for its own consideration of the question. In all, there were seven meetings of the Democratic Policy Committee at which the subject of U.S. forces in Europe was the principal or sole item of discussion.

The proceedings of these meetings, heretofore, have been held in confidence pending some decision as to the action which should be taken on the basis of the deliberations. Reference is made to them now, as background for the presentation of this resolution. The depth of interest which is manifested by them is relevant and the record should be clear as to the extent of the consideration of the matter. The resolution which has been sent to the desk represents the most considered and sober judgment of the cosponsors. They recommend, most respectfully to the President and the executive branch, a course of action with regard to U.S. troop deployment in Europe which the cosponsors are persuaded ought to be taken in the interests of the Nation.

The decision of Members to present their judgment in this form was influenced by an earlier action of the Senate. In April 1951, the Senate adopted Senate Resolution 99—82d Congress—which expressed the sense of the Senate that the United States should deploy an additional four military divisions in Europe to serve with the equivalent of two other divisions which were already there. The resolution of 1951 was welcomed by President Truman and the executive branch at that time as an appropriate expression of Senate sentiment during a critical period in relations with the Soviet Union and Eastern Europe. Fifteen years later, it is the considered view of the cosponsors of this resolution that the Senate should express its sense that the deployment of U.S. forces should be reduced substantially with the expectation that the executive branch will again welcome the sentiment of the Senate on this matter.

We are persuaded to that conclusion by many significant and relevant changes which have occurred—both in Europe and at home—since 1951. The sum of these changes, in our judgment, has indicated for some time the desirability of a reduction of the U.S. force totals in Europe. Yet the Senate still rests on the official advice which it gave to the President in 1951. It still holds to the position, in effect, that six U.S. divisions should be stationed in Europe. The time has come, in the judgment of the consponsors of the pending resolution, to alter that advice which was given to the President in 1951, to bring it up to date.

Western Europe has long since rehabilitated itself after the devastation of World War II. It is now a thriving and dynamic region of greatly expanded economic and political, and potential military, capacity. That factor alone, in my judgment, would justify a revision of the 15-year-old level of deployment whereby the greatest share of Western Europe's defense is borne by the United States as though the former were still war weakened, exhausted, and incapable of an equitable defense effort of its own.

There are other considerations which point in the same direction. The fact is that NATO allies have recognized a significant change in the earlier East-West European confrontation which apparently justifies in their eyes a reduced emphasis on defense. Certainly, the sizes of their troop deployments to the NATO Command are remote from the estimates which they originally accepted as necessary. That strongly suggests a changed view of Eastern Europe. In this connection, moreover, it should be noted that relationships, as between Western Europe and Eastern Europe have, in fact, altered for the better in these last 15 years. The channels of trade, communication, diplomacy and other exchanges have been improved and enlarged. There is an obvious lessening of tensions as compared with 1951.

There is no question that this trend has had a strong influence on the attitude of the Western European countries toward their NATO commitments. Indeed, in the case of France, it has led even to an insistence that there be a withdrawal of forces which are stationed there as part of NATO.

Finally, I should note that the maintenance of the present level of U.S. forces in Europe is very costly both in tax dollars and in dollar exchange to the people of the United States. Of course, if it were vital to the security of the Nation and to the preservation of world peace, we would find, in one way or another, the financial resources to keep 6 or 16 divisions in Europe. But when the indications are that the U.S. military establishment in Western Europe is excessive to need, when the attitudes and actions of our Western European allies confirm the conclusion that reductions can be made in the great contingent of American military forces and dependents, then it is wholly unwarranted to sustain an unnecessary dollar and dollar-exchange drain. Over-expenditures of this kind by Government departments are always undesirable. And they are especially undesirable at a time of balance-of-payments difficulties and enormous and growing military costs.

I wish to stress, Madam President, that no partisanship of any kind, shape of form, attaches to the fact that the proposed resolution originated among the members of the Democratic policy committee. The fact is, as it is well known, that many Senators have recognized for some time the desirability of reduction of U.S. forces in Europe. This recognition, may I add, exists on both sides of the aisle. It will be recalled, moreover, that President Eisenhower has strongly advocated a lowering of U.S. forcelevels in Europe, and I am frank to say, Madam President, that Mr. Eisenhower's advocacy figured prominently in the deliberations of the members of the Democratic policy committee.

To make the point of nonpartisanship very clear, Madam President, I would emphasize that I have discussed this matter with the distinguished minority leader, and, as usual, he is understanding of what is involved. Furthermore, in actual procedural status before the Senate, the proffered resolution is one which is cosponsored by individual Members of the Senate who also happen to be members of the majority policy committee. And in this connection, I ask that the resolution be held at the desk until midnight September 6, so that other Senators of both parties may cosponsor if they so desire and that it then be placed on the calendar. Finally, Mr. President, I ask that the resolution go directly to the calendar under rule 14. I have discussed this matter with the chairman of the Committee on Foreign Relations (Mr. Fulbright) and the chairman of the Committee on Armed Services (Mr. Russell). While the question at issue is deeply intertwined with the specialization of both committees, they are agreed that the issue is suf-

ficiently clear and of an urgency that warrants its prompt and direct consideration by the Senate as a whole.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. KUCHEL. Madam President, reserving the right to object, this suggested resolution is of extreme and critical importance in its implications, and very far reaching. It does seem to me that the resolution should be referred by the Chair to an appropriate committee.

Mr. MANSFIELD. Madam President, I would inform the distinguished minority whip that this resolution is a sense resolution. It will go to the calendar regardless, if I ask for its consideration and objection is heard. The question is where we want it, either in the back part of the calendar or the first part.

Mr. KUCHEL. Madam President, let me inquire, then, what happens to a sense-of-the-Senate resolution under the rules. Is there no opportunity for an appropriate committee to held hearings on the matter?

Mr. MANSFIELD. After it is called up.

The ACTING PRESIDENT pro tempore. If its immediate consideration is asked for and an objection is heard, then it goes over under the rule and will be printed on that part of the printed calendar entitled "Resolutions and Motions Over, Under the Rule." Under the rules, all bills and resolutions are referred to committees unless some other procedure is requested and granted.

Mr. MANSFIELD. If the Senator objects after I ask for its consideration, would it not go to the calendar regardless? I ask the Presiding Officer if that is not a correct statement.

The ACTING PRESIDENT pro tempore. If objection is heard to its consideration now, it will go over under the rule and be printed on the calendar at the proper place.

Mr. KUCHEL. I have the most profound respect for the majority leader. But I must say that this proposed resolution is exceedingly serious in its implications. Before any Senator passes judgment on it, he should have the benefit of views of those whose responsibility it is to sit in judgment on problems of American defense and foreign affairs. If the resolution goes on the calendar now, there will not be one individual from the executive branch who will be permitted to come forward and testify.

Mr. MANSFIELD. Madam President, may I say—and I think I am correct in this statement—that once this resolution is called up, a motion can be made to refer it to a committee or committees.

Mr. KUCHEL. What are my rights, Madam President? Do I have a right to object; and, if I do, does the resolution go on the calendar?

Mr. MANSFIELD. The Speaker has a right to object, of course.

Mr. KUCHEL. I object.

The ACTING PRESIDENT pro tempore. The Senator from California may object to its consideration. Does the Senator object?

Mr. KUCHEL. Madam President, do I correctly understand that I have a right to object to its consideration?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KUCHEL. Madam President, I object to its consideration.

Mr. MANSFIELD. Madam President, I asked that the resolution be held at the desk until midnight, September 6, at the suggestion of the distinguished ranking minority member of the Committee on Armed Services, without reference.

Mr. KUCHEL. Madam President, of course, I have no objection to having the resolution lie on the desk for additional cosponsors.

The ACTING PRESIDENT pro tempore. If there is no objection, the resolution will lie on the desk until midnight, September 6, without reference at this time.

Mr. MANSFIELD. Madam President, I have discussed this matter with the chairman of the Committee on Foreign Relations [Mr. FULBRIGHT] and the chairman of the Committee on Armed Services [Mr. RUSSELL]. While the question at issue is deeply intertwined with the specialization of both committees, they are agreed that the issue is sufficiently clear and of an urgency that warrants its prompt and direct consideration by the Senate as a whole.

Mr. MANSFIELD subsequently said: Madam President, I ask unanimous consent that a study on "U.S. Troop Consignments to Europe Since World War II" be inserted in the RECORD. This is an excellent bit of research and I commend Roselyn K. Wahner for a job well done. This study was compiled at my request and I call attention to the first paragraph in the research paper.

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

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., August 30, 1966.

To: Hon. MICHAEL J. MANSFIELD.
From: Foreign Affairs Division.
Subject: U.S. Troop Consignments to Europe Since World War II.

The Department of Defense has had a general policy from which it has deviated in only a few cases, since the end of World War II, of not releasing figures for United States force levels in the European area. In the absence of official information, the estimates were compiled from nonofficial sources.

The end of World War II found the United States armed forces deployed generally in two main areas: Western Europe and the Western Pacific. In accordance with the demobilization of troops both at home and abroad, however, by 1949 the United States troops in Europe totalled only about 1½ to 2 divisions, most of these serving as occupation forces in West Germany. "In Europe, for example, the American forces were soon reduced to the point where their military effectiveness was practically nil." [1]

Although the North Atlantic Treaty was signed on April 4, 1949, no substantial move was made toward increasing troop strength in Western Europe until the outbreak of the Korean War a little more than a year later (June 25, 1950), which shocked the members of the alliance into the realization of the necessity of rearming. In September 1950, President Harry Truman announced the approval of "substantial increases in the strength of United States forces to be stationed in Western Europe in the interest of the defense of that area." [2] Major moves by the United States to stimulate allied rearmament were the appointment of General Dwight David Eisenhower as Supreme Commander of NATO forces in Europe and the placement of four more American divisions (making a total of almost six) on the forward line in Western Germany.[3] In February 1951 Secretary of Defense Marshall announced that four U.S. divisions would soon join the forces already stationed in West Germany, thus according to Lord Ismay bringing the total of American forces in Europe in 1952 to 400,000 men.[4] The *United States in World Affairs, 1951,* cites a smaller figure: ". . . American forces in Europe by the middle of 1952 were actually scheduled to number 344,000, including 284,000 ground and 60,000 air personnel.[5]

Since 1951, the number of American ground forces on the continent has remained about the same despite changes in American strategic thinking and in Europe's political and economic conditions.[6]

In 1960 the Council on Foreign Relations in the "United States in World Affairs," noted that:

"The progressive shift from conventional to nuclear weapons, and from aircraft to missiles, had revolutionized the bases of military strategy and was widely felt to require a fundamental rethinking of the military problems involved in defending the North Atlantic area. In many minds it had raised a question as to whether the United States might not eventually decide to withdraw the substantial forces it had been maintaining on the European Continent—currently reckoned at 5 divisions and 3 armored units—and rely primarily on its home-based and seaborne missiles. . . . Despite signs of uneasiness in Washington about the increased balance of payments deficit and the large expenditures involved in keeping its forces overseas, such a move did not appear by any means imminent in early 1960." [7]

The figure of five-six divisions, representing five organized divisions plus units approximately equivalent to another division, generally represents American troop commitments except for temporary increases provoked by crises such as the erection of the Berlin Wall in 1961. Estimates vary as to the total number of American military men sent at that time. "The United States in World Affairs, 1961," noted that up to the middle of September 1961, the United States government had made various declarations of intention but had effected comparatively "little concrete action to build up the alliance's conventional and ground strength." [8] "The United States, after initially announcing plans to send another 3,000 men to Europe, indicated in early September that these would be part of a total increment of some 40,000," thus raising the total American commitment to about 290,000.[9] By late 1961, however, the United States was completing the move of some 50,000 Army personnel to Europe, bringing total Army strength tc 280,000, and the entire commitment in the European theatre to nearly 400,000 men.[10]

Henson Baldwin, military specialist of the New York Times later wrote on August 6, 1963, that U.S. troop strength in Europe was being "gradually levelled off from the 275,000 peak it reached in the Berlin crisis in 1961 to between 232,000 and 235,000 men." He estimated that before the Berlin crisis American strength had been about 228,000. His assessment of total American commitment in Europe was between 352,000 and 362,000 men, evidently including Army, Navy, and Air Force contingents.[11]

In December 1963 President Lyndon B. Johnson pledged to the North Atlantic Council that the United States would "keep in Europe the equivalent of six American divisions that are now deployed there, so long as they are needed." [12] He further assured the alliance that certain additional combat units sent to Germany as temporary reinforcements in 1961 would also be kept there as long as needed; and that while plans had been made for some reductions in U.S. noncombat personnel, no withdrawals which could impair the military effectiveness of our force in Germany had been foreseen.[13]

Estimates of present American defense commitments in Europe vary, by source and according to the Branches of the Service included in the estimate, a point not always made clear by the source. For example, some sources include the ground troops in Europe, the men in the Sixth Fleet in the Mediterranean, and those in the 17th Air Force; others refer only to the Army in West Germany. Still others refer only to the NATO commitment; others include troops in Spain, not a member of the Alliance. The Division is enclosing a memorandum by Thomas C. Lyons, Jr., Analyst in Military Affairs, June 7, 1966, which indicates the difficulty of arriving at precise statistics. As you will note on page 2 of the Lyons memorandum, 1966 estimates vary from 450,000 troops in Europe, including five combat divisions plus Air

Footnotes at end of article.

Force and U.S. Sixth Fleet,[14] to the Washington Post February 10, 1966, estimate of 340,000 men in the "European Area," including 240,000 ground troops, plus Air Force and Navy.

The Secretary of Defense, Robert S. McNamara, has given the most recent reliable figures on the size of the U.S. Army forces in Europe. In hearings before the subcommittee on National Security and International Operations of the Senate Committee on Government Operations, June 21, 1966, he stated that the "U.S. Army, Europe, contained approximately 225,000 military personnel at the end of last year," with a temporary reduction of personnel by about 15,000 to be built up to the previous level of 225,000 by December, 1966.[15]

In December, 1965, Max Frankel of the New York Times reported that about 400,000 U.S. servicemen were stationed in Europe.[16]

Estimates as to the breakdown often vary greatly, e.g. figures given by Jeanne Kuebler in July 20, 1966, Editorial Research Reports and those given by the Christian Science Monitor, March 11, 1966, p. 1:

U.S. Army in West Germany—210,000 (McNamara, Kuebler).

U.S. forces in West Berlin—5,000 (Kuebler).

U.S. forces in France—26,000 (New York Times, March 11, 1966) to 30,000 (Christian Science Monitor, hereafter CSM), to 34,000 (Kuebler, "before withdrawal began June 30," 1966).

U.S. forces in Britain—20,000 (CSM) to 30,000 (Kuebler).

U.S. forces in Spain—8,000 (CSM) to 10,000 (Kuebler).

U.S. forces in Italy—4,500 (Kuebler) to 10,000 (CSM), Division estimates closer to 8,000.

U.S. forces in Iceland—4,000 (Kuebler) Division estimates closer to 3,000.

U.S. forces in Turkey—1,900 (Kuebler) to 8,000 (CSM).

Greece—2,000 (CSM).

Netherlands—1,000 (CSM).

Presumably the above figures include Army forces and about 56,000 Air Force personnel. In addition, one must include the Navy and Marine personnel assigned to the Sixth Fleet in the Mediterranean. Estimates as to its strength vary from 26,000 (Kuebler) to 35,000 (Division estimate, compiled from various press reports). Hence, on the basis of unofficial sources, the Division can offer only the very rough estimate that present American forces in Europe total 350,000 to 400,000.

ROSELYN K. WAHNER.

FOOTNOTES

[1] John Campbell, *et al., The United States in World Affairs, 1945–1947* (New York, Published for the Council on Foreign Relations by Harper & Brothers, 1947), p. 33.

[2] Robert E. Osgood, NATO: The Entangling Alliance (Chicago: The University of Chicago Press, 1962), p. 71.

[3] *Ibid.*, p. 77.

[4] Lord Ismay, Secretary-General of NATO. *NATO: the first five years*, 1949–1954, p. 40.

[5] Testimony of General J. Lawton Collins, Army Chief of Staff, before the Senate Foreign Relations and Armed Services Committees, July 31, reported in the *New York Times*, August 1, 1951, cited in Richard P. Stebbins, *et al., The United States in World Affairs, 1951* (New York, Published by the Council on Foreign Relations by Harper and Brothers, 1952), p. 55.

[6] Jeanne Kuebler "American Forces in Europe," Editorial Research Reports, 1966, vol. II, July 20, 1966: 537.

[7] *The United States in World Affairs, 1960*, p. 113.

[8] *The United States in World Affairs, 1961*, p. 146.

[9] *U.S. in World Affairs, 1961*, p. 146, Italics added.

[10] *U.S. in World Affairs, 1962*, p. 131, Italics added.

[11] Hanson Baldwin, *New York Times*, August 6, 1963.

[12] Jeanne Kuebler, "American Troops Abroad," *Editorial Research Reports*, 1964, vol. 1, January 15, 1964, p. 23.

[13] *U.S. in World Affairs, 1963*, p. 121.

[14] U.S. News and World Report, January 3, 1966.

[15] Hearings before Subcommittee on National Security and International Operations, U.S. Senate, June 21, 1966, pp. 193–194. Army, Europe, means Seventh Army, West Germany.

[16] Max Frankel, New York Times, December 5, 1965.

REDUCTION OF U.S. FORCES IN WESTERN EUROPE—CONTINUED

Mr. MANSFIELD. Madam President, I also ask that a UPI story for August 31 covering Defense Department figures be printed at this point in the RECORD.

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

"Defense Department figures indicate that U.S. forces stationed in Europe total approximately 330,000 men.

"This would include more than 200,000 Army troops in Western Europe, and nearly 25,000 in the U.S. 6th Fleet in the Mediterranean.

"In addition, an unstated number of men would always be in transit between assignments in the United States and Europe. From time to time, units stationed in the United States are assigned to temporary duty in Europe.

"The Army in Western Europe was reduced by withdrawals for Vietnam from 225,000 to around 210,000 during the year ended July 1.

"It is now increasing again, and is scheduled to be back at 225,000 by December 31."

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. Does the Senator from Montana yield, and if so, to whom?

Mr. MANSFIELD. Madam President, I yield to distinguished Senator from Missouri.

Mr. SYMINGTON. Madam President, does not the distinguished Senator from California feel this matter could be thoroughly debated on the floor of the Senate without going to a joint committee of Armed Services and Foreign Relations, in which case there would be many witnesses, and possibly extended delay in expressing the sense of the Senate?

The able majority leader has summed up our position. In effect, there is no more to say, as the result of his typically careful and thorough remarks.

I do not often disagree with my friend, the able Senator from California, but cannot see his point in considering holding up this matter for hearings of that kind.

Mr. KUCHEL. Madam President, no one respects my friend, the Senator from Missouri, more than I. I know his wisdom and experience. Some Senators have not had that kind of experience and background. Speaking for myself, I should like to have the Secretary of Defense, the Secretary of State, and the Joint Chiefs of Staff come before a committee and be cross-examined on the subject matter embodied in this resolution. That is the normal procedure.

Madam President, this is a serious question. I believe it would be far better for me to arrive at a judgment on this far-reaching resolution if each of us had a printed record available with the cross-examination of those whose responsibility, in the executive branch, it is to deal with this type of problem.

Mr. SYMINGTON. Madam President, will the Senator yield further?

Mr. MANSFIELD. I yield briefly.

Mr. SYMINGTON. In further reply to the Senator from California, one of the members of the committee that present this resolution is not only the chairman of the Committee on Armed Services but also the chairman of the Subcommittee on Military Appropriations of the Committee on Appropriations.

This matter was gone into at length in hearings with the Secretary of Defense. They were joint hearings of the Armed Services Committee and the Appropriations Committee. Members of both parties fully participated.

The Senator can obtain the record of those hearings, already printed, to the best of my knowledge.

Mr. PASTORE. Madam President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Madam President, the Senator from California is not precluded at any time, indeed at any moment, once the sense resolution is on the calendar, to move that it be referred to any committee he desires.

Mr. KUCHEL. I understand that is what the Acting President pro tempore indicated. It is also true that under the Senate rules, it would automatically be referred to a committee.

Mr. PASTORE. With respect to interrogating and cross-examining the Secretary of Defense and the Secretary of State, it must be borne in mind that, as the majority leader has pointed out, we have had meeting after meeting. I realize that this does not satisfy the curiosity of the Senator from California.

Mr. KUCHEL. It is not a matter of curiosity. It is a matter of discharging my duty as a U.S. Senator on a subject of great importance. You—some of you—may have had your meetings, but most of us have not met with the Secretaries of Defense and State on this matter.

Mr. PASTORE. The Senator is correct—the curiosity of his responsibility. Let us put it in that way.

Mr. KUCHEL. That is a rather peculiar phrase. I simply want all Senators to have the benefit of expert testimony before voting on as far reaching a resolution as this.

Mr. PASTORE. I refer to the Senator's desire that each individual Senator have the benefit of the views of Defense authorities—the curiosity born of his sense of responsibility—to query them personally. The fact of the matter is that there has been no frivolous action taken here by the responsible people involved.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MANSFIELD. Madam President, I ask unanimous consent that I may be permitted to continue for an additional 5 minutes.

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

Mr. PASTORE. Madam President, the action of the members of the committee or the cosigners of the resolution has not been frivolous in any measure. It is the product of responsible discussion.

We must remember here that by the sense of the resolution that was passed in 1951, the United States of America made a commitment—and is the only member of the alliance that has met its commitment 100 percent. I repeat no other member of the alliance has met that commitment. The situation has reached a point now that the Members of the Senate, after having discussed this on the floor of the Senate many times, are beginning to wonder whether we are not adopting a double standard in Europe. When we speak of trade, there seems to be a detente. When we speak of withdrawing our troops, there always seems to be an entente. We have been disturbed by this matter for a long period of time.

If all of the nations of this alliance had

met their commitment 100 percent, I think a great deal could be said here in argument, especially for the point of view expressed by the Senator from California.

The only nation of the alliance that has come up to 80 percent of its commitment has been West Germany.

We feel that, because of modern armament and the improvement of our weaponry today, that the power that is maintained in Europe on the the part of the United States of America is equivalent to the power that we offered in 1951. For that reason, I do not see any reason why a substantial number of troops cannot be withdrawn and at the same time continue to guarantee the security not only of Europe, but also of the free world.

Mr. SALTONSTALL. Madam President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SALTONSTALL. Madam President, I make this statement as a senior member of the Committee on Armed Services on this side of the aisle.

The chairman of our committee, the Senator from Georgia (Mr. RUSSELL), courteously informed me of this resolution that was going to be offered by the majority leader this morning. He told me that it was the result of the unanimous opinion of the policy committee.

I discussed it briefly with him yesterday afternoon. I discussed it again with the majority leader this morning.

It is my understanding that this resolution is to lie on the desk until midnight, September 6, for the cosponsorship of any other Senators who want to join in it.

It is my understanding from a discussion with the majority leader that he does not intend to bring this resolution before the Senate for at least several days after the Senate reconvenes on September 6.

The ACTING PRESIDENT pro tempore. If the senior Senator from Massachusetts will defer to the Chair, the Chair should like to restate the request of the Senator from Montana for the purpose of clarification. The request is that the resolution is to be held at the desk for additional cosponsors until after midnight, September 6, without reference.

Mr. KUCHEL. Madam President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. KUCHEL. Madam President, obviously no reasonable person would object to holding a resolution or bill at the desk for cosponsors. I would not do that.

My question, therefore, is, when there is no objection registered—as there will not be to what has just been said—then, at the end of that time that bill is held at the desk, does the problem arise whether it is to be referred to a committee?

The ACTING PRESIDENT pro tempore. It would be automatically referred unless some other request is made and granted.

Mr. KUCHEL. Under the rules?

The ACTING PRESIDENT pro tempore: It would be automatically referred under the rules, unless there is some special request for some other disposition made and granted.

Mr. KUCHEL. I have no objection to the request as it has just been stated.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. SALTONSTALL. Madam President, as I started to state, it is my understanding that this resolution will lie on the desk until midnight September 6, without reference, for additional cosponsors.

The majority leader has stated to me personally—and I believe he will so state on the floor, if it is asked of him—that the subject will not come up for consideration until some time after that—3 or 4 days, or perhaps even a week.

At that time, the question of whether the matter should be debated on the floor, or automatically referred if objection is made, can come up.

I agree with the majority leader, with the policy committee, and with the statement of the minority whip [Mr. KUCHEL], that this is a subject of great importance to our security, to our safety, and to the peace of the world.

As I read the resolution and the statement of the majority leader, it does not attempt to usurp the prerogatives of the President of the United States, our Commander in Chief. The resolution attempts to express the sense of the Senate as to a reduction of our forces in Europe.

As I stated to the chairman of my committee yesterday, this subject involves our own security and safety. It involves the policies of NATO. It involves the the United Nations. It may even involve the activities in the Far East.

So it is a matter of great importance, and a very serious matter, as the Senator from California has brought up. We certainly can discuss it between now and when the majority leader wants to bring it up, and the majority leader, in his usual generous way, has said that it will not be brought up until Members have had a chance to discuss it with him in committees or elsewhere.

It is my understanding that we will not get into a discussion of this subject this morning. I shall not attempt to give my views on it, because I have not considered it carefully. I hope that the majority leader will give us ample opportunity, after Labor Day, when we return, to decide how best to handle this matter in the best interests of the security and safety of our country and the security of the world.

Mr. KUCHEL. Madam President, will the Senator yield?

Mr. MANSFIELD. I appreciate the statement of the distinguished Senator from Massachusetts.

Before I yield to the distinguished Senator from California, I should like to make this statement. On the 6th of September I will ask for immediate consideration of the resolution. On an objection which will be lodged, the resolution then will go on the Calendar, under rule XIV. Am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. So it will reach the calendar, regardless.

Mr. SALTONSTALL. The Senator has said September 6. It should be September 7, because the resolution will lie on the table until midnight September 6.

Mr. MANSFIELD. September 7 is correct.

Mr. MORSE. Madam President, a parliamentary inquiry. I think this inquiry is important because of the question raised by the Senator from California.

Madam President, on September 6, will this resolution automatically be referred to committee, and to prevent that, will it be necessary for the majority leader to make a motion that it go to the calendar?

The ACTING PRESIDENT pro tempore. Under the request, the resolution will he held at the desk until midnight September 6, for additional cosponsors, without reference. Then, if no other disposition is made of it on September 7, the resolution will be referred.

Mr. KUCHEL. To a committee?

The ACTING PRESIDENT pro tempore. But if, as the Senator from Montana has stated, there is a request for immediate consideration of the resolution, it will go over, under the rule.

Mr. MORSE. That is my parliamentary inquiry. On September 7, it will be necessary for the majority leader, or someone else, to move that the resolution go to the calendar and be considered by the Senate. Do I understand correctly?

The ACTING PRESIDENT pro tempore. If objection is heard to its immediate consideration, then it goes over, under rule XIV. It will be listed in the place provided in the calendar for resolutions and motions over, under the rule.

Mr. MORSE. I have one more parliamentary inquiry. Will it then be necessary, in order to have it referred to a committee—and I would vote against referring it to a committee—to have the Senate take official referral action on the resolution sending it to a committee?

The ACTING PRESIDENT pro tempore. If it goes over under the rule, on the following legislative day, after the transaction of routine morning business, the resolution would automatically be placed before the Senate by the Chair, at which time it would be debatable until 2 o'clock; and then, if not disposed of, it would go on the calendar. Then a motion to refer would be in order after the resolution is before the Senate.

Mr. MANSFIELD. Before I yield to the distinguished assistant majority leader, may I say that it is not my intention to consider this bill on the 7th as Senate business, but merely to have it placed on the calendar, to have it called up on an appropriate date, after the Senate has had a chance to look into it and to find out what it is all about.

Mr. LONG of Louisiana. Madam President, I believe that it should be noted——

The ACTING PRESIDENT pro tempore. The time requested has expired.

Mr. LONG of Louisiana. I ask recognition in my own right.

The ACTING PRESIDENT pro tempore. Is there a request to change the order of business?

Mr. MANSFIELD. Madam President, I ask unanimous consent that the time for the limitation on debate on H.R. 14929 be moved forward to 11:15, and that I may be allowed a few minutes to yield to the Senator from Louisiana.

Mr. YOUNG of Ohio. Reserving the right to object to that request, may I ask that the majority leader make it 20 minutes?

Mr. MANSFIELD. All right.

The ACTING PRESIDENT pro tempore. For 20 minutes. Without objection, so ordered.

Mr. LONG of Louisiana. The resolution offered by the majority leader was not considered lightly. This matter has been discussed in the Committee on Foreign Relations off and on for a period of many years. I am not aware that one member of the Committee on Foreign Relations believes that we are justified in maintaining a million Americans on European soil.

This matter has been discussed by members of the Democratic policy committee many times. I doubt that the chairman of any committee to whom this resolution could conceivably be referred would differ on this matter.

It was suggested that perhaps there should be a limitation on an appropriation bill in order to require that some of these troops be brought home. The Committees on Foreign Relations, Armed Forces, and Finance were also mentioned because of their relevant jurisdictions, but some of us felt that we had heard the views of the executive branch and it was time that we quit listening to them and, for a change, tell them what we think.

We should keep in mind that France has asked the troops on French soil to get out. Some of us were disappointed to find that when France asked those troops to leave, instead of bringing them home, our Nation proposed to move them into some other European country.

It will cost a great deal of money to build troop housing and family housing and to provide schools for children and dependents, when we have so many more troops over there than we can justify.

My guess is that this one item is responsible for several billion dollars annually of our unfavorable balance of payments.

The resolution simply proposes that we say, as a body, what most Senators have been

saying individually for quite a while that they think we have too many troops and too many dependents over there; that we are spending too much money over there; that, all things considered, we would be justified in making a very substantial reduction, and that it would be in the national interest.

I have been raising this point for several years, and I am pleased that the majority leader felt the time had come to do something about it, and that the Democratic policy committee studied the matter and acted unanimously. We talked to the Secretary of State and to our Ambassador to Germany—a very fine gentleman. We heard everybody's point of view, those in the executive branch take one view and we take the other. They did not convince us, and we did not convince them.

Now we propose to say what we think—that they should reduce the number of people in Europe.

Mr. SYMINGTON. Madam President, there is another aspect to this matter so ably presented by the majority leader this morning.

Every Member of this body believes that one of the most important issues in the world today is the effort being made to attain a meaningful nonproliferation treaty, one designed to prevent the spread of nuclear weapons. Focusing attention on the importance of reducing nuclear weapons, as I see it, is to reach some agreement in reducing conventional weapons.

Today, perhaps really for the first time, a major suggestion is being made, in this resolution, for consideration to be given to the importance of reducing conventional weapons in Europe.

The statement of the majority leader presents well the fact everybody knows: the tensions in Europe are less than they were at the time the rules were set with respect to the required number of military in that part of the world. I would hope, and in the not too distant future, that high people in this Government meet with comparable officials in the Government of the Soviet Union; and that the thinking behind this resolution could be developed to a point where we could say to the representatives of that great country: Here is an opportunity also for you to extend practically what we both know is best for the future of the world; namely, a reduction in military forces, your military forces in Europe.

I thank the Senator for yielding.

Mr. CLARK. Madam President, I have not the slightest objection to the procedure which has been worked out. I share the view of the majority leader that we should bring troops back from Europe.

But I would like to reinforce what the Senator from Missouri [Mr. SYMINGTON] has just said, which I think is of great importance. I would not bring one American soldier back from Europe unless the Russians took one Russian soldier out of East Germany, and out of the area they control in Eastern Europe.

I think we are missing the boat and I urge the majority leader to think seriously about revising the resolution so that the resolving clause would call upon the President and the Department of State to enter into negotiations immediately with the Soviet Union for the purpose of agreeing on one of the several plans discussed for years for the mutual withdrawal of Russian troops and American troops.

I think that we are giving away something that we do not have to give away. I think that we should do this on the basis of an understanding with the Soviet Union which would require them to match our troop reductions, rather than having them say to us: your troops go home but our troops stay there.

Mr. PASTORE. Madam President, the Senator from Pennsylvania [Mr. CLARK] would be very logical and his statement would be cogent, provided our allies lived up to 100 percent of their commitment and the balance of European forces—West and East—could be more equitably determined. We are heavily committed in Vietnam, and nobody is worrying about our efforts for peace and security there except American mothers. We are sending troops to Vietnam by the thousands. At present there are about 300,000 men there, there may be 600,000 men before we are through.

At the same time our allies in Europe are taking the position that possibly we should not be in Vietnam at all, but we should be heavily committed where the Red peril threatens them. But their sense of danger is not strong enough to persuade them that they should live up to 100 percent of their own commitments.

We have been discussing this time and time again—over and over again. Every time the foreign aid bill has been before our Committee on Appropriations I have discussed this specific matter with Mr. Rusk and Mr. McNamara. All that they say is that they are talking with our allies about it. They had better talk faster. And the answers better be audible. This has been going on for 15 years—and time is running out on patience.

We are heavily committed in Vietnam. We are spending $2 billion a month to sustain our effort there.

That effort is for no plunder for America—but only for the peace of the world—Europe no less than Asia.

We want little people left alone to determine their own destiny—not to be overwhelmed by Peking—no less than we shield free Europe from Moscow.

Whether we are right or wrong in this in Europe or Asia is apart from the question. American boys are dying in Vietnam. At the same time Europe is thinking only of Europe and we are being told: You have got to live up to 100 percent of your commitment in Germany. On the other hand, General de Gaulle is telling us to get out of France. France that we freed can stand on its own feet now—so he tells us to get out of France; and the General's word is law and we have to follow his admonition to get out of France.

We have to release about 16,000 civilian Frenchmen who work for NATO. What do these French nationals do? They join an organization and ask for severance pay. They want 1 month's pay a year for each of the 16 years we have been there. To do what? To guarantee their personal security. We are more worried about their overall security than they are. We live up to 100 percent of our commitment and the best that that nation can do is 80 percent.

Let us be fair. If the peril exists in Europe, who should know this better than the Europeans? If they, who should know it better than we, say the peril is imminent, then why do they not live up to their share—100 percent?

Our query is as simple as that.

Now, the Senator would have us say to the Russians: We will take out one American if you take out one Russian. We are not saying to the Germans, Italians, French, British, and everybody else there that we want to keep the same ratio—man for man.

If the best that our allies can do is 80 percent because they do not think the peril is really there, the best that we should do is 80 percent. That is all that we mean here in pure, simple English—and in the simple mathematics of the manpower we should invest in their own assessment of clear and present danger.

Mr. CLARK. Madam President, I ask that the Senator from Missouri yield to me further so that I can reply to the Senator from Rhode Island [Mr. PASTORE]. I am sure that the Senator from Missouri [Mr. SYMINGTON] will recognize the fairness of giving me 1 minute.

I share the emotional involvement of my friend, the Senator from Rhode Island [Mr. PASTORE], both with respect to the unnecessary acceleration of the war in Vietnam and the unnecessary troops that we have in Europe, but I think we should act with our heads and not with our hearts. The important thing is to get the Russians to pull some of their troops back.

I renew my suggestion to the majority leader to determine carefully and prayerfully over the weekend whether he does not want to revise the resolution to get something from the Russians, and not because we are mad at NATO.

Mr. PASTORE. Madam President, I have only one slight modification to suggest to the Senator's terms. In connection with the emotional involvement, will the Senator correct the Record to say the emotional emphasis of the Senator from Rhode Island? It is the emphasis on facts that invites emotion.

Mr. CLARK. I shall be happy to do so. I am emotionally involved. I think that the Senator from Rhode Island [Mr. PASTORE] gave evidence that he is also.

Mr. MANSFIELD. Madam President, if the resolution comes before the Senate, it is subject to amendment. In my opinion we are acting with our heads and not on the basis of emotion.

Mr. SYMINGTON. I thank the majority leader, and would say to the able Senator from Pennsylvania that when he says he does not want to see a single American soldier taken out of Europe unless a Russian soldier is taken out of Europe, at least to some extent he is talking against the logic of his concept with respect to the overall problem of arms control.

None of us of course would want to see a single American soldier removed from Europe if we felt that that soldier, at this time, was important to the defense of the United States and the free world. But as the Senator from Rhode Island so well pointed out, those far closer to the situation, by their action as well as their words, have emphasized to us over the years that all these men are not important. It is clear therefore that their interest could well be economic instead of military.

I lose my colleague when he talks about 1 for 1. As I understood, what we are trying to do, in discussion of such matters important to the future for the world such as the test ban treaty is find out how we should or can take the first step in a disarmament program.

Again, let the able people of this Government meet with representatives of the Soviet Union, state what discussion has been going on on the floor of the Senate. We are aware of the number of divisions the Soviets have in East Germany and the satellite countries. Saving money through reduction on their part and ours could provide the resources needed to help their economy, and our economy, their cities and our cities, their education and our education; all this by not continuing to spread military forces of any type around the world.

Mr. CLARK. What I am saying is that I do not want to see it done unilaterally.

Mr. SALTONSTALL. Madam President, I would say this, from this side of the aisle: We have heard the assistant minority leader the Senator from California [Mr. KUCHEL]. I came into this discussion this morning and on yesterday afternoon. It was my understanding that the majority leader would offer this resolution, make a little speech about it, and then we would get on with the business of the Senate which is before it under limited debate.

If we are going to discuss even the spirit of this resolution at this time, certainly a quorum call should be suggested so that Senators on my side of the aisle can come into the Chamber and give their views.

I sponsored what was said by the majority leader a few minutes ago, that he was going to offer the resolution this morning, that it would lie on the table for further signatures

to be brought up at a later date, and then we could discuss it in full and give our reasons pro and con as some of the distinguished members of the Democratic policy committee have done this morning; and then we could decide whether to send it to committee or discuss it right here on the floor of the Senate, as being the sense of the Senate.

Madam President, I certainly hope that we will not be giving our views pro and con at this time. I do not believe it is right. If there are any more suggestions along those lines, I shall certainly have to suggest the absence of a quorum in order that Republican Members on this side of the aisle may express their views, as well as Senators on the Democratic side of the aisle.

Therefore, I hope that we can get on with the business of the State, and discuss the resolution at a later time, as it has been my understanding the majority leader wishes to do.

Mr. MANSFIELD. Madam President, in view of the fact that the distinguished Senator from Ohio [Mr. YOUNG] has been on his feet for a long time, waiting to be recognized—I believe it is on this subject, is it not?

Mr. YOUNG of Ohio. I do desire to speak on this subject for about 4 minutes. I have been on my feet for quite a long time.

Mr. MANSFIELD. Madam President, before yielding the floor, I ask unanimous consent that 4 minutes may be allowed the Senator from Ohio [Mr. YOUNG], and that at that time debate begin on the Morse amendment.

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

Mr. MANSFIELD. Mr. President, in conclusion, if I may, let me say that this resolution was endorsed by the full policy committee. At their direction, it was presented. I fully favor it. If I did not favor it, I would have presented it anyway.

[From the CONGRESSIONAL RECORD, Sept. 7, 1966]

STATEMENT OF SENATOR MIKE MANSFIELD

Mr. President, since the introduction of the Sense Resolution on Force Reduction in Europe, under the co-sponsorship of the members of the Majority Policy Committee I have made no additional statement pertaining to the matter on the Senate floor. I did not do so because of an understanding which I believe I had with the distinguished Senator from Massachusetts (Mr. Saltonstall), the ranking minority member of the Armed Services Committee. We had an informal agreement that the questions posed by this resolution would not be at issue until sometime after Labor Day and, preferably, when the matter came down before the Senate for consideration and disposition.

I am aware, however, of the statements which have already been made by Senators in opposition to the Resolution. May I say that I am a little disturbed at the way in which the English language is being used in the violent attack which has been launched against this sense resolution. I do not regard it as cause for hysteria when it is proposed to do no more than give expression to what the Senate thinks about a question of some importance to the nation.

I regret to say that the attack, in part, has been personal. Members of the Policy Committee have been called "arrogant". They have been accused of "ramrodding" the measure. They have been termed "foolish" and "bankrupt". Other appellations have been applied to us, indicating that we were either too clever or too obtuse but, in any event, that we did not understand the situation.

On the resolution itself, it has been suggested that it calls for a total U.S. withdrawal from Europe when, in truth, all it suggests is a return to this country of some of the almost one million Americans—military, personnel and dependents—who are presently stationed in Europe.

It has been suggested that the resolution is ill-advised because it does not contain a proviso to the effect that reductions of U.S. forces should be negotiated for a counter Soviet withdrawal from East Germany and the Eastern European states. Now that is an interesting suggestion. I believe it is appropriate for me to say, however, that I find it, as criticism of the current resolution, somewhat ironic since approximately five years ago I made the same proposal for a concurrent reduction of Soviet and U.S. forces in Europe, urging that the matter be pursued through diplomatic channels. It did not receive a nod from the Executive Branch and the proposal fell to earth, I knew not where, until now I find it unearthed in criticism of the current resolution.

It has been suggested, furthermore, that there should be provision in the resolution for consultation with our NATO allies. I did not know that a Senate sense resolution was necessary to encourage the Executive Branch to carry on the diplomacy of consultation with allies. I hope that that is what has been going on for the past twenty years. I hope that the specific question raised by this proposed resolution will be discussed. Certainly nothing in the resolution forbids or discourages such consultation.

It is appropriate to say, in response to what has been the principal burden of the instant attack on the proposed resolution, that there is not and has not been any intention on the part of the sponsors to "ramrod" this resolution through the Senate. Had that been the intention, may I say, the sense resolution could have been attached to another matter—such as foreign aid—which might come before the Senate. On the contrary, the procedure adopted by the sponsors, in concert and after careful consideration, is one which permits the choice of the form and length of consideration, from beginning to end, to rest in the control of the entire Senate, rather than in any Committee thereof.

In answer to those who feel that this resolution should go to a committee for hearings, I believe it is appropriate to say, as the distinguished Senator from Missouri has pointed out, that at least six sets of relevant hearings have been held this year before the Armed Services, the Foreign Relations and the Government Operations Committees. However, referral to Committee is not foreclosed by the procedure being pursued. Rather, it will be for the Senate, as a whole, to decide. When this matter is brought up for consideration, the Senate can determine whether it wishes to consider it, in effect, as a Committee of the Whole or whether it wishes the question referred to a committee or to committees or to a joint committee. Indeed, it will be for the Senate to consider whether or not to amend or not to amend and, in the end, to dispose of in one way or another.

All of the legislative options in this matter, in short, are preserved for the entire Senate. The manner of presentation of this resolution infringes upon the right of no Senator. On the contrary, it is the procedure which provides for the fullest protection of those rights.

And this resolution in no way infringes upon the responsibility of the President of the United States. It is a proposal, rather, for the sober exercise of the Senate's responsibility.

I would point out that the Senate, under the Constitution, has responsibilities of its own and the time is long past due when this body should exercise the responsibilities which are its own in this matter.

Senators, as individuals, have a responsibility to think, to speak and to vote on the issues which confront the nation. As a body, the Senate has the same responsibilities. It has the responsibility and the right to advise. It has done so many times in the past on many issues of foreign policy, including, indeed, the very issue which is before us today. In 1951, by sense resolution, the Senate advised the Executive Branch to increase the U.S. troop commitment in Europe by four divisions. No one questioned that exercise of Senate responsibility. On the contrary, an expression of the view of the Senate was not only welcomed but applauded at that time. We do not expect a similar reaction today, but that in no way alters the right and obligation of the Senate to express itself, if and as it sees fit on this question.

The Senate has the Constitutional obligation to deal with a resolution of this kind as it sees fit, whether it is introduced by a single Senator or under cosponsorship of many Senators, whether it is welcomed or deplored by the Executive Branch of the government. The Senate has a right, as individual Senators have the right, to make its feelings known, and it would be my hope that the Senate, in its wisdom, would decide to debate this issue as a Committee of the Whole to make its feelings known. Contrary to some statements of criticism which have been made, in my judgment, the facts are known and the issue is clear.

The resolution is criticized, Mr. President, as being poorly timed. Personally, I concur in that criticism because, in my own judgment, the resolution is long past due. Indeed, it should have been before the Senate years ago when it first became obvious that the European nations saw the risks of military aggression to themselves with far less anxiety and concern than was suggested by our continued rigid adherence to our troop-commitments to NATO, even as the Europeans ignored or scaled down their own. Yes, the resolution is badly timed, Mr. President, but not because it comes too soon; rather because it comes very, very late.

That is, of course, a personal view. May I add, my personal position on this resolution is not based on the competing needs of Viet Nam; it is not based on anxieties over the gold outflow. It is based, rather, on considerations of over-all foreign policy. It is based on the fact that Western Europe has recovered from the war and gone far beyond economic recovery and entered into a dynamic new phase in its history. The nations of that region are now able, as once they were not, but are unwilling to meet military commitments to NATO which they previously had accepted as essential for their defense. In truth, most of the NATO countries have reduced their conscription period; others have done away with military conscription entirely. The fact is that the only nation, in spite of its other difficulties, which has met its full previous commitments to NATO, for many years, has been the United States. We have kept our commitment when others, whose stake in the defense of Europe is larger than our own, have decided unilaterally and say it is no longer necessary to keep these commitments. They say *that* by their actions, and on occasion, by their words. I think that is grounds for a re-evaluation of U.S. force levels in Europe and for a new judgment and that is what this resolution is all about. This resolution does not provide for an abrupt or irritated U.S. withdrawal from Europe. Contrary to the implications of some of the criticism, it reaffirms our basic commitment and our basic recognition of the inter-relationship of our security with that of Western Europe. But it does advise the President to consider an adjustment of our troop levels in Europe in the face of the abundant evidence that the Europeans no longer see the situation in Europe, as we see it, and are unwilling to respond to it as we are responding, in terms of military numbers and expenditures. To go on for much longer without such an evaluation, such an adjustment, seems to me to risk placing this nation in an untenable and irrelevant position of international isolation in Europe.

This resolution will not take one iota of responsibility away from the President. It has

been designed and it will give him much in the way of flexibility, which, under the previous sense resolution of the Senate, the 1951 resolution, he does not have. The resolution, in my judgment, will strengthen his hand and it will, I believe, be in accord with the best interests and the wishes of the great majority of the American people.

[From the CONGRESSIONAL RECORD, June 19, 1968]

THE NEW OFFSET AGREEMENT WITH WEST GERMANY

(Statement of Senator MIKE MANSFIELD)

Mr. President:

Over the past weekend there were reports in the press on an agreement reached with the West German government to offset the drain on our balance of payments in the coming fiscal year resulting from that fact that we continue to maintain some 220,000 troops and about 150,000 dependents in West Germany. I understand that these press reports are substantially accurate.

Under the agreement with West Germany, in the coming fiscal year the West German Bundesbank will buy $500 million worth of medium-term U.S. Treasury bonds in quarterly installments, just as the Bundesbank has purchased $500 million worth of such bonds during the current fiscal year. In addition, the West German Defense Ministry will, in Fiscal Year 1969, make additional purchases of $100 million worth of military equipment, just as the Defense Ministry has in Fiscal Year 1968.

But there are two new features in this latest agreement. First, a West German private banking consortium will undertake to sell an additional $125 million worth of medium-term U.S. Treasury bonds in West Germany. Second, the West German state-owned Lufthansa Airline will pay $60 million in cash for aircraft purchased here.

This new agreement with the West German Government has been described in the press as an agreement which will "cover" or "neutralize" most of the foreign exchange costs incurred by the United States in maintaining large forces in West Germany. It strikes me as a strange agreement indeed which "neutralizes" such costs by increasing the foreign indebtedness of the United States by some $625 million. For, of course, not only do these Treasury bonds carry interest at the market rate prevailing at the time of their purchase—and the current market rate is now just under 6%—but they must also be redeemed or renegotiated in the not too distant future.

These interest payments by the United States to West Germany are significant amounts to say the least. In the fiscal year just ending, we will have paid $17 million in interest on the $500 million worth of bonds purchased by the Bundesbank during the present fiscal year. But this is just the beginning. In the coming fiscal year, we will pay an estimated $27 million in interest on the first $500 million worth of bonds purchased by the Bundesbank during the current fiscal year. We will pay an estimated $18 million in interest on the $500 million worth of bonds which will be purchased during Fiscal Year 1969, assuming that the current rate of interest prevails. And we will pay a further estimated $8 million in interest on the $125 million worth of medium-term bonds which will be sold by a West German banking consortium. Our interest payments in the coming fiscal year will thus total $53 million. If we keep going at this rate, our interest payments will soon equal the foreign exchange we will be saving as a result of this year's limited redeployment of 33,000 troops to the United States from West Germany.

And while on the subject of this limited redeployment, I recall that we were told a year ago that "up to 35,000 men" and 25,000 dependents would be redeployed from West Germany to the United States. It now appears that some 33,000 men and only 15,000 dependents—or 12,000 fewer Americans—will be affected by this redeployment. Moreover, I gather that at the present time there are no plans for further redeployments.

I regret our reluctance to reduce our military forces in West Germany to a more rational and tolerable level. I regret, too, our inability to find a less expensive way to lighten the load we are bearing in West Germany. For the latest agreement reported in the press does not "cover" the costs of maintaining our forces in West Germany but only camouflages these costs. As was the case last year, we are simply borrowing money and time—at considerable expense—and postponing action on the main issue which, as I remarked last summer, is to make more than token and tentative adjustments to the fundamental and far-reaching changes that *have* taken place—and *are* taking place—in Europe.

I ask unanimous consent that the story in the *New York Times* of June 11 by Benjamin Welles, the article in the June 11 *Washington Post* by Dan Morgan and the editorial in the *New York Times* of June 14, entitled "Stopgap on Troop Costs" be printed in the RECORD at this point.

[From the CONGRESSIONAL RECORD, Sept. 13, 1968]

THE SITUATION ON CZECHSLOVAKIA AND U.S. FORCES IN EUROPE

(Statement of Senator MIKE MANSFIELD)

Mr. President:

Many words have been spoken in the Senate about the Soviet invasion of Czechoslovakia. Many others will be spoken. This action was an outrageous affront to the people of that nation and a grave blow to international stability.

Over half a million troops are reported on the move in Central Europe. Great numbers are involved in occupying a small country against its will. They cast a long shadow over the prospects for a peaceful Europe. They dim the hope of people everywhere for a more peaceful world.

In these remarks, I will not dwell on the various adverse implications of the recent developments in Czechoslovakia. In due course a report on that subject will be forthcoming in consequence of a brief visit which I made to Eastern Europe during the recent adjournment of the Senate. In these remarks, today, I will touch on only one aspect of the subject—the question of American force reductions in Western Europe, in the aftermath of the Czechoslovakia crisis.

Immediately after the Soviet invasion, I stated that there would be no point in continuing to advocate an immediate reduction in the level of these forces. I made that statement with resignation and sadness. A reduction would have saved American taxpayers hundreds of millions of dollars, over the next few years. It would have had a significant corrective effect on this nation's distorted balance of international payments. It would have helped to restore relationships with the countries of Western Europe to a normal basis; the continued presence of hundreds of thousands of American troops, along with a great number of dependent's homesteads on Western European soil is, *per se*, an abnormal relationship.

I believe, moreover, that step-by-step reductions of our forces in Europe would have led the Western Europeans to assume a larger share of the burden of their own defense which, in turn, may well have resulted in closer cooperation among them. I believe, too, that it would have contributed to reducing the danger of catastrophic error which necessarily attends the presence of hundreds of thousands of foreign troops confronting hundreds of thousands of other foreign troops across a tense dividing line. Finally, reductions of our forces in Western Europe would have increased the pressures for and may well have brought about reductions of Soviet forces in the Eastern European countries, with or without negotiations to that end.

The Soviet invasion of Czechoslovakia has had the effect of deferring these results. How long they will remain deferred depends, in great part, on the disposition which the Soviet government and its Warsaw Pact allies, Romania excepted, may make of the occupation forces now in Czechoslovakia.

We can hardly make substantial reductions in U.S. forces in Western Europe while the Soviets have vastly increased their forces in Eastern European countries and have done so, furthermore, in connection with the military streamrollering of the independence of a small country. To be sure, reductions in our forces, even now, would not lessen, in any way, our responsibility under the North Atlantic Treaty to join in the common defense against an attack on Western Europe and the regions covered by the North Atlantic Treaty. Those responsibilities would be met in the event of an attack, not only because they are treaty obligations, but because they are inescapable responsibilities in terms of our own survival. They would be met whether the U.S. forces which were encamped in Western Europe at the time of an attack numbered one division or ten divisions.

Nevertheless, a reduction in the U.S. contingents in Europe in present circumstances could be subject to misinterpretation in both West and East, and might conceivably lead to serious miscalculations. That is a risk which, it seems to me, we would be unwarranted in taking at this time, in our interests and in the interests of peace. It was that risk which led me to suggest a temporary deferment of the question.

However, my views on the anachronistic size of the deployment of American forces and dependents in Europe have not changed. Certainly, I do not believe that the number of these Americans should be increased at this time, as some have suggested. Moreover, in my judgment, it remains desirable to undertake a gradual reduction in U.S. forces if and when the situation in Eastern Europe offers reasonable assurance that developments there are not going to spill over into Western Europe. If and when that time comes, I believe a positive plan should be ready to cut American forces in Europe. It should be a plan, phased over several years—perhaps on what might be termed a D plus D basis, that is, the withdrawal of one division should continue until the force levels remaining would be sufficient only to insure that military aggression from any source would enable the United States promptly to set in motion its immense powers for the common defense of the nations of the North Atlantic Pact. In the light of modern military technology, the five or six American divisions which are now stationed in Europe are hardly required for that purpose. In due course, it seems to me that the number could be reduced to one or at most two.

I would like to make it plain that I believe that there has been a dereliction in the failure to have set in motion, heretofore, positive plans to bring about orderly, phased reductions in the European deployment. Indeed, some of us have been urging these reductions for more than a decade. The reiterated response, however, has been that "the time is not right." The time will never be right unless there is the will to face up to this situation.

Even now, the time is right for a search for substantial savings in the cost of the European deployment. Events in Eastern Europe, notwithstanding, possibilities of economy may well exist in streamlining the superstructures at the various U.S. headquar-

ters in Europe. It is appropriate to ask, for example, whether they are not top-heavy with high-ranking officers, staffs, and prerogatives, at the European Command at Stuttgart, the U.S. Air Force Headquarters in Europe at Wiesbaden, the European Communications Headquarters at Zweibrucken, or the Headquarters of the Commander in Chief, U.S. Naval Forces in London. Substantial cuts, long overdue, have already been made in U.S. civil establishments abroad on orders of retrenchment from President Johnson. It would be eminently desirable if the same orders might now be applied forthwith to the military entrenchments in Western Europe.

Had there been a timely reduction of forces in Western Europe, it would have already saved large sums of public money and contributed greatly to the strengthening of our international financial situation.

May I say that I do not see how timely reductions in our forces would have impaired the defense of Western Europe. Nor do I see—had they been made some time ago, as urged time and again—how they would have had any effect on the present situation in Czechoslovakia. Certainly, the presence of these forces, in full NATO complement, as they are now, has added nothing to our ability to respond to events in that nation. Indeed, we would do well to ask ourselves if, on August 21, we had had three times the number of men we now have in Western Europe or, for that matter, if we had had only one-third the number, what difference it would have made in our reactions to the developments in Czechoslovakia.

The fact is that NATO was formed to defend Western Europe and associated nations in the North Atlantic Treaty against attack. It was not designed to defend a Warsaw Pact nation against an attack from within that group. Though we may deplore the occupation of Czechoslovakia, the tragic event has not fallen—as it has developed to date—within the area of our shared military responsibility under NATO. Much less does it come within an area of unilateral U.S. responsibility.

On the subject of responsibility, I should like to emphasize, in closing, the importance which many Americans attach to Western Europe's responsibility to increase its own defense efforts—relative to our own—in NATO. It is not helpful to the common undertaking when Western European defense budgets drop to levels disproportionate to our own, when the number of men in the uniforms of Allied nations declines, when the periods of conscription are shortened or abolished, and other evidence presents itself of a reluctance on the part of Europeans to make sacrifices for their own defense. It makes Senators who ask their constituents to pay higher taxes to cover increased defense costs and who vote the conscription of young Americans for terms of obligated service which are equaled in length among the NATO members only in Greece, Turkey, and Portugal—it makes us question policies that require these sacrifices of our people when others seem unwilling to make equivalent sacrifices for themselves.

I reiterate, therefore, that while events in Czechoslovakia may counsel a temporary wait-and-see with respect to the present level of the American NATO contingent and dependents in Europe, these events do not cancel the validity of the concept of phased reductions. The fact is that the invasion of Czechoslovakia has not changed, in any way, two basic elements in the proposal for such reductions which the Senate has had under consideration for some time.

1. This nation has budgetary and balance of payments difficulties at a time when the Western European nations are more able than ever before to meet added costs of defense. Indeed, the West Germans have a balance of payments surplus of several billion dollars a year, a level so high that some West Germans describe it as "embarrassing."

2. Our forces are in Europe for the defense of the NATO countries against the threat of military attack from the East. Yet, despite Czechoslovakia, there is little indication that the other NATO nations regard this threat as drastic enough to stimulate any significant increase in financial and other sacrifices for their own defense. Events in Eastern Europe notwithstanding, if the NATO countries are unwilling to make these sacrifices and our present financial plight is prolonged, pressures for a reduction of American forces in Europe may be expected to resume promptly—and properly so.

STATEMENT OF SENATOR MIKE MANSFIELD, DECEMBER 1, 1969

Mr. President, On January 19, 1967, I introduced Senate Resolution 49 which expressed the sense of the Senate that "a substantial reduction of U.S. forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty." I wish to introduce an identical resolution again today and ask unanimous consent that its text be printed in the RECORD at the conclusion of my remarks and that the resolution be referred to both the Committee on Foreign Relations and the Armed Services Committee.

We have had several hundred thousand men in uniform stationed in Europe since 1951 when President Truman, responding to the then existing situation and to a Senate sense resolution of that day, announced the first substantial post-World War II increase in U.S. forces there. When Senate Resolution 49 was introduced two years ago there were about 372,000 military personnel in Europe, including Turkey, Spain and the Sixth Fleet in the Mediterranean; this force was accompanied by some 240,000 dependents, a grand total of 612,000. There are now about 315,000 men and they are accompanied by about 235,000 dependents and 14,000 civilians employed by the United States Government. Thus, there are over 550,000 Americans in Europe today who are either in military service or associated with the military, and maintained wholly or largely by the government of the United States.

We now have, overall, about 3.5 million men under arms. Of this total, about 1.2 million are stationed outside the United States, according to figures provided by the Department of Defense. In addition to those in Europe, there is a force of about 495,000 in Vietnam, 129,000 in the fleets abroad, 58,000 in Korea, 45,000 in Thailand, 42,000 on Okinawa, another 40,000 in Japan, 28,000 in the Philippines, 24,000 in Latin America, 10,000 in North Africa and the Middle East, and another 10,000 in Canada, Greenland and Iceland.

This commitment of men abroad obviously represents an enormous cost to the people of the United States. It is reflected in a military budget of some $80 billion and in the tax rates. It is also reflected in a balance of payments deficit which amounted to $1.3 billion in the first quarter of this year.

Our net foreign exchange gap with Germany alone is now running at about $965 million per annum. This is the highest figure to date. In 1968, the figure was $887.4 million. It had been between $700 and $800 million in the period 1963 through 1967, and under $700 million in the years before 1963.

In the past, part of this exchange gap has been covered through various agreements with the West German Government. In Fiscal Years 1962 through 1965 these so-called offset agreements consisted simply of commitments by the West German Government to procure military equipment in the United States. The agreement for Fiscal Years 1966 and 1967 provided for military procurement plus the prepayment of a West German debt. The Fiscal Year 1968 agreement provided for military procurement plus purchase of special medium-term U.S. Treasury securities by the West German Government. In Fiscal Year 1969 the agreement provided for military procurement plus the purchase of special U.S. Treasury securities by the West German Government, plus additional purchases of U.S. Treasury securities by West German banks plus an agreement by Lufthansa to finance purchases of aircraft.

I have had the Library of Congress draw up a table showing the terms of these so-called offset agreements between the United States and West Germany in Fiscal Years 1962 through 1969 and ask unanimous consent that it be printed in the *Record* at the conclusion of my remarks.

Agreement was reached with the West German Government on July 9 covering Fiscal Years 1970 and 1971. The agreement provides for an inflow of foreign exchange in the amount of $1.52 billion over the next two years. In addition to military procurement in the United States, the agreement provides for a West German Government loan, plus retention in the United States for two years of interest earned by West Germany on U.S. Treasury deposits, plus the purchase by West Germany of U.S. Export-Import Bank and Marshall Plan loan, plus West German Government civil procurement in the United States, plus payment to a fund in the United States for encouraging German investment plus advance transfers for debt repayment by the West German Government to the United States. A concessional interest rate of 3.5% will apply to the West German Government loan and to certain deposits in the U.S. Treasury for military procurement. I ask unanimous consent that the text of a press release issued by the Department of State on July 9, giving the terms of the agreement, be printed in the *Record* at this point.

I would like to make several comments on the agreement. Before doing so, I should note that the Department of State apparently believes that this agreement represents a considerable improvement over previous agreements. To be sure, the amount of military procurement is greater than last year or the previous years. The borrowing by the United States is for a longer period than in the past and a concessional rate will apply to the West German Government's loan. The total amount is higher than ever before and the agreement is for two years instead of only one.

In those respects there has been "improvement." It would be well to bear in mind, however, that there is another side of the coin. While the amount of foreign exchange inflow involved is higher, so is the foreign exchange gap because it becomes more expensive every year to keep our forces in Germany. With the reevaluation of the German mark, moreover, this expense stated in dollars will increase again, and, possibly, more drastically than in the past. Furthermore, the agreement represents only about 80% of the foreign exchange outflow from the United States to Germany in the coming two fiscal years. And, while the West German Government loan to the United States will carry a concessional interest rate of 3.5%, nevertheless it represents an obligation of the United States which must be renewed or redeemed; the interest will result in some annual capital outflow and the capital of the loan itself must be regarded as, eventually, a large item of outflow. Finally, since the agreement is for a two-year period, it may imply a commitment on our part to retain substantially the present level of U.S. forces in Germany for the next two years whether or not that should prove desirable or in accord with our National needs now or a year from now. In fact, the new West German Chancellor said in an interview in the November 14 issue of TIME magazine that there was "an understanding on both sides," when

agreement was reached on an offset arrangement for the next two years, that there would be no "substantial changes" in the level of U.S. forces during this period.

No matter how the current agreement is regarded, there is no escaping the fact that the assignment of U.S. military forces in Germany and Europe is a voracious consumer of U.S. resources, a source of inflation and, in present circumstances, a factor in the reduction in the international strength of the dollar.

It is a cliche to say that the United States is a rich and powerful country. After the long drain of Viet Nam, however, it may be wise to take another look at that glib assertion. In terms of surplus for necessary National purposes at home and abroad, we are beginning to scrape the bottom of the barrel. Other nations have come to realize that if they are to accomplish the essential tasks at home, it may be necessary to concentrate on only the essential tasks abroad. In my judgment, it is long past time for us to face the facts of our situation and reach the same conclusion. In this connection, I welcome the President's July 9 order to reduce the number of military men based abroad by 14,900, although in my judgment it is regrettable that the reduction is so limited and that the forces committed to NATO have been completely exempted from this cut in military forces overseas.

On April 15, I had printed in the *Record* the defense policy statement made by the Canadian Prime Minister on April 3. In that statement, Prime Minister Trudeau said:

"NATO itself is continuously reassessing the role it plays in the light of changing world conditions. Perhaps the major development affecting NATO in Europe since the organization was founded is the magnificent recovery of the economic strength of Western Europe. There has been a very great change in the ability of European countries themselves to provide necessary conventional defense forces and armaments to be deployed by the alliance in Europe.

"It was, therefore, in our view entirely appropriate for Canada to review and re-examine the necessity in present circumstances for maintaining Canadian forces in Western Europe. Canadian forces are now committed to NATO until the end of the present year. The Canadian force commitment for deployment with NATO in Europe beyond this period will be discussed with our allies at the Defense Planning Committee meeting in May. The Canadian Government intends, in consultation with Canada's allies, to take early steps to bring about a planned and phased reduction of the size of the Canadian forces in Europe."

According to press reports, which I understand to be accurate, the present plan is to reduce the number of the Canadian contingent of about 10,000 in Western Germany to about 4,000. This is a small reduction in numbers but a large reduction in percentage and would seem to represent, in effect, a change in the Canadian estimate of the situation in Europe, as well as a revision of policy on the part of the Canadian Government. I would hope this Nation would study the Canadian action most carefully. To me, it seems an adjustment which looks to the future instead of the past.

Last year at this time, we, too, appeared to be on the verge of moving in the same direction. There was widespread support in the Senate for a proposal by the distinguished Senator from Missouri (Mr. Symington) which would have had the effect of lowering substantially the level of our forces in Europe. Most regrettably, there was the occupation of Czechoslovakia on August 20 by 400,000 Soviet and other Warsaw Pact forces. The time was one of extreme uncertainty, with various obscure troop movements in Eastern Europe. It was far from clear that the relatively bloodless coup in Czechoslovakia would mark the culmination of this activity. There was fear that the difficulties in Eastern Europe might spread throughout Europe.

As I stated at that time, a substantial reduction in U.S. forces in Europe in those circumstances could have been subject to misinterpretation in the East, and brought grave uncertainty in the West. I added, however, that, in my judgment, it remained desirable to undertake a gradual reduction in U.S. forces if and when the situation in Eastern Europe offered reasonable assurance that developments there were not going to spill over into Western Europe. It seems to me that that time has now arrived. The Soviet Union faces serious problems in Czechoslovakia and elsewhere in Eastern Europe. If that were not enough, there is a difficult situation to the East on the Soviet-Chinese border. Soviet troops in Czechoslovakia, moreover, have been cut from several hundred thousand to about 70,000. *While it is regrettable that the internal political life of that enlightened nation is again dictated by a foreign power, certain realities as they bear upon our military presence in Europe must be faced. What transpired in Czechoslovakia was not controllable in any fashion by NATO and bears no direct relationship to the question of the size of American forces assigned in Europe to that organization. Had there been only one or two divisions or, for that matter, seven or eight divisions of Americans in Western Germany, instead of four or five, would they have had any different effect on the situation as it developed in Czechoslovakia last year? I can find no basis for any such contention. Events within Eastern Europe are, as they have been since the Hungarian interlude made apparent for all to see more than a decade ago, beyond the direct reach of the North Atlantic Treaty and the military structure of NATO.*

Nevertheless, it will be argued, as it is always argued, that the time is not right to make a substantial reduction of our forces in Europe. But it seems that the time is never right. I am aware of the recent press reports, for example, implying that NATO may be on the point of making a proposal to the Soviet Union and its Warsaw Pact allies for negotiations on reducing conventional forces in Europe. I would like to point out, however, that NATO has been studying the subject of balanced force reductions for years. My understanding is that there is still no agreed NATO proposal for balanced force reductions and it is not planned that there will be one until at least early in the summer. Even then, there is no reason to assume that discussions, much less full negotations, will begin, for there has been no indication, direct or indirect, that the Soviet Union is interested in such discussions.

It will also be argued, as it is always argued, that bringing a substantial number of forces back from Europe will not affect our defense budget because we cannot reduce the number of men under arms. But it is also argued that it is not possible to reduce the number of men under arms because of the need to meet our NATO and other overseas commitments. This endless circle leading, in the end, to fiscal exhaustion can and must be broken.

I am not now advocating and I have not in the past advocated that all U.S. troops be removed from Europe. Our vital interest in what transpires in Europe remains and a U.S. presence should remain. In this day and age an armed attack on Western Europe will certainly involve us almost from the outset. It is to our interest, therefore, that we are present before the outset. That need can be met, in my judgment, and should be met with a much smaller military force.

At the same time, a substantial reduction of our forces in Europe would have certain immediately beneficial effects on this Nation. In the first place, the balance of payments should soon reflect a sharp decrease in outflow for military purposes, even as it becomes possible to bring about a reduction in the National military budget. In the second place, a reduction in U.S. forces in Western Europe might provide some impetus for Western Europeans to develop their own defense efforts in line with their needs and to work together more closely in doing so. Integrated defense is supposed to be what NATO is all about. To the extent that we have continued to over-participate in the defense of Europe, it follows that there has been far less interest in bearing the burdens of that defense among the Europeans themselves.

Finally, a substantial reduction of American forces would help to correct what I regard as a distorted relationship between Europe and the United States. The Soviet Union maintains half a million soldiers in Eastern Europe. While the Russians may ascribe this presence to a threat from the West, the fact is that the Soviet presence is also a significant factor in maintaining communist governments in power, as Czechoslovakia has so clearly illustrated. The democracies have no need of U.S. forces in order to maintain themselves within the nations of Western Europe; yet, that most significant political fact is disguised by our military presence in such great magnitude.

In my judgment, it is not a desirable situation for a foreign power either in Eastern Europe or Western Europe to keep somewhere in the neighborhood of a million men in these two camps, a quarter of a century, after the events which initially put them there. Both contingents are somewhat anachronistic to say the least. Yet the continuing presence of the one has become the principal basis for the continuing presence of the other. The persistence of the anachronism leads not only to a distortion of political relationships but to a distortion of economic relationships. Indeed, the annual offset negotiation with the West German Government is a case very much in point. West Germany is, in effect, becoming a major banker for this Nation in order that we may pay for the continued maintenance of U.S. forces in Germany at this Nation's expense.

In short, the presence of American forces in Europe in such large numbers, in my judgment, has vestiges, if not of empire in a 19th century sense, then of military occupation and of the costly cold war and of the one-time complete preeminence of the dollar in international finance. Yet the age of empire, the era of occupation, the period of the cold war and one-sided financial preeminence are of the past. The persistence of these vestiges in present policies involves, in my judgment, a wasteful and dangerous use of our available fiscal resources. It acts to debilitate this Nation's capacity, both at home and abroad, to deal with the urgent problems of the contemporary era.

[From the CONGRESSIONAL RECORD, Jan. 24, 1970]

SENATE RESOLUTION 292—U.S. FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, on yesterday, I made a speech relative to Senate Resolution 292, a resolution seeking to bring about a substantial reduction of U.S. troops and dependents in Europe, which together number somewhere in the vicinity of 600,000, almost a quarter of a century after World War II ended.

At that time, I brought out some statements made by the President of the United States in his address on the state of the Union to Congress assembled in the Hall of the House of Representatives on Thursday last.

In the RECORD, it is carried as a separate statement, which I do not mind, because it points up what he said and it also emphasizes

the fact that I approved thoroughly of what he had to say in the field of foreign policy.

But what I intended to do was to show the relationship between the excerpts from the President's statement in the foreign policy field and the situtions which confronts us in Europe where we have, as I have indicated, roughly 600,000 troops, dependents, and civilian employees a quarter of a century after the end of World War II.

I had hoped to develop a continuity which could be used in answers to questions. So, Mr. President, in view of the fact that this was not done as I had anticipated, I ask unanimous consent that, following the news story from Frankfurt in West Germany, which I incorporated in the RECORD, my remarks relative to President Nixon's state of the Union message as it affects foreign policy be incorporated not only in the permanent RECORD but also in the RECORD today and that it all be reprinted as spoken at that time.

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

SENATE RESOLUTION 292—U.S. FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, in the New York Times of January 21, 1970, on page 4, there is published an excerpt from a speech by Under Secretary of State Richardson in Chicago, telling us how the European countries, our allies, especially Germany, are hoping to offset the balance-of-payments drain on our military deployment in Europe and how we are exploring ways and means of making this arrangement more adequate.

In that same issue of the New York Times, on page 64, an article states that Germany has just cashed in prematurely a billion marks' worth of U.S. Treasury bonds purchased in 1968 to offset the drain caused by the stationing of American troops in West Germany.

Mr. President, I ask unanimous consent to have the article entitled "Germany recalls Bonds of United States Early" printed in the RECORD.

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

GERMANY RECALLS BONDS OF UNITED STATES EARLY

FRANKFURT, WEST GERMANY, January 20.—The Bundesbank disclosed today that it has prematurely recalled a billion marks of United States Treasury Bonds purchased in 1968 to offset the dollar drain caused by the stationing of American troops in West Germany.

Under the 1968 offset agreement with the United States Government. West Germany had acquired $500-million worth of 4½-year Treasury bonds for 2 billion marks.

The premature recall was made to help increase the West German Central Bank's own liquidity in foreign currency, a Bundesbank official explained.

Because of the inflow of dollars resulting from the transaction, West German foreign currency reserves increased 536,400,000 marks to 5,928,891,000 marks on balance in the week ended Jan. 15, Bundesbank reported.

SENATE RESOLUTION 292—U.S. FORCES IN EUROPE—CONTINUED

Mr. MANSFIELD. Mr. President, on yesterday, the President of the United States delivered his state of the Union message to a joint session of the Congress.

It was a fine message. It was a message with a lot of merit to it. Certainly the meat will be there when the specifics are forthcoming to cope with the recommendations and goals, which President Nixon has outlined.

During the course of that speech he said, speaking of foreign policy:

"Today, let me describe the directions of our new policies.

We have based our policies on an evaluation of the world as it is, rather than as it was twenty-five years ago at the end of World War II. Many of the policies which were necessary and right then are obsolete today.

"Then, because of America's overwhelming military and economic strength, the weakness of other major free world powers and the inability of scores of newly independent nations to defend—let alone govern—themselves, America had to assume the major burden for the defense of freedom in the world.

"In two wars, first in Korea and then in Vietnam, we furnished most of the money, most of the arms and most of the men to help others defend their freedom.

"Today the great industrial nations of Europe, as well as Japan, have regained their economic strength, and the nations of Latin America—and many of the nations that acquired their freedom from colonialism after World War II in Asia and Africa—have a new sense of pride and dignity, and a determination to assume the responsibility for their own defense.

"That is the basis of the doctrine I announced at Guam."

If I may interpolate there, the Guam declaration formed the basis of the Nixon doctrine, which I wholeheartedly endorse and which I was pleased to see the President announce yesterday applied not only to Asia but to the rest of the world as well.

Continuing the President's remarks:

"Neither the defense nor the development of other nations can be exclusively or primarily an American undertaking;

"The nations of each part of the world should assume the primary responsibility for their own well-being; and they themselves should determine the terms of that well-being.

"To insist that other nations play a role is not a retreat from responsibility, but a sharing of responsibility.

"We shall be faithful to our treaty commitments, but we shall reduce our involvement and our presence in other nations' affairs."

Mr. President, to that I say, "Amen."

Mr. President, on January 20, the Under Secretary of State, the Honorable Elliot L. Richardson, examined U.S. relations with Western Europe, in general, and the question of U.S. force levels in Europe, in particular, in an address before the Chicago Council on Foreign Relations. At the beginning of his speech, Mr. Richardson referred to the resolution I submitted to the Senate on December 1, Senate Resolution 292, which calls for "a substantial reduction of U.S. forces permanently stationed in Europe."

In introducing that resolution on December 1, I made a statement on the floor of the Senate setting forth the reasons that I thought justified a downward adjustment of the level of our forces in Europe. I pointed to the enormous costs involved in maintaining a Military Establishment of 3.5 million men under arms with 1.2 million men outside the United States and over 300,000 of these—together with 235,000 dependents and 14,000 U.S. civilian employees—in Western Europe. I pointed to the fact that our net foreign exchange gap with Germany is running about $965 million a year, and I should note parenthetically that Mr. Richardson reminded his Chicago audience that—

"The balance-of-payments drain on our military deployment in Europe is currently about $1.5 billion a year."

I also pointed to the need to reduce our military budget from its present level of somewhere between $75 and $80 billion.

Mr. Richardson has now given the administration's arguments for maintaining the status quo, as far as our force levels in Europe are concerned. There are, of course, two sides to every argument. I presented one side on the Senate floor on December 1. The Under Secretary of State presented the other in Chicago on January 20. I hope that my colleagues in the Senate, those in the other body, and members of the public will examine the two sides of the argument closely.

In this connection, and in order to avoid repeating what I have already said on the floor of the Senate, I ask unanimous consent that the full text of Mr. Richardson's speech, and the full text of my December 1 statement, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, I consider it necessary to make a few comments today, on Mr. Richardson's speech in order to make my position clear.

First of all, Mr. Richardson referred to Senate Resolution 292 as an expression of the "tendency by some to say that NATO has done its job so why not bring those troops home?" May I point out that Senate Resolution 292 is not an expression of a belief that "NATO has done its job", but, on the contrary, of a belief that the United States has been doing a disproportionate share of NATO's job and that the other 14 members of NATO are in a position to do more and should do so. Nor does Senate Resolution 292 urge that all U.S. troops be brought home but only that there be a "substantial reduction of U.S. forces permanently stationed in Europe."

Second, Mr. Richardson states that the effectiveness of the strategy of flexible reasons "rests perforce on the conviction in both parts of Europe that the United States will fulfill its determined role." Mr. Richardson added that "the U.S. military presence in Europe, whether we like it or not, continues to be taken as tangible evidence of our commitment" and that "any sudden or dramatic reduction" of that presence would have "unpleasant consequences."

I would like to emphasize that the Senate Resolution 292 neither states nor implies that we will not fulfill our NATO obligations. On the contrary, it affirms specifically that a substantial reduction of U.S. forces permanently stationed in Europe can be made "without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty." Furthermore, the resolution does not urge, and I have not urged, that such a substantial reduction be either "sudden" or "dramatic." Mr. Richardson did not argue against a "sudden" or "dramatic" reduction but against any reduction at all, for only a few paragraphs later he referred to the administration's having "pledged to maintain our present troop strength in Europe through fiscal year 1971."

Third, Mr. Richardson stated that if "all of our forces in Europe were brought home and stationed in this country, little or no savings would appear in our defense budget." As I noted in my December 1 statement, however, it has always been argued that bringing a substantial number of forces back from Europe will not affect our defense budget because we cannot reduce the number of men under arms. But it is also argued that it is impossible to reduce the number of men under arms, among other reasons because of the need to maintain present force levels in Europe. I contended then, and I do so again now, that this endless circle, which will lead in the end to fiscal exhaustion, can and must be broken.

Fourth, Mr. Richardson referred to the possibility of negotiating with the Soviet Union and the countries of Eastern Europe mutual and balanced force reductions and said that the other reason the administration opposes

Senate Resolution 292 is "the firm belief that it would weaken our bargaining position."

Mr. President, NATO has been studying mutual and balanced forced reductions for years and has still not arrived at an agreed proposal. Even when such a proposal is formulated, there is no reason to assume that negotiations will begin for it is my understanding that there has been no indication that the Soviet Union is interested in such negotiations. And what if that continues to be the situation? Will we then be locked into maintaining our present force levels in Europe in perpetuity regardless of the costs involved or the wisdom of doing so in the light of our national interests?

In fact, the Soviets may not be willing to reduce the military presence in Eastern Europe no matter what the United States does or does not do because the level of that presence may well be dictated by political considerations within Eastern Europe. On the other hand, if that is not so, then U.S. reductions may be the most effective way to bring about Soviet reductions because the Soviet Union could no longer justify the presence of hundreds of thousands of Soviet troops in Eastern Europe on the ground that there were hundreds of thousands of American troops in Western Europe.

Fifth, Mr. Richardson stated that "the bulk of any substantial reduction in U.S. forces will have to be made up by West Germany, the most populous and wealthy of our allies." He went on to say that the German people and the Soviet Union do not favor a larger German military establishment and that such a development "would give pause even to some of Germany's allies."

I am not arguing that there should be a larger German military establishment than has been agreed to before but only that the West Germans meet their predetermined NATO commitments as we have met ours. I might say, parenthetically, that the same comment pertains to other NATO countries as well. The fact is that in terms of the percentage of armed forces to men of military age, in many NATO countries that percentage is not only below the 8.7 percent found in the United States but also below the 4-percent figure which applies to West Germany. And in all of the NATO countries that have compulsory military service—except Greece, Portugal, and Turkey—the period of service is shorter than it is in the United States. In the case of Canada, Luxembourg, and the United Kingdom, there is no compulsory military service at all. I would also like to point out that the United Kingdom with a population of 55.5 million, and Italy, with a population of 53.7 million, are almost as populous as West Germany with a population of 58.5 million. Furthermore, according to the Institute for Strategic Studies in London, Britain's 1969–70 defense budget of $5.4 billion was higher than Germany's 1969 defense budget of $5.3 billion. On the other hand, Italy's 1969 defense budget was only $1.9 billion.

Finally, it is all very well to talk about the "strength, closeness, trust, realism, and flexibility" of NATO, as Mr. Richardson did in his concluding paragraph. But it seems to me that there is a contrast between these words and the fact that the 250 million people of Western Europe, with tremendous industrial resources and long military experience, are unable to organize an effective military coalition to defend themselves against 200 million Russians, who are contending at the same time with 800 million Chinese, but must continue after 20 years to depend on 200 million Americans for their defense. The status quo has been safe and comfortable for our European allies. But, as I observed on December 1, it has made the Europeans less interested in their own defense, has distorted the relationship between Europe and the United States, and has resulted in a drain on our resources which has adversely affected our ability to deal with the urgent problems we face at home.

EXHIBIT 1

ADDRESS BY HON. ELLIOT L. RICHARDSON, UNDER SECRETARY OF STATE, BEFORE THE CHICAGO COUNCIL ON FOREIGN RELATIONS, CHICAGO, ILL.

I would like today to examine one of the most fundamental of our foreign policy concerns, and one which in some ways is too much taken for granted, if not overlooked—the United States relationship to Western Europe and Western European security.

In a reverse twist on the early days of the Republic when George Washington used to preach against yielding to "the insidious wiles" of Europe's influence, our basic ties to Western Europe are now so firmly established that commentary on the subject is regarded as a tiresome reaffirmation of the obvious.

Whereas President Washington warned that European controversies were "essentially foreign to our concerns" President Nixon was moved to observe on NATO's birthday last spring that many people now find NATO "quaint and familiar and a bit old fashioned."

Too much of the public the purposes of NATO have the character of a cliche. The very climate of security which NATO has fostered has, perversely, seemed to permit many to disregard it or to think it obsolete. In the wake of the re-examination of foreign commitments occasioned by the Viet-Nam war, there is a tendency by some to say that NATO has done its job, so why not bring those troops home? In the U.S. Senate this feeling has taken concrete political expression in the form of a resolution introduced by Senator Mansfield, one of the most thoughtful students of America's role in world affairs. His resolution calls for "substantial reductions" of U.S. forces in Europe.

Meanwhile, Western Europe itself, prosperous, mostly democratic, stable, and probably more secure than at any time in its modern history, has been preoccupied with the inevitable problems that are the by-product of affluence and rapid economic growth. These concerns seem to have caused it to drift somewhat from the lofty goals of a United Europe and Atlantic partnership which gave a sense of mission to its leadership two decades ago.

On both sides of the Atlantic then, there are feelings of complacency and a restless anticipation of new events. The memory of Czechoslovakia is fading, the Brezhnev Doctrine is dimmer, and a reduced sense of danger merges with the feeling that new initiatives are both called for and inevitable. Perhaps in response to this atmosphere the Warsaw Pact nations, led by the Soviet Union, have called for the convocation of a European Security Conference, although—ironically—their suggested agenda would not even touch the basic issues of European security.

In this situation, it is, I think, worthwhile to take a fresh look at the suppositions on which our European policy rests, to examine its continuing validity, and to appraise frankly and realistically the proposals being made for change and adjustment.

Two World Wars have led the American people to perceive with great clarity that the security of the United States is directly linked to the security of Western Europe.

Pursuant to this belief, which was formalized in the North Atlantic Treaty of 1949, the United States has maintained a major military establishment on European soil since the early 1950's. U.S. nuclear power as well as conventional forces are available in support of this treaty commitment. Although Europe is now incomparably stronger than it was when this arrangement was first contracted, its ultimate security, like our own, continues to be linked to our power and nuclear deterrence. Because of this, one of President Nixon's first acts upon taking office was to reaffirm the American commitment to NATO and to promise close and continuing consultation within the Alliance.

Deterrence is a subtle concept. Its reality takes form largely in the minds of those who might be contemplating aggression. It is effective only when they conclude that any possible advantages of aggression would be offset by its predictable costs.

NATO's strategy of flexible response is calculated to insure that any potential aggressor would come to just this conclusion.

Our conventional forces are maintained in position in Europe to resist possible attack by Warsaw Pact formations. They are meant also to deter piecemeal aggression which an enemy might be tempted to conclude he could get away with if the only alternative to our capitulation were the unleashing of nuclear war. These forces are supported by a broad arsenal of tactical nuclear weapons, available for use if the intensity of the aggression rises.

The entire effectiveness of the flexible response strategy rests perforce on the conviction in both parts of Europe that the United States will fulfill its determined role. And the United States military presence in Europe, whether we like it or not, continues to be taken as tangible evidence of our commitment.

We must face the fact, therefore, that any sudden or dramatic reduction in the United States military presence in Europe would have unpleasant consequences of two kinds.

First, as a practical military matter, NATO's conventional defenses would be significantly weakened. Other NATO members might be tempted to follow suit and cut forces further. In the event of aggression, a less powerful NATO Alliance might be driven to resort, more quickly to nuclear weapons.

Secondly, and of probably greater consequence, any sudden or major withdrawal of American forces would have a distinctly destabilizing effect on the European scene.

The structure of the Alliance, as indeed the entire structure of world order which we have helped erect since the war, rests in the final analysis on the shared confidence that we shall honor our commitments.

If that confidence is eroded a rapid deterioration can occur—a deterioration not unlike that which can send prices on the stock market plummeting. And for this reason it is doubly necessary that we not lightly or hastily make moves that might undermine confidence in the strength of our support. It is for this reason that we have pledged to maintain our present troop strength in Europe through Fiscal Year 1971.

Let me stress that none of this suggests that U.S. troops will have to remain in Europe at present strength forever and ever. Certainly we hope that future conditions will allow modifications of our role. Our current force level in Europe of 310,000 men already, in fact, represents a considerable drop from the peak of 408,000 in 1962 during the Soviet war of nerves on Berlin. We are also continually studying and trying to improve the means by which troops stationed in the United States can be rapidly returned to Europe in case of crisis. The Mansfield Resolution urges that greater use be made of this redeployment option.

Our studies show, however, that under present conditions front-line forces hastily returned to Europe in time of crisis could not carry out their mission with the same effectiveness as forces already in place. Although rapid redeployment of limited forces is feasible, large-scale efforts of this sort expose those forces to hazards and potential confusion.

Moreover, financial savings could be negligible. If, for example, all of our current forces in Europe were brought home and stationed in this country, little or no savings would appear in our defense budget. We might even have to send a bit more, because we would lose significant financial advantages.

In Germany, the Federal Government makes land, housing, facilities and services available to our forces at no cost, or at reduced costs. Duplicating such facilities and support in the United States would involve a heavy and continuing expense—one roughly canceling out savings in shortened supply lines and transportation costs to Europe.

The balance-of-payments drain of our military deployment in Europe is currently about $1.5 billion a year. This is unquestionably a large figure, and, if our forces were returned to this country, many of those dollars would stay at home. The problem is partially neutralized, however, by offset arrangements with the European countries, particularly Germany and we are exploring means of making these arrangements more adequate. In addition, withdrawal of our force from Europe would be likely to evoke prompt countervailing effects, notably in reduced sales of military equipment to our Allies and in general exports to those countries.

If we have not neglected the consideration of means by which our presence in Europe could be streamlined or modified without damaging the essential structure of the Alliance, neither have we ignored the opportunities which the era of negotiation we have now entered may hold for the future. In this area we must also make meticulous and balanced judgments, taking care not to allow our efforts to bring about agreements with the Soviet Union to undermine our relations with our friends in Western Europe.

We must have a proper regard for the always latent fear that agreements will be reached detrimental to European interests. We cannot, of course, allow the existence of this fear to deter us from seeking to lower tensions. Ironically, in fact, there exists among a younger generation of Europeans the converse suspicion that the United States and the USSR are collaborators in the defense of the status quo. But we intend to do everything possible to allay such fears and suspicions by sticking strictly to our pledge to consult closely with our allies and take their interests into account as talks go forward. Only by such close consultation can we quiet the Cassandras who see every effort at US-Soviet rapproachement or even minor moves to adjust force levels as evidence of betrayal.

During the past year in-depth consultations have been held on a wide range of subjects, including the question of strategic arms limitations. The Deputy Foreign Ministers of the NATO governments, at President Nixon's suggestion, held the first of what we expect to be periodic reviews of major, long-range problems before the Alliance.

It is particularly important that there be the fullest consultations on the SALT talks. The very fact that these talks are going on has stimulated some uneasiness in Europe. It is well understood that the talks imply changing strategic relationships and that their success could further affect the situation. As President Nixon put it last spring: "The West does not have the massive nuclear predominance today that it once had, and any sort of broad-based arms agreement with the Soviets would codify the present balance."

Given the European sensitivities on SALT and nervousness about changing military relationships, it would seem wise not to compound anxieties at this time by any moves to reduce our troop strength on the continent.

While attempting to keep our allies abreast of our own negotiating activities, we are welcoming and encouraging their own efforts, particularly those of West Germany, to improve relations with the Soviet Union and the countries of Eastern Europe. One of the most promising areas of potential progress with the Eastern European nations lies, we believe, in reaching agreement on mutual and balanced East-West force reductions.

We are now working with our allies to develop models which could form the basis for such an agreement. The NATO countries Foreign Ministers, meeting last December, said in their Declaration that despite the fact that there had been no response on earlier suggestions, the Allies "will continue their studies in order to prepare a realistic basis for active exploration at an early date." They concluded their studies on the subject had already progressed sufficiently to permit the establishment of criteria which reductions should meet. They directed that further consideration also go forward on related measures such as advanced notification of military movements or maneuvers, the exchange of observers at maneuvers, and the establishment of observation posts. This, we are convinced, is a constructive approach much more specifically directed at a concrete issue generating tension than the Warsaw Pact's vague proposal for a European Security Conference.

We hope the Warsaw Pact nations will respond. Realism, however, suggests that they will be less likely to respond if a unilateral reduction of U.S. forces appears in the offing anyway. The firm belief that it would weaken our bargaining position on balanced force reduction is thus another reason why the Administration opposes the Mansfield Resolution.

Among the questions raised by those who favor an immediate and substantial reduction of our forces in Europe is whether the burden of NATO defense is now fairly allocated. The prosperous Europeans should, they feel, carry a much larger share of the defense of their own continent.

We agree—up to a point. The United States believes that our European allies can and should do more. We have told them often that if they increase their own efforts, it would help us to maintain ours. So even though they actually have increased their defense budgets to cover improvements in their forces, while our own defense budget has been declining, we have and are continuing to press them to assume a larger share of Europe's defense responsibilities.

A precipitate reduction of United States forces in Europe would, however, not only fail to stimulate additional European effort, it would probably produce the contrary effect. The bulk of any substantial reductions in U.S. forces would have to be made up by West Germany, the most populous and wealthiest of our NATO allies. But the German people do not relish an enlargement of their country's military establishment. Nor certainly does a Soviet Union still highly emotional about its 20 million World War II dead and enormously sensitive on the subject of German "revanchism." Indeed, it would give pause even to some of Germany's allies.

Any insignificant rise in the German defense effort could thus destroy Chancellor Brandt's constructive efforts to improve relationships with the Federal Republic's Eastern neighbors and thereby halt the attempts to lay the foundation for a settlement of the issues still dividing Europe.

I spoke earlier of the fact that we did not want to suggest that the present number of U.S. troops in Europe was inviolate and could or would never be changed. We hope that conditions will eventually come about which will render their presence altogether unnecessary. But when such conditions do come, I feel certain they will be the result of hard and patient bargaining.

Back in 1948, when the Cold War was very cold indeed, Belgian Foreign Minister Paul Henri Spaak, addressing himself to the Soviets' Andre Vyshinsky at a UN Security Council session, said: "The basis of our policy today in Europe is fear. We are afraid of you. We are afraid of your government and we are afraid of the policies which you are pursuing."

Twenty-two years later tensions are lower and East and West are engaged in substantive discussions aimed at lowering them further. But the basic cement holding together the Alliance is still the threat from the East. The United States does not control the Alliance. When France chose to withdraw from NATO we could not prevent it from doing so. Unlike the Warsaw Pact which rests on an ideological base guarded and sanctified by the Soviet Union, NATO has no dogmatic underpinnings. There is no Western version of the Brezhnev Doctrine. When there is no more threat to the security of the nations of Western Europe, there will be no more need for NATO. And only when the confrontation in Europe truly ends and a genuine peace replaces the always precarious peace of mutual deterrence will the role of our troops be finally accomplished.

On another front, in response to the President's initiative, the Alliance has taken on a new dimension by creating a permanent Committee on the Challenges of Modern Society to help deal constructively with some of the most pressing problems common to all of its members—the problems of the environment.

The United States, meanwhile, continues to support the goal of a politically and economically integrated Europe. Despite the recent signs of drift, economic integration has come far, and there are indications that new moves forward may be developing. The most ambitious of the European regional arrangements—the European Community of the Six—has already gone beyond the earlier conception of international cooperation to a new form of relationship among nation states.

Since the EEC was established in 1958 its members have abolished tariffs among themselves, agreed upon important measures of the harmonization, instituted an ambitious common agricultural policy and removed most barriers to the free movement of capital and labor. As a group the Six have enjoyed significantly higher rates of economic activity, trade and growth than before 1958. Inter-Community trade has almost quadrupled. Since 1967 Community trade with the outside world has exceeded that of the United States.

The recent Summit Conference of the Six at The Hague and the success of the Council of Ministers of the Community in agreeing on a far-reaching plan for financing their common agricultural policy preface moves to perfect the economic union and extend it to new members in the next year or two. On the latter point, the interests of the United States are very much engaged, not only economically but militarily, for enlargement of the European communities to admit countries not committed to the defense of the West raises questions about the possibilities of political unity, and the underlying strength of the NATO Alliance itself.

The United States sees no conflict between the goal of European integration and the efforts now going forward to end the dangerous division of the Continent. We welcome the indication that dissatisfaction over the continuing gulf between the two halves of Europe is growing in the East as well. Stronger relationships in Western Europe itself can, we believe, facilitate the building of stronger relationships with the east.

"I believe we must build an Alliance," the President has said, "strong enough to deter those who would threaten war; close enough to provide for continuous and far-reaching consultation; trusting enough to accept diversity of views; realistic enough to deal with the world as it is; flexible enough to explore new channels of constructive cooperation."

In the past year, I believe, we have strengthened the Alliance on each of these counts. Strength, closeness, trust, realism, flexibility—these will be useful assets as we

move toward the new hopes and new possibilities of the "era of negotiation."

SENATE RESOLUTION 292—SUBMISSION OF A SENATE RESOLUTION RELATING TO SUBSTANTIAL REDUCTION OF U.S. FORCES PERMANENTLY STATIONED IN EUROPE

Mr. MANSFIELD. Mr. President, at this time this country has 429 major bases overseas and 2,297 lesser bases. These bases cover 40,000 square miles and are located in 30 countries. Stationed on these bases are 1,750,000 servicemen, families, and foreign employees, and the cost of maintaining these bases is approximately $4.8 billion a year.

Mr. President, I would like to discuss one area in which we have a large number of bases and an extraordinarily large number of troops, namely, Western Europe.

On January 19, 1967, I submitted Senate Resolution 49 which expressed the sense of the Senate that "a substantial resolution of U.S. forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty." I wish to introduce an identical resolution again today and ask unanimous consent that its text be printed in the RECORD at the conclusion of my remarks and that the resolution be referred to both the Committee on Foreign Relations and the Armed Services Committee.

The PRESIDING OFFICER. The resolution will be received and referred to the Committee on Foreign Relations and the Armed Services Committee; and, without objection, the resolution will be printed in the RECORD.

(See Exhibit 1.)

Mr. MANSFIELD. Mr. President, we have had several hundred thousand men in uniform stationed in Europe since 1951 when President Truman, responding to the then existing situation and to a Senate sense resolution of that day, announced the first substantial post-World War II increase in U.S. forces there. When Senate Resolution 40 was introduced 2 years ago there were about 372,000 military personnel in Europe, including Turkey, Spain, and the 6th Fleet in the Mediterranean; this force was accompanied by some 240,000 dependents, a grand total of 612,000. There are now about 315,000 men—a good reduction—and they are accompanied by 235,000 dependents—not a good enough reduction—and 14,000 civilians employed by the U.S. Government. Thus, there are over 550,000 Americans in Europe today who are either in military service or associated with the military, and maintained wholly or largely by the Government of the United States.

We now have, overall, about 3.5 million men under arms. Of this total, about 1.2 million are stationed outside the United States, according to figures provided by the Department of Defense. In addition to those in Europe, there is a force of about 479,500 in Vietnam.

May I say, parenthetically, that as of last Thursday, this is 4,500 in excess of the 60,000 announced withdrawal by the President of the United States, a withdrawal which was to be met by December 15, 1969. Thus, I congratulate the President for going beyond the 60,000 mark. I hope that this is a continuation of a policy which, perhaps, may not be announced but which will be continued in effect, to the end that more and more troops can be withdrawn as appropriately as possible from Vietnam and all of Southeast Asia.

There are 129,000 in the fleets abroad, 58,000 in Korea, 45,000 in Thailand, 42,000 on Okinawa, another 40,000 in Japan, 28,000 in the Philippines, 24,000 in Latin America, 10,000 in North Africa and the Middle East and another 10,000 in Canada, Greenland, and Iceland.

This commitment of men abroad obviously represents an enormous cost to the people of the United States. It is reflected in a military budget of some $80 billion and in the tax rates. It is also reflected in a balance-of-payments deficit which amounted to $1.3 billion in the first quarter of this year.

Our net foreign exchange gap with Germany alone is now running at about $965 million per annum. This is the highest figure to date. In 1968, the figure was $887.4 million. It had been between $700 and $800 million in the period 1963 through 1967, and under $700 million in the years before 1968.

In the past, part of this exchange gap has been covered through various agreements with the West German Government. In fiscal years 1962 through 1965 these so-called offset agreements consisted simply of commitments by the West German Government to procure military equipment in the United States. The agreement for fiscal years 1966 and 1967 provided for military procurement plus the prepayment of a West German debt. The fiscal year 1968 agreement provided for military procurement plus purchase of special medium-term U.S. Treasury securities by the West German Government. In fiscal year 1969 the agreement provided for military procurement plus the purchase of special U.S. Treasury securities by the West German Government, plus additional purchases of U.S. Treasury securities by West German banks plus an agreement by Lufthansa to finance purchases of aircraft.

I have had the Library of Congress draw up a table showing the terms of these so-called offset agreements between the United States and West Germany in fiscal years 1962 through 1969 and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. MANSFIELD. Mr. President, agreement was reached with the West German Government on July 9 covering fiscal years 1970 and 1971. The agreement provides for an inflow of foreign exchange in the amount of $1.52 billion over the next 2 years. In addition to military procurement in the United States, the agreement provides for a West German Government loan, plus retention in the United States for 2 years of interest earned by West Germany on U.S. Treasury deposits, plus the purchase by West Germany of U.S.-Export-Import Bank and Marshall Plan loans, plus West German civil procurement in the United States, plus payment to a fund in the United States for encouraging German investment plus advance transfers for debt repayment by the West German Government to the United States. A concessional interest rate of 3.5 percent will apply to the West German Government loan and to certain deposits in the U.S. Treasury for military procurement. I ask unanimous consent that the text of a press release issued by the Department of State on July 9, giving the terms of the agreement, be printed in the RECORD at this point.

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

"PRESS STATEMENT

"The U.S. and German delegations announced today the conclusion of a new agreement for offsetting foreign exchange costs of American forces in Germany for U.S. Fiscal Years 1970 and 1971. The delegations have been conferring in Washington this week on the third and concluding round of their talks.

"The agreement provides for an inflow of foreign exchange to the U.S. in the amount of 1.52 billion dollars. These inflows will be achieved by $925 million of procurement of U.S. goods and services (61% of total agreement) and $595 million of financial measures (39% of total).

"Details are as follows:

"[In millions of dollars]

"Military procurement in the United States	800.00
Federal Republic of Germany loan to the U.S. (repayable after ten years	250.00
Purchase by Federal Republic of Germany of loans held in portfolio of Eximbank and of outstanding Marshall Plan Loans	118.75
Civil procurement in the United States by Federal Republic of Germany	125.00
Creation of fund in U.S. by Federal Republic of Germany to encourage German investment in United States	150.00
Advance transfers by the Federal Republic of Germany for debt repayment to the United States	43.75
Retention in the United States of interest earned by the Federal Republic of Germany on U.S. Treasury deposits	32.50
Total	1,520.00

"It was agreed that the interest rate which would apply to the inter-government loan and to certain Federal Republic of Germany deposits in the U.S. Treasury for procurement would be 3.5 percent.

"The Export-Import Bank and Marshall Plan loan purchased by the Federal Republic of Germany would bear, on the average, a rate of interest at four percent with respect to certain loans and five percent with respect to others.

"The U.S. delegation was led by Deputy Under Secretary of State Nathaniel Samuels; the German delegation was headed by State Secretary Guenther Harkort of the Foreign Office."

Mr. MANSFIELD. Mr. President, I would like to make several comments to the agreement. Before doing so, I should note that the Department of State apparently believes that this agreement represents a considerable improvement over previous agreements. To be sure, the amount of the military procurement is greater than last year, or the previous years. The borrowing by the United States is for a longer period than in the past and a concessional rate will apply to the West German Government's loan. The total amount is higher than ever before and the agreement is for 2 years instead of only one.

In those respects there has been "improvement." It would be well to bear in mind, however, that there is another side of the coin. While the amount of foreign exchange inflow involved is higher, so is the foreign exchange gap because it becomes more expensive every year to keep our forces in Germany. With the reevaluation of the German mark, moreover, this expense stated in dollars will increase again, and, possibly, more drastically than in the past. Furthermore, the agreement represents only about 80 percent of the foreign exchange outflow from the United States to Germany in the coming 2 fiscal years. And, while the West German Government loan to the United States will carry a concessional interest rate of 3.5 percent, nevertheless it represents an obligation of the United States which must be renewed or redeemed; the interest will result in some annual capital outflow and the capital of the loan itself must be regarded as, eventually, a large item of outflow. Finally, since the agreement is for a 2-year period, it may imply a commitment on our part to retain substantially the present level of U.S. forces in Germany for the next 2 years whether or not that should prove desirable or in accord with our national needs now or a year from now. In fact, the new West German Chancellor said in an interview in the November 14 issue of Time magazine that there was "an understanding on both sides," when agreement was reached on an offset arrangement for

the next 2 years, that there would be no "substantial changes" in the level of U.S. forces during this period.

No matter how the current agreement is regarded, there is no escaping the fact that the assignment of U.S. military forces in Germany and Europe is a voracious consumer of U.S. resources, a source of inflation and, in present circumstances, a factor in the reduction in the international strength of the dollar.

It is a cliche to say that the United States is a rich and powerful country. After the long drain on Vietnam, however, it may be wise to take another look at that glib assertion. In terms of surplus for necessary national purposes at home and abroad, we are beginning to scrape the bottom of the barrel.

Other nations have come to realize that if they are to accomplish the essential tasks at home, it may be necessary to concentrate on only the essential tasks abroad. In my judgment, it is long past time for us to face the facts of our situation and reach the same conclusion. In this connection, I welcome the President's July 9 order to reduce the number of military men based abroad by 14,900—also his most recent order of the day or so ago in which approximately another 14,000, almost all in the Pacific area, will be reduced insofar as our Armed Forces are concerned—although in my judgment it is regrettable that the reduction is so limited and that the forces committed to NATO have been completely exempted from this cut in military forces overseas.

On April 15, I had printed in the RECORD the defense policy statement made by the Canadian Prime Minister on April 3. In that statement, Prime Minister Trudeau said:

"NATO itself is continuously reassessing the role it plays in the light of changing world conditions. Perhaps the major development affecting NATO in Europe since the organization was founded is the magnificent recovery of the economic strength of Western Europe. There has been a very great change in the ability of European countries themselves to provide necessary conventional defense forces and armaments to be deployed by the alliance in Europe.

"It was, therefore, in our view entirely appropriate for Canada to review and re-examine the necessity in present circumstances for maintaining Canadian forces in Western Europe, Canadian forces are now committed to NATO until the end of the present year. The Canadian force commitment for deployment with NATO in Europe beyond this period will be discussed with our allies at the Defense Planning Committee meeting in May. The Canadian Government intends, in consultation with Canada's allies, to take early steps to bring about a planned and phased reduction of the size of the Canadian forces in Europe."

According to press reports, which I understand to be accurate, the present plan is to reduce the number of the Canadian contingent of about 10,000 in Western Germany to about 4,000. This is a small reduction in numbers but a large reduction in percentage and would seem to represent, in effect, a change in the Canadian estimate of the situation in Europe, as well as a revision of policy on the part of the Canadian Government. I would hope this Nation would study the Canadian action most carefully. To me, it seems an adjustment which looks to the future instead of to the past.

Last year at this time, we too, appeared to be on the verge of moving in the same direction. There was widespread support in the Senate for a proposal by the distinguished Senator from Missouri (Mr. SYMINGTON) which would have had the effect of lowering substantially the level of our forces in Europe. Most regrettably, there was the occupation of Czechoslovakia on August 20 by 400,000 Soviet and other Warsaw Pact forces. The time was one of extreme uncertainty, with various obscure troop movements in Eastern Europe. It was far from clear that the relatively bloodless coup in Czechoslovakia would mark the culmination of this activity. There was fear that the difficulties in Eastern Europe might spread throughout Europe.

As I stated at that time, a substantial reduction in U.S. Forces in Europe in those circumstances could have been subject to misinterpretation in the East, and brought grave uncertainty in the West. I added, however, that, in my judgment, it remained desirable to undertake a gradual reduction in U.S. forces if and when the situation in Eastern Europe offered reasonable assurance that developments there were not going to spill over into Western Europe. It seems to me that that time has now arrived. The Soviet Union faces serious problems in Czechoslovakia and elsewhere in Eastern Europe. If that were not enough, there is a difficult situation to the East on the Soviet-China border. Soviet troops in Czechoslovakia, moreover, have been cut from several hundred thousand to about 70,000. While it is regrettable that the internal political life of that enlightened nation is again dictated by a foreign power, certain realities as they bear upon our military presence in Europe must be faced. What transpired in Czechoslovakia was not controllable in any fashion by NATO and bears no direct relationship to the question of the size of American forces assigned in Europe to that organization. Had there been only one or two divisions or, for that matter, seven or eight or 18 divisions of Americans in Western Germany, instead of four or five, would they have had any different effect on the situation as it developed in Czechoslovakia last year? I can find no basis for any such contention. Events within Eastern Europe are, as they have been since the Hungarian interlude made apparent for all to see more than a decade ago, beyond the direct reach of the North Atlantic Treaty and the military structure of NATO.

Nevertheless, it will be argued, as it is always argued, that the time is not right to make a substantial reduction of our forces in Europe. But it seems that the time is never right. I am aware of the recent press reports, for example, implying that NATO may be on the point of making a proposal to the Soviet Union and its Warsaw Pact allies for negotiations on reducing conventional forces in Europe. I would like to point out, however, that NATO has been studying the subject of balanced force reductions for years. My understanding is that there is still no agreed NATO proposal for balanced force reductions and it is not planned that there will be one until at least early in the summer. Even then, there is no reason to assume that discussions, much less full negotiations, will begin, for there has been no indication, direct or indirect, that the Soviet Union is interested in such discussions.

It will also be argued, as it is always argued that bringing a substantial number of forces back from Europe will not affect our defense budget because we cannot reduce the number of men under arms. But it is also argued that it is not possible to reduce the number of men under arms because of the need to meet our NATO and other overseas commitments. This endless circle leading, in the end to fiscal exhaustion can and must be broken.

I am not now advocating, and I have not in the past advocated, that all U.S. troops be removed from Europe. Our vital interest in what transpires in Europe remains and a U.S. presence should remain. In this day and age an armed attack on Western Europe will certainly involve us almost from the outset. It is to our interest, therefore, that we are present before the outset. That need can be met, in my judgment, and should be met with a much smaller military force.

At the same time, a substantial reduction of our forces in Europe would have certain immediately beneficial effects on this Nation. In the first place, the balance of payments should soon reflect a sharp decrease in outflow for military purposes, even as it becomes possible to bring about a reduction in the National military budget. In the second place, a reduction in U.S. forces in Western Europe might provide some impetus for Western Europeans to develop their own defense efforts in line with their needs and to work together more closely in doing so. Integrated defense is supposed to be what NATO is all about. To the extent that we have continued to overparticipate in the defense of Europe, it follows that there has been far less interest in bearing the burdens of that defense among the Europeans themselves.

Finally, a substantial reduction of American forces would help to correct what I regard as a distorted relationship between Europe and the United States. The Soviet Union maintains half a million soldiers in Eastern Europe. While the Russians may ascribe this presence to a threat from the West, the fact is that the Soviet presence is also a significant factor in maintaining communist governments in power, as Czechoslovakia has so clearly illustrated. The democracies have no need of U.S. forces in order to maintain themselves within the nations of Western Europe; yet, that most significant political fact is disguised by our military presence in such great magnitude.

In my judgment, it is not a desirable situation for a foreign power either in Eastern Europe or Western Europe to keep somewhere in the neighborhood of a million men in these two camps, a quarter of a century after the events which initially put them there. Both contingents are somewhat anachronistic, to say the least. Yet the continuing presence of the one has become the principal basis for the continuing presence of the other. The persistence of the anachronism leads not only to a distortion of political relationships, but to a distortion of economic relationships. Indeed, the annual offset negotiation with the West German Government is a case very much in point. West Germany is, in effect, becoming a major banker for this Nation in order that we may pay for the continued maintenance of U.S. forces in Germany at this Nation's expense.

In short, the presence of American forces in Europe in such large numbers, in my judgment, has vestiges, if not of empire in a 19th century sense, then of military occupation and of the costly cold war and of the one-time complete preeminence of the dollar in international finance. Yet the age of empire, the era of occupation, the period of the cold war and one-sided financial preeminence are of the past. The persistence of these vestiges in present policies involves, in my judgment, a wasteful and dangerous use of our available resources. It acts to debilitate this Nation's capacity, both at home and abroad, to deal with the urgent problems of the contemporary era.

"EXHIBIT 2

"S. RES. 292

"Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people, and the maintenance of world peace; and

"Whereas the United States, in implementing these principles, has maintained large contingents of American Armed Forces in Europe, together with air and naval units, for twenty years; and

"Whereas the security of the United States and its citizens remains interwoven with the security of other nations signatory to the North Atlantic Treaty as it was when the treaty was signed, but the condition of our European allies, both economically and militarily, has appreciably improved since

large contingents of forces were deployed; and

"Whereas the means and capacity of all members of the North Atlantic Treaty Organization to provide forces to resist aggression has significantly improved since the original United States deployment; and

"Whereas the commitment by all members of the North Atlantic Treaty is based upon the full cooperation of all treaty partners in contributing materials and men on a fair and equitable basis, but such contributions have not been forthcoming from all other members of the organization; and

"Whereas relations between Eastern Europe and Western Europe were tense when the large contingents of United States forces were deployed in Europe but this situation has now undergone substantial change and relations between the two parts of Europe are now characterized by an increasing two-way flow of trade, people and other peaceful exchange; and

"Whereas the present policy of maintaining large contingents of United States forces and their dependents on the European Continent also contributes further to the fiscal and monetary problems of the United States: Now, therefore, be it

Resolved, that—

"(1) it is the sense of the Senate, that with changes and improvements in the techniques of modern warfare and because of the vast increase in capacity of the United States to wage war and to move military forces and equipment by air, a substantial reduction of United States forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty;

"(2) S. Res. 99, adopted in the Senate April 4, 1951, is amended to contain the provisions of this resolution and, where the resolutions may conflict, the present resolution is controlling as to the sense of the Senate.

"Terms of offset agreements between the United States and Western Germany, fiscal 1962-1969

"[In millions of dollars]

	Agreed target payments
"Fiscal years and terms agreed by Western Germany:	
1962–1963, Military procurement by West Germany from the United States	1,875
1964–1965 Military procurement by West Germany from the United States	1,375
1966–1967. Military procurement by West Germany from the United States plus prepayment of West German debt to the United States in the amount of $192 million	1,350
1968, Military procurement by West Germany from the United States	100
1968, Purchase by West Germany of special U.S. Treasury securities	500
Total	600
1968, West Germany agreed that the Bundesbank would continue its practice of not converting dollars into gold.	
1969, Military procurement by West Germany from the United States	100
1969 Purchase of U.S. Treasury Securities by West German banks	125
Total	725
1969, Lufthansa agreed to finance $60 million purchase of aircraft in West Germany rather than U.S. market."	

SENATE RESOLUTION 292—U.S. FORCES IN EUROPE—CONTINUED

Mr. ELLENDER. Mr. President, I am in complete accord with the views of the Senator from Montana.

For the past 10 years I have been advocating that we should remove our troops from Western Europe. It has been costing the taxpayers of our Nation over $2 billion annually to hold an umbrella of military protection over our allies in that part of the world.

In my humble judgment, there is no reason for keeping them there. It is irritating to our former allies and has the tendency of widening the breach between us and the U.S.S.R. We have been supporting Western Europe now for over 20 years, and I sincerely believe that it is long past time to move out of there. If protection is needed, which I doubt, the countries of that area are well able to care for themselves.

Keeping our troops there tends to maintain the fear and suspicion that the U.S.S.R. has of us and I have no doubt that the Russians will follow suit and remove their forces from the countries of Eastern Europe. As I have often said in the past, when former President De Gaulle of France ordered us out of his country we should have then and there left Europe.

In my most recent visit to the U.S.S.R., in 1968, I have reported to this body that I can see no world peace unless and until we can dispel the fear and suspicion that now exists between us and the U.S.S.R. and we should make every effort to accommodate ourselves with the Russian people. That can be done without in any manner embracing each other's philosophy of government.

RESPONSES OF SENATOR MIKE MANSFIELD

(Question posed by Mr. Girolamo Modesti, U. S. Correspondent of La Nazione, Florence, Italy and other Italian Newspapers, March 3, 1970)

QUESTION

With regard to a withdrawal of American forces in Central Europe—a "substantial" withdrawal—a series of arguments against such a course has been raised from the Europeans, as well as from Administration sources in this country. What is your answer, Senator Mansfield, to the following main themes: (a point by point rebuttal would be highly useful)

(a) The United States military presence in Europe continues to be taken by the Europeans as tangible evidence of American commitment. Cutting down on this presence would be for the Europeans the equivalent of cutting down on the credibility of the American commitment.

(b) Any sudden or major withdrawal of American forces would have a distinctly destabilizing effect on the European scene. This could bring to a "finlandization" of the Old Continent.

(c) In the event of aggression a less powerful NATO Alliance might be driven to resort more quickly to nuclear weapons.

(d) The cuts in the American forces, apart from the credibility of the American commitment, would reduce the credibility of the Alliance as a deterrent to any Soviet aggression.

(e) The general situation in Europe would deteriorate because American withdrawals would not lead, in the general opinion, to greater Western European defense efforts, and, secondly, because the plan to fly troops based in the U.S. back to Europe when needed sounds highly dubious in practical and in political terms.

(f) There is a link between U.S. determination to maintain the troop level and the strategic arms limitation talks with the Soviets. Therefore a substantial withdrawal could hamper the SALT talks.

(g) The bulk of any substantial reductions in U.S. forces would have to be made by West Germany. But the Soviet Union does not relish an enlargement of the German military establishment. Indeed, a withdrawal gives pause even to some of Germany's allies.

(h) Any significant rise in the German defense effort could thus destroy Chancellor Brandt's effort to improve relationship with the Federal Republic's Eastern neighbors.

(i) summarizing the position of the present Administration: any reduction of the U.S. strength in Europe "would be militarily unwise, politically unsettling, financially insignificant." Is that so?

ANSWER

(a) I would not agree that a cut in the U.S. military presence in Europe can reasonably be considered as a reduction in the American commitment. Of course, Europeans can draw their own conclusions, but it ought not to be necessary to keep half a million American soldiers and dependents in Europe in order to have a credible American presence. Surely a much lower number of Americans should be a sufficient persuasive of our intentions. What is so sacrosanct in the present figure? Indeed, would we be more committed if we added another 100,000? How large a force is enough to authenticate the U.S. commitment?

(b) A sudden withdrawal of American forces is not proposed but I do think that the time has come to reduce these forces over a period of several years. This view is not a novel one. President Eisenhower felt the same way. In an interview printed in the *Saturday Evening Post* of October 26, 1963, President Eisenhower stated:

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

I agreed with President Eisenhower then. How much more valid is this comment seven years later.

(c) If the aggression were of a limited or accidental nature, then surely the forces provided by the European members of NATO supplemented with one or two American divisions *at the outset* would be sufficient for a corrective action. If the aggression were on a massive scale, its repulsion by conventional arms would depend on a NATO force far larger than presently exists or is even seriously contemplated by any member.

(d) I do not see why the Soviet Union would consider NATO with two or three fewer U.S. divisions any less of a deterrent to aggression. Even now the alliance is short of much of the strength which the European members were expected to supply but the effect has hardly been catastrophic.

(e) To be sure, the withdrawal of some American troops might not lead to larger European contributions of forces. That is likely to be the case if the Europeans continue to regard Soviet aggression against Western Europe as improbable. On the other hand, there might be greater common defense planning and other efforts in Western Europe in the absence of an overshadowing U.S. military presence.

Flying U.S. troops from the United States to Europe in an emergency ought not to be regarded as impractical. U.S. forces have been airlifted to Europe in past periods of crisis. The United States has flown troops to other areas of the world on short notice. Indeed, the U.S. Defense Department has spent a great deal of money in perfecting a technical capability in this connection.

(f) To the best of my knowledge, force

levels in Europe are not on the agenda of the Strategic Arms Limitation Talks with the Soviet Union. In any event, I do not see how a withdrawal of some U.S. forces could have a negative effect on these talks.

(g) It is not suggested that there should be, per se, a larger German military establishment. All that is proposed is that the West Germans and other Europeans should meet their already agreed-on NATO force goals if they expect the United States to continue to fill its commitment under that earlier concept. On the other hand, if the concept is outdated, if the current need is for lower over-all NATO force goals, then reductions should apply to all NATO members. They should apply, moreover, in greater proportion to the United States which initially was committed to a greater share of the NATO effort because of the debilitation of Europe by World War II.

(i) With restored resources and long military experience, Western Europe should now be able to take from the United States more of the responsibility for leadership, manpower and the other requirements of an effective military alliance. After all, the Alliance exists in great part for the defense of that region. That the United States still carries a disproportionate share has meant an excessive drain on U.S. resources in recent years which has adversely affected this nation's ability to deal with urgent problems at home.

QUESTION

What would be, in your view, a reasonable timetable for the withdrawal of the American forces in Europe, and what the final amount, if any, to be left?

ANSWER

I have long been in favor of the withdrawal of one division and accompanying dependents a year until there remains in Europe a force of between one and two U.S. divisions.

REDUCTION OF U.S. FORCES IN EUROPE

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

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

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

"There are two strong arguments which I want to present. . . . One is that this is not only a military problem. It is a political and psychological problem as well. In at least parts of Europe, a major withdrawal of American troops, unilaterally from Europe, would be regarded as a step towards, well, more or less, Soviet hegemony, as far as Europe is concerned.

"My other argument is that: There may be a chance during the next few years to come, to enter into serious negotiations on mutual balanced force reductions. At least we should be prepared for it. But I think all effective alliance with an important American presence in Europe is one of the preconditions of reasonable talks on mutual reductions of forces in Europe, especially in Central Europe."

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

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

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

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

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

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

(See exhibit 1.)

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

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

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

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

(See exhibit 2.)

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

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

(See exhibits 3 and 4.)

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

EXHIBIT 1

STATEMENT OF SENATOR MIKE MANSFIELD, JANUARY 2, 1961

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

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

That would be an important step towards easing tensions in Europe. It also would permit the Russians to reduce their armaments expenditures—which they are ap-

parently anxious to do. It would permit us to save a substantial amount of dollars in gold, which we are now draining out of the country, in no small part because of the numbers of troops with dependents and supporting structure which we maintain in Europe. At the same time the removal of two or three divisions with all of its dependents might make it possible to ease up on the financial pressure and, hence, to permit the dependents of those men who would remain in Europe to stay with them.

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

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

EXHIBIT 2

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

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

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

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

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

Mr. Schmidt also states that the West German defense budget for 1970 represents an increase of 6.8 percent over the previous year. To set that figure in context, I would like to point to a number of other percentages. According to the latest figures available, 8.7 percent of the men of military age in the United States are in the Armed Forces compared to 4 percent in Germany. In 1968, the last year for which such figures are available, defense expenses per capita totaled $396 in the United States and $87 in West Germany, and I should note that the defense expenditure per capita in Germany was lower than that in Britain or France among the NATO countries. Again taking the figures for 1968, defense expenditures as a percentage of the gross national product were 9.2 percent in the United States compared to 3.9 percent in West Germany, a percentage lower than that of Britain, France, Greece, and Portugal, among the members of NATO. These facts, too, speak for themselves.

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

BONN AND THE U.S. PRESENCE

(By Helmut Schmidt)

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

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

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

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

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

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

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

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

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

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

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

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

These facts, I think, speak for themselves.

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

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

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

seriously argue that a European armada could have the same psychological and political effects as the Sixth Fleet in the Mediterranean?

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

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

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

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

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

EXHIBIT 3

LET'S BE HONEST WITH OURSELVES

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

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

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

In this nuclear age any prospect of war may seem unthinkable, but *think* about it we must, as long as any threat exists. As a practical matter, I do not believe that war between the United States and Russia is inevitable, as some people insist, because these two nations now have too much knowledge of and respect for the nuclear strength of each other. Each has too much to lose. But if we face the facts of life, we know that the threat itself cannot be wished out of existence as long as the two great powers of the world, motivated by mutually antagonistic philosophies, have vast arsenals of nuclear warheads and the missiles to deliver these weapons to any point of the globe. We cannot abate our efforts to achieve a world of law. Yet until that achievement we must continue to live indefinitely in an uneasy armed truce, constantly alert to see that a potential enemy does not gain any decisive advantage over us.

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

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

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

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

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

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

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

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

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

In any case, the security of the free nations must depend on their continued close cooperation to meet the challenges of totalitarianism, whatever form these may take.

We should put our lesser quarrels into this perspective, work out friendly settlements, and get on with the overriding job of making democracy work. Just as among members of a family, there will always be differences of opinion, but we should be able to thresh these out without breaking up the furniture.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT 4

THE UNITED STATES AND EUROPE: ANOTHER GREAT DEBATE?

(Washington Post, Apr. 2, 1970)

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

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

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

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

Mr. Schmidt offers no realistic way out of this confrontation. The Germans cannot provide more troops, he argues, not only because of domestic political reasons, but because neither their friends nor their enemies want a bigger West German army. But he goes a lot further than that in saying that the West Germans cannot even continue to offset the balance of payments losses we suffer

from keeping troops in Europe—let alone ease our burden by paying some share of the budgetary cost of our troop presence. This is not going to be enough for Senator Mansfield and those who have signed onto his resolution. And it ought not to satisfy an American administration already hard pressed by urgent defense and domestic needs. Something will have to give, and it is not too much to say that some evidence of West Germany give may have to emerge from the Chancellor's talks with President Nixon if the transatlantic debate which Mr. Schmidt fears so much is not to turn into a donnybrook.

THE CASE FOR THE "EUROPEANIZATION" OF NATO

(Guest column for Andrew Tully by Senator MIKE MANSFIELD, Aug. 7, 1970)

On October 26, 1963, the late President Eisenhower said in an interview in the *Saturday Evening Post*:

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

It is now almost seven years since that statement was made over 25 years since World War II ended in Europe and over 21 years since the North Atlantic Treaty was signed. Yet we still have 300,000 U.S. military men in Western Europe, two-thirds of them in West Germany alone, and our forces in Western Europe are accompanied by some 200,000 dependents and 8,000 U.S. nationals employed by the Defense Department as civilians in related jobs. There are, thus, over 510,000 Americans in Western Europe either in our military forces or associated with those forces, a larger American presence than in Vietnam today.

The cost of that overseas garrison is enormous. The current estimate is that the budgetary cost of our NATO commitment, the cost to the U.S. taxpayer, is $14 billion a year while the balance of payments drain resulting from our military deployment in Europe is currently about $1.5 billion a year or almost a third of our total balance of payments deficit on a liquidity basis. Part of this foreign exchange drain goes for the salaries of local nationals employed by our military in Europe, part for the costs of buildings used by our forces, part for transportation, power and other services, part for runways, roads and other "infrastructure" items and part for property, business, import, excise and other taxes paid to foreign governments.

Unlike the situation 20 years ago, the economies of the European countries are, of course, no longer ravaged by the effects of war, as anyone visiting Europe can easily see. Yet we continue to devote a larger share of our resources, our men and money to defense than our European allies, in part because we have continued to keep over half a million Americans in Europe at government expense for two decades. We maintain a higher rate of defense expenses per capita and a higher percentage of our gross national product in defense expenditures than any other NATO country, and we have a higher percentage of men of military age in the armed forces than every other NATO country except Portugal.

One of my colleagues in the Senate recently suggested that now that we have adopted a policy of "Vietnamization," designed to turn a progressively larger share of the defense of Vietnam over to the Vietnamese, we should put into effect a policy of "Europeanization" in NATO. With this aim in mind, I have submitted Senate Resolution 292 calling for "a substantial reduction of U.S. forces permanently stationed in Europe." A majority of the members of the Senate have expressed their support for this resolution.

It should be emphasized that this resolution does not urge that all U.S. troops be brought home or that we should reduce our forces precipitately. Nor does the resolution imply that we will not continue to honor our solemn obligations to our NATO allies. On the contrary, it states that such a reduction could be made "without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty."

But the NATO countries also have a commitment under the North Atlantic Treaty, as well as an obligation to themselves for their own defense. Without continuing to rely on 200 million Americans to the extent that they have to date, the 280 million people of the European countries in NATO, with their tremendous industrial resources and long military experience, should be able to organize an effective coalition to defend themselves against 235 million Russians who are, after all, contending at the same time with some 850 million Chinese.

The policy of the present Administration, enunciated in the Guam Doctrine, is to help other Asian nations to help defend themselves. It is time to apply that doctrine to Europe. The status quo has been safe and comfortable for our European allies but it has diminished their interest in their own defense, distorted the relationship between Europe and the United States and diverted our resources from the urgent problems we face at home.

[From the CONGRESSIONAL RECORD]

Mr. MANSFIELD. I appreciate those kind remarks, but I think, in all candor, I should state that the period of postponement, the period of flexibility, to allow the administration to arrive at some sort of agreement by means of which the Western European members of NATO would share more of the burden has about come to an end. On the basis of statements by the Secretary of Defense on yesterday, it appears that the June 30 deadline, which had been the administration's termination point, as I understood, up to this time, has now been obviated. If the press reports relative to the Defense Secretary's statement are correct, I think notice should be served that this matter will be renewed, if not in this session—I would not forgo that possibility—certainly in the next session, because I think—and the Senator and I have discussed this subject many times, although we are in disagreement on some points—that 525,000 U.S. military personnel and dependents, more than a quarter of a century after the end of the Second World War, are too much of a burden to bear.

According to the figures of the distinguished Senator from Illinois (Mr. PERCY), which have not been disproved to my knowledge, it takes $14 billion out of the defense budget to maintain the personnel and installations we have in Western Europe. It would appear to me, not only as a matter of economics, but, more important, as a matter of principle, that it is time that the countries of Western Europe, all of which have been rehabilitated, some of which have been reconstructed, and all of which are in better shape financially than we are, without our internal problems, should undertake a greater share in support of their own defense.

As the Senator knows, I have never advocated an abrupt withdrawal or drawdown. I advocate such a withdrawal being on a graduated basis, so that our allies will not be caught "off base." I think the time is long overdue. I do not subscribe to the allegations of some of our own authorities that the situation in Western Europe at the present time is "razor thin" as far as the defenses of the West are concerned. Certainly that does not apply to our own people in Europe.

I think it is about time that a change of scene occurred, and I think it can be done with our strict adherence to NATO and all it means. I believe in NATO devoutly, but I do not believe in the continuation there of 525,000 of our military and dependents, costing $14 billion out of the defense budget, causing a partial drain on our gold reserves and balance of payments, to continue ad infinitum into the indefinite future.

Mr. JAVITS. I am very grateful to the Senator for speaking with his customary candor. He and I disagree only on some points. I think my own speech makes that clear.

Mr. MANSFIELD. That is correct.

Mr. JAVITS. I must say his attitude is absolutely an essential ingredient if this matter is to be resolved even in accordance with my idea and that of others who think like me. I would hope the Senator would wish to throw into the balance Secretary Laird's assertion, which, generally speaking, would seem to indicate a posture much like that which we have had up to now until the end of the fiscal year 1971–72. This would, as the Senator knows, represent 1 year's extension of what we had understood to be the situation at present. I would hope the Senator would also wish to throw into the balance the result of the Defense Minister's meeting and the NATO Council, which will open Thursday. I think this is a critical factor.

I think the whole world will have profited, whether one agrees or disagrees with the resolution of the distinguished majority leader, from the fact that he saw this situtation "coming up the pike" early, and had the feeling that it had to be resolved in the interest of our country. That is what I meant before when I referred to the attitude of the representatives of Western Europe.

Mr. MANSFIELD. May I say I appreciate the point which the distinguished Senator has reemphasized, because I noted it in the course of his speech to the Senate today.

Mr. JAVITS. I thank my colleague.

Mr. President, I want to make one point about the $14 billion. I think the Senator from Illinois (Mr. PERCY) has served us well in his marshaling and analysis of these facts. I think, however, we must not assume that the $14 billion represents an expense which we can save altogether or even in significant part even if we pulled entirely out of Europe. I know the Senator understands that. The balance-of-payments drain is another matter.

Mr. MANSFIELD. Absolutely; the Senator is correct. I did not mean to imply that interpretation. All I intended to do was state a fact which, to my knowledge, has not been denied by anyone in authority, and which has been repeatedly stated on the floor of the Senate over the past several years.

Mr. JAVITS. Yes; it is a fact that it is an order of magnitude. If we had forces here in being, ready to be transported, we would have to ascertain what that means in terms of money. Perhaps it would not mean $14 billion. But the present U.S.-NATO posture does represent that magnitude of resource commitment, including manpower commitment. That we must deal more effectively with it than we have is something that will be accepted on both sides of the Atlantic. But I do believe that vital national interests of the United States are involved in what is at stake in terms of the future of Western Europe.

Mr. MANSFIELD. I agree with the Senator, and may I say it would be my hope that we would recognize the fact that while by no means would all of the $14 billion be saved, because we would have to spend a good part of it elsewhere in this country, it is an ironic

situation when, a quarter of a century after the second World War, we still have such a tremendous establishment in Western Europe.

May I say, further, that the present administration should be given its due share of credit, because there has been a drawdown—not as much as some of us would like to see, but, in effect, there has been a steady reduction of U.S. forces in Europe, which I think has been overlooked in the general picture, but which is an established fact nevertheless.

Mr. JAVITS. I would say, to make clear what I was trying to report—and it is a report on what I have evaluated and observed of what has gone on there—is that the justification for maintaining any establishment there is the avoidance of World War III. That question must constantly be tested in that crucible. That is what I was trying to analyze in my speech. I see grave dangers in a Europe which turns inward both economically and politically, instead of recognizing its problems, which are just as worldwide as ours, and that unless it shares those problems, we are not avoiding the problem; on the contrary, we are blundering right into it.

Mr. MANSFIELD. If the Senator will yield, may I say that Europe is also turning outward as far as its economic situation is concerned. The countries of Western Europe are seeking trade pacts with the countries of Central Europe, the so-called socialist countries, with the Soviet Union, and even with China. The Senator may recall that 2 or 3 years ago there was a consortium of sorts composed of Western European nations, including West Germany, Belgium, and one or two others, under which an agreement was entered into to build a $150 million steel rolling mill in China. These outward-looking economic facets have been open from time to time. So there is that factor to consider.

The odd thing is that whenever anyone talks seriously about a U.S. troop reduction, all of a sudden a crisis emerges which was not apparent the day before, and the situation assumes kaleidoscopic proportions. So I think it is about time that both of us faced up to reality, and did what we could in accord with our resources, because it is too much of a burden. I have stressed the economic factor as far as this Nation is concerned. The distinguished Senator from New York has defined that in its true terms, but I say again it is a matter of principle primarily, not a matter of withdrawing from NATO.

The ACTING PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. JAVITS. I ask unanimous consent for 5 additional minutes.

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

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

Mr. JAVITS. If the Senator from New Jersey will permit me, I should like to continue the colloquy with the Senator from Montana to make one further point. We meant exactly the same thing, when I said they are turning inward and he said they are turning outward, for this reason: They are turning physically outward to China and to Southeastern Europe. They now even have bilateral and multilateral arrangements with countries in Africa. But they are turning inward in the sense that these are exclusivist arrangements, not on the basis on which the whole postwar rehabilitation of the world has been built, to wit, the most favored nation basis. I see this as a very regressive approach by Europe, which has gotten it in terrible trouble before and may again.

Mr. MANSFIELD. Mr. President, may I say it is my belief that the NATO countries are becoming, in fact, more isolationist—a charge which has been leveled at those of us who advocate, not a total withdrawal, but a drawdown in our installations, and bases all over the world, and a recognition of the fact that we have only so much in the way of manpower and resources, that we cannot police the world, that the American people do not desire it, and I do not think any administration would like it.

But it appears to me that we are all too often tied to policies of the past, that were good a decade, two decades, or 25 years ago. The world has changed, and we have to change with it. And may I say in conclusion that it would be my intention not only to try to do something through a sense of the Senate resolution, but I think the time has arrived to go beyond that, and to introduce an appropriate type of legislation to an authorization bill or an appropriation bill at the appropriate time.

Mr. JAVITS. I thank my colleague very much. This is notice which the world should have, and I am glad that I have been the instrument, though unwittingly, to bring it to the fore.

Mr. MANSFIELD. The catalyst.

Mr. JAVITS. I thank the Senator.

I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, the Senator from New York has produced, on this occasion as on many other occasions, a most useful speech.

If I may for just a moment digress to a personal observation, I have to say, as a member of this year's North Atlantic Assembly and of its Political Committee, of which the Senator from New York was chairman, that I was enormously proud of the job that he did as head of that committee, not only in formal ways but in substantive ways. I cannot imagine anyone who could have created, from the somewhat negative material at hand, a more useful end product. His two resolutions demonstrated his well-known ability to make bricks without straw.

The Senator's two resolutions are useful and important, and his introduction of them required a keen knowledge of important aspects of our alliance and our relations with the countries of Western Europe which some would prefer to forget.

In regard to the position of the Senator from Montana, the majority leader, I think the Senator from New York has rightly noted its importance, particularly at this time. I do not think anyone ought to have illusions about the extent to which America is going to act on the matter of troops in Europe. The position of the Senator from Montana represents the outer limit of what the broad range of American opinion will support in the way of carrying peoples who are not willing to do their fair share.

It will be very unfortunate if the message from the Senator from New York and the Senator from Montana does not get through to the NATO ministers at their meeting this week, since there is a clear limit beyond which the United States cannot or will not go in supporting people who will not support themselves. In a sense, the same principle is involved here as in South Vietnam. I am most pleased that the Senator in his speech has cut through the usual wall of rhetoric and has avoided the kinds of pious statements that they done so much to cloud thinking on this matter. He deserves enormous credit for yet another example of what a man of his ability can do in dealing with difficult situations. I again wish to say I am proud to have been associated with the Senator from New York during his outstanding service.

Mr. JAVITS. I thank my colleague. One of the joys of serving here is that we take turns in being in what the Senator calls a subordinate capacity. I have sat at the Senator's feet in connection with congressional ethics, and foreign policy matters for years. I think it is one of the most creative aspects of our working life, which is dedicated to the public interest as we see it, that we learn how to be, at one and the same time, acolytes and evangelists.

I thank the Senator very much for his remarks.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

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

Mr. NELSON. Mr. President, I yield to the Senator from Arkansas without losing my right to the floor.

Mr. FULBRIGHT. Mr. President, I thank the Senator from Wisconsin.

I only wish to commend the Senator from Montana for the persistence which he has shown on this subject, going through, as he has said, some 10 years.

I particularly commend him on the timing of this particular move.

There has come to my attention these various aspects of the situation, especially that commented upon by the Secretary of the Treasury this morning at a hearing before the Finance Committee which I attended.

It is perfectly clear from the Secretary's statement that we are in a most serious economic situation, running an ever-increasing deficit on our balance of payments and, as a matter of fact, upon our domestic deficit.

There is one other sentence I want to read to illustrate and emphasize this matter. The Secretary said this morning:

> The simple fact is that in many areas, others are outproducing us, out-thinking us, outworking us, and out-trading us.

I would emphasize that I particularly agree with his saying that they are outthinking us. They are running rings around us.

If we do not do something along the line the Senator from Montana is recommending, I can see no great hope of our ever getting our economy back in line.

I commend the Senator from Montana.

AMENDMENT NO. 96

Mr. NELSON. Mr. President, I send to the desk an amendment to the Mansfield amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 2, beginning at line 6, strike all of paragraph (b) and insert in lieu thereof the following:
>
> (b) To this end the United States shall enter into negotiations at the earliest possible time to seek a mutual and balanced reduction of forces and armaments of the United States and Soviet Union, and other members of the North Atlantic Treaty Organization and Warsaw Pact, in Europe.

Mr. NELSON. Mr. President, I fully support the concept advocated by the majority leader, the Senator from Montana (Mr. MANSFIELD) to reduce our troop levels in Europe. Such a reduction is long overdue. I have supported the position of the majority leader on this issue for quite some time.

However, it would seem to me the most effective approach is to enter negotiations to seek a mutual reduction of NATO and Warsaw Pact forces in Europe. Successful negotiations could very well provide the foundation for a mutual deescalation of the arms race between the two great powers. This certainly would be in

the interest of both the Soviet Union and the United States, as well as the cause of world peace itself.

Since the majority leader's amendment was laid before the Senate, Soviet party leader Leonid Brezhnev has proposed negotiations on mutual reduction of troops and armaments in Europe. That offer having been made, it is in the United States' interest to promptly enter into such negotiations.

I, therefore, introduce an amendment to Amendment No. 86 of the majority leader. It deletes the language calling for a unilateral troop reduction and states instead that the United States shall enter into negotiations at the earliest possible time to seek a mutual and balanced reduction of NATO and Warsaw Pact forces and armaments in Europe. The amendment leaves the form of such negotiations open. It does not preclude Senate action regarding the level of U.S. forces in Europe at some future time should the negotiations fail.

Mr. President, I hasten to add at this moment that if the administration does not negotiate in respect to Mr. Brezhnev's suggestion, I would be prepared at an early date to support the Mansfield amendment, and I would be prepared at a later date, if the negotiations fail of fruition, to support the Mansfield amendment at that time.

The United States has in the past endorsed the idea of negotiations for mutual and balanced force reductions in Europe. Now that the Soviet Union has expressed willingness to enter talks, it would seem wiser to proceed by the negotiating route than by unilateral action at this moment.

This is especially true if we adopt the view of a number of the most responsible military analysts that the conventional forces of NATO and the Warsaw Pact are roughly in a state of parity. In such a case, it is clearly in our interest that the pact's forces be reduced as we reduce ours if they can be persuaded through negotiations to do so.

Hopefully, East-West negotiations will deal not only with conventional forces in Europe but with tactical nuclear arsenals as well. We have 7,000 tactical nuclear weapons in Europe. The Soviet Union has its own tactical nuclear arsenal. Obviously, in the interest of peace and the preservation of Europe, it is just as important to limit these weapons as it is to limit ground troops—perhaps even more so.

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

Mr. NELSON. I yield.

Mr. FULBRIGHT. Mr. President, I wonder why the Senator feels that he should make a proposal, believing that the negotiations would lead anywhere. We have been negotiating with the Russians for at least 1½ years, or nearly so, on the SALT talks, which is a very similar matter in their ultimate objective. The administration rejected the Brooke amendment and paid no attention to it.

Now, rumors have been spread by various Members of the Senate that the Russians will go along. But instead of making progress toward deescalation, it is only heating up the matter and it is getting worse than ever.

What leads the Senator to believe that his amendment would in any way influence an administration that does not choose to do so, to negotiate. There is nothing mandatory about the Senator's proposal. It is merely an expression of hope. What effect can that have on an administration that does not wish to negotiate?

The administration could have started negotiations for return of our troops a year or 2 years ago.

Mr. NELSON. Mr. President, first let me say that the fact that the administration has now said they would like to negotiate with Mr. Brezhnev is as a consequence of the pressure that has been put upon them by the Mansfield amendment. There would not appear to be any question about that. However, it does seem to me that since there are only two superpowers—Russia and the United States—and that since on many occasions it would appear that there might be an opportunity for the two nations to negotiate some deescalation of the arms race, I think we ought to seek negotiations whenever there might be some possibility of success.

There are only two powers on the face of the earth that can bring an end to the arms race and can, by agreement, effectively assure that there will not be a world war. I think it is true we have not shown any great desire to stop the arms race any more than the Russians have. We have escalated the arms race ourselves constantly and increasingly for the past 10 years; and when we had an opportunity not to test the MIRV's and to say, "Let us negotiate," we rushed the testing of the MIRV because we thought we could secure some advantage. Now there can be no stopping the testing of the MIRV's, and the Russians are going to test them, too. Thus when both nations have deployed their MIRV's each of us will be worse off than we were before.

Then, they deploy some ABM's around Russia and we decide we have to have some ABM's; they decide they have to have more offensive missiles and we decide we have to have more offensive missiles, so that each of us will have enough offensive missiles to neutralize the ABM's that we should not have deployed in the first piace.

The fact is that both countries have been equally guilty of escalating the arms race. However, here is a case in which the Mansfield amendment puts pressure on the administration to negotiate. Now that both Mr. Nixon and Mr. Brezhnev say they want to negotiate on the troop issue we should put the matter to a test. There is everything to be gained and nothing to be lost since we can return to the Mansfield proposal if negotiations fail.

I think it would be in the interest of Russia, the United States, and Europe if there were mutual withdrawals of forces. If it appears they or we are not sincere and nothing is being accomplished, I am prepared, at some specific date in the future, to support the Mansfield amendment. I have supported that concept for a long time already.

Mr. FULBRIGHT. I did not make myself clear. Does the Senator think any progress has been made in negotiations in Vienna and Helsinki?

Mr. NELSON. Not much.

Mr. FULBRIGHT. Has there been any? There have been no results.

Mr. NELSON. That is right.

Mr. FULBRIGHT. But they are negotiating. All the Senator is saying is, "Go negotiate," but the Senator is not putting any pressure on people seriously to negotiate to an agreement.

The Mansfield amendment deals specifically with troops and says, "Bring home the troops and we do not need any agreements to bring them home."

Mr. NELSON. That is right.

Mr. FULBRIGHT. I think the Senator from Montana is giving us a good proposal. There is no value in negotiations, per se. Negotiations have to be entered into with a desire to achieve something.

Mr. NELSON. But let me say that Mr. Brezhnev said he would like to negotiate about the mutual withdrawal of troops in Europe. The President has now said he would like to negotiate.

Mr. FULBRIGHT. We said we would like to stop the arms race. The negotiations go on and we proceed to build more MIRV's. There are articles about the deployment of hydrogen MIRV's in today's newspapers.

I submit that we have an opportunity to move this matter off of dead center, where it has been for 10 years; and to back up now and say, "Let us negotiate," unless people want to achieve a result, is meaningless.

Mr. NELSON. Is it the Senator's view that the administration does not want to achieve a result? Has the Soviet Union said, "We are prepared to withdraw *x*-number of troops from Czechoslovakia"?

Mr. FULBRIGHT. It will not stop there. They probably will couple with it getting out of Egypt or something else. The information is that the Russians offered to limit the ABM, and we said, "No, we are not interested in that. We have to deal with the offensive weapons, and we do not want you to count our weapons in Europe and those deliverable by airplane." Ways can always be found to prevent reaching a conclusion.

I submit it is high time that Congress do something rather than to express its vague good will and suggest a negotiation.

Mr. NELSON. I agree there has not been any apparent strong inclination on the part of our country for several years, nor Russia, although we had the advantage all along in superiority of our nuclear weapon system; there has not been a strong inclination by either side to deescalate, but I am sure the Senator will concede that the issues involved in the SALT talks are much greater in variety and complexity than this one.

Mr. FULBRIGHT. Yes.

Mr. NELSON. But here we have a situation in which the Soviet Union says, "We are willing to negotiate on that item." Now, if the administration is not sincere, that will become apparent pretty soon, and then let us take up the Mansfield amendment and I will support it. My only reservation about the Mansfield amendment is timing in view of the Brezhnev statement.

Mr. FULBRIGHT. I thank the Senator.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MANSFIELD. Does the Senator from Wisconsin have the floor?

Mr. NELSON. I have the floor. What is the question, Mr. President?

The PRESIDING OFFICER. The question is on agreeing to the Nelson amendment.

Mr. STENNIS. Mr. President——

Mr. NELSON. I have not yielded the floor.

Mr. STENNIS. I ask the Senator to yield to me. When the Senator yields the floor, I am going to try to get the floor. I say that so the Senator will not think I am putting pressure on him.

Mr. President, with interruptions I have listened to the remarks of the Senator from Wisconsin. I wish to commend him for the thought he has given to this matter. I think he has made some very wise observations. This is a problem to many of us and I think the approach of the Senator is certainly a sound one. I do not know that I would vote for the Senator's proposal right now in all the circumstances, but we have to have someone willing to approach the matter from a deliberate view point and try to get some balance on the subject, as well as other items in the bill.

Mr. NELSON. I want to emphasize again that I am for the concept embodied in the Mansfield amendment, and I have been for quite some time, though not as long as he has, as he has been supporting this concept since before I arrived here.

My point is a very narrow one, which is to temporarily set aside final action on the Mansfield amendment to give the administration an opportunity to negotiate on this one specific point concerning reduction of forces in Europe. If there is not a vigorous pursuit of that objective on the part of the administration or on the part of the Soviet Union I am prepared to vote for the Mansfield amendment at some early date.

Mr. FULBRIGHT. I just wish to add one thought. The Senator raises the point that this is something new. We have had two long hearings and the previous administration took exactly the same attitude as this administration and would have no part of it. There is nothing to indicate they really want to arrive at a reduction in troops.

Mr. NELSON. I think the Senator from Arkansas may be absolutely correct. I think one of the problems on deescalation of the arms race is that the American public has the impression it is all the Russian's fault.

Mr. FULBRIGHT. That is correct.

Mr. NELSON. And every place you go it is said that it is the Russians who are at fault, and yet we are equally at fault, and maybe a little more so considering that we had the lead all these years and have insisted there could not be such a thing as parity between the two great powers. Now the only reason we are getting a reaction from the administration is that they feel the Mansfield amendment will impose on them something they have not really been willing to seriously consider in the past. I would like to see the administration put to the test and find out on this one simple issue, not the whole arms race or the SALT talks, but just this issue whether or not they are prepared to negotiate seriously with the Soviet Union on the question of mutual reduction of forces—and whether the Soviet itself is serious about this matter. I do not think we can wait a year for that. We can come back to the Mansfield amendment, and I shall be prepared to vote for it, in a relatively short time, unless there is progress.

I would like to say that if there is anything that either side should be prepared to negotiate about, it is the simple matter of reducing the number of forces in Europe.

Mr. GRAVEL. Mr. President, will the Senator yield on that point. I think it will not be too long before he will have the opportunity to readdress himself to that point.

Mr. NELSON. I yield.

Mr. GRAVEL. Secretary Laird will be attending a Defense Ministers' Conference in Brussels at the end of this month, and on the 3d and 4th Secretary Rogers will be attending another convocation in Lisbon. Of course, we can wait with bated breath for the results of those, but I would like to suggest to my colleague one piece of logic upon which everything seems to devolve, and that is, of course, mutual force reduction. This logic is in the ascendancy now that Mr. Brezhnev has said, yes, he would like to negotiate, which is a repetition of a statement which he made on March 30, but to which nobody paid any mind, and which became of interest only upon the laying down of the Mansfield amendment.

More important than that is the thesis that we should not buy something that would let the Soviet Union pay nothing. In other words, that if we decide to cut something, the Soviet Union ought to do something; we cannot let them get something for nothing.

This is faulty logic from my point of view, because if there is a benefit in cutting troops in Europe, that benefit should be able to stand by itself, regardless of the action of the Soviet Union. The case which the majority leader made with the submission of his amendment was, No. 1, that our NATO force is a shield, no more than that. Anybody who thinks that the NATO shield could stop the Soviet and Warsaw juggernaut in time of war really does not understand troop movements.

So if this is a token ransom and a guarantee in Europe that if something goes wrong we will go to the aid of Western Europe, and that ransom can be high or low, it is in our interest to have it low because of the cost and the unusual economic problems we face.

The next facet demonstrated by the Senator from Montana was that we have a lot of fat, a lot of inefficiency, a lot of dead weight that we could trim and still keep an effective overall defense posture. So why should we have to wait for the acquiescence of the Soviet Union to clear up inefficiency on our side? Would it not be logical to clean up our own house, developing a better military instrument, rather than wait until they say, "Fine."?

So we seem to be caught in the false logic that if they lack wisdom or maturity to lower their forces in the interest of economy, though we recognize it is in our best economic interest to do so, we do not do so because they have not done so.

I think that is the heart of the problem. Why should we not cut our forces if it does not impair our defense posture? The Soviet Union would be left with its face hanging, carrying an economic burden that does not add to its defense capability, or its offense capability, for that matter.

Mr. NELSON. I agree with everything I recall hearing the majority leader say about that subject. My point is simply one of timing, no more or less. It does not run to the question of whether or not we can afford to cut troops.

If Mr. Brezhnev had not spoken on the subject, I would have been prepared to vote on Wednesday to cut our forces in half in accordance with the Mansfield amendment.

I have felt for many years that there are initiatives which can be undertaken on our own, unilaterally, in the field of deescalating the arms race and that this country could afford to do so. As a matter of fact, the first amendment entertained on the floor of the U.S. Senate back in the spring of 1968 to stop the deployment of the ABM was my amendment on that very theory—that we did not, as a matter of defense, need to escalate the arms race by deploying the ABM, on a couple of counts: First, it was not needed for defense and, second, there was serious question as to whether or not it would work.

I was willing to take that initiative on our part back in March 1968. We had at that time only 14 votes. We finally got it to 50 votes.

So, on the question of whether or not we could take our own initiative to deescalate the arms race, not only do I say we can afford it; I say the country ought to stop the deployment of MIRV and stop deployment of the ABM and let the world know we are prepared to move toward meaningful deescalation.

There is no better position for the United States or the Soviet Union to gain vis-a-vis each other by continuing the arms race. We can afford to take some initiatives at this stage in history when we have an adequate number of weapons and delivery systems to destroy Russia as a society, just as she has adequate weapons to destroy as a society, and therefore somebody, at some stage, can say, "All right, we will stop right now. Let us start talking. We are not going to escalate any more."

That is not my point with respect to the withdrawal of troops. If Brezhnev had said nothing, I would have been prepared to vote in favor of the Mansfield amendment to withdraw half our troops. I just think, on the very narrow question of putting this administration to the test, and the Russians to the test, as to whether or not they are really prepared to talk sense about reducing troops in Europe, it is important for us to find out. I think on this one issue if the ad-

ministration is not sincere, it will become obvious very shortly, and if Russia is not sincere, it will become obvious very shortly, and we will be able to assign the blame for that, and I will be prepared to vote then for the Mansfield amendment, as I have been prepared to vote for it all along. I do not think we will have to wait very long to make that decision.

That is the only point I make. It is not that I fear taking any unilateral initiative on our part in order to stop the escalation of the arms race, because I think we can afford it.

I thank the Senator from Mississippi, and I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. NELSON).

Mr. STENNIS. I yield to the Senator from Wisconsin, if he wishes.

Mr. NELSON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. NELSON. 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. NELSON. 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. NELSON. I ask for the yeas and nays.

Mr. MANSFIELD. Mr. President, if the Senator will withhold that request, I must admit I had hoped it would be possible to vote on the amendment which I had offered on the basis of its merits.

My reason for that is that it is my belief that if we can get to a vote on the amendment which I offered, the chances of passing that amendment are very good, or fairly good, but if we get it clogged up with other material which tends to take away from the strength of the reduction, then I am afraid we are in difficulty.

However, I find in talking with the Parliamentarian that I have no choice in the matter, that that is the way things are, and that the Senator from Wisconsin is within his rights. I am disappointed but I certainly shall not object.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. Mr. President, I interrupted the Senator from Wisconsin in asking for the yeas and nays.

Mr. NELSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. NELSON. Does the amendment remain the pending business?

The PRESIDING OFFICER. The amendment remains the pending business.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Do I correctly understand that the amendment of the Senator from Wisconsin, which purported to be an amendment to the Mansfield amendment, has now become the pending business to the exclusion of the Mathias amendment?

The PRESIDING OFFICER. The Senator is correct. They both have been offered, but the Nelson amendment has precedence.

Mr. STENNIS. Mr. President, I shall not keep the floor for a great while, since other Senators are interested in obtaining the floor, but I do ask for order, Mr. President, so that we may proceed.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, I was anxious that at least some time this afternoon be available for discussion of the Mansfield amendment and pending amendments thereto, as well as a discussion of the bill itself, and I wish to address the Senate quite briefly at this time as to the major part and major purpose of the bill itself.

Mr. President, the pending measure is a bill for the extension of the Selective Service Act and the setting of manpower levels in all the services—the general year's program for the setting of manpower levels.

These amendments are all relevant, and every Senator certainly is entitled to all his rights, and I will not detract one bit from that. But let me point out that the Selective Service Act is going to end—the power for the President to induct, at least—on the 30th of June next. I do not believe that we can soundly engage in a great debate now about stopping the money in order to end the war. There could not be a more major subject than the ending of the war; and there could not be a braver one, and there could not be one that goes more to our entire foreign policy in Asia—in fact, foreign policy as a whole—than the matter of stopping the war. But, after all, is that the real mission here, when we have this bill up that is under the urgency of time?

We have other amendments pending—and I greatly respect the authors of those amendments—about stopping inductees from going to Vietnam. That is relevant, and it pertains to the bill. I do not argue against that. But is that the way to terminate a war? Is that the way to set aside a foreign policy, just because it is not going too well, as a side issue here? I do not think it is. I do not believe that is the best type of statesmanship nor the best way to discharge our responsibilities here.

Other amendments, in effect, just say that we have to terminate all hostilities by a certain date and get out. After all, is that the way?

This is a grave question in this undeclared war. But in a debate here on manpower—and I will specify later what I mean by manpower—is that the best the Senate can do in taking advantage of a must bill, which must pass—I think it must—and go out here in the realm of that measure and take up something that could not be more important to the history or the future of this country for decades ahead and for generations unborn?

Now, again with deference, we have a question that has been agitated a long time; and no one has been more sincere about the troop withdrawals from Europe than the Senator from Montana, and no one has been more persistent, and I think he has done some good in agitating this question. But I raise this issue: Is this the very best time or is this the place for an amendment such as this, on this bill? It is relevant and has a bearing on manpower, but the direct issue it presents—the direct, paramount, overwhelming issue it presents—is the matter of NATO and its future.

It is a sweeping review here, and it is a parliamentary method, but it is highly different from any major matter I have ever seen decided here—for example, the creation of NATO and the extent of our participation, the importance of our participation—just to take up this matter in the way of an amendment from the floor, with no hearings, with no real, sweeping responsible review of what has been done in the last 2 or 3 years and what the prospects are for the next 2 or 3 years.

Mr. President, I have a sense of duty, myself. I just want to argue to every Member of this body, particularly to those who are uncommitted with reference to the Mansfield amendment, that this is not the time nor the way to handle that subject, regardless of what we may have pending for consideration. But on top of those defects in this plan, we have this bill; and I believe we will be able to prove before this debate is over that it must pass, that we must have this manpower induction power in the hands of the Executive, in order to save and to operate the very vitals of our military program.

Mr. President, may we have fewer men working at the desk? I never believed it was necessary for a great number of staff members to spend so much time at the desk.

The PRESIDING OFFICER (Mr. HANSEN). The Senate will be in order.

Mr. STENNIS. We must have this bill, in my humble opinion, because of the absolute requirements of manpower levels—not for NATO, not for the war, but to protect our homeland, to protect our own geographical borders at home, to protect the more than 200 million people who live in the United States and who are looking to us to do what is necessary, what we think is reasonable and necessary, to protect them. We do not have to have any kind of commitment with other nations to do that. That is our primary duty, and that is why we were sent here—to protect our people.

At this time I do not want to go into further arguments about how much money the Mansfield amendment would save or how much it would save us on the balance of payments. I think we would be woefully disappointed on that. I am not going into that now.

My main point is that we are compelled now, in the next 2 days, to keep our eye on the main purpose of this bill, and that purpose is to supply the needed manpower for the next 2 years, to supply the men needed to protect us.

We hear a great deal of talk about the so called volunteer Army. We had a commission's report on this almost a year

ago, but nothing has been done to supply this manpower for the next 2 years, except to rely upon extension of the draft.

Some slight things have been done, slight moves have been made; just a little progress has been made. But nothing substantial has been done toward supplying this manpower for the next 2 years, except to rely upon the Selective Service Act being extended for 2 years. The Gates Commission reported and said that it would not be necessary to extend the draft, but the President of the United States did not accept that statement. He did not accept that recommendation. He did not start any movement, effective during the year that has almost ended, to get these men in here, except that he relied upon the 2-year extension of the draft. I think he was right in that decision and in not trying to start something within a short time and trying to have it ready by June 30 of this year. It was impossible.

I am not trying to assess blame. I say that no other way was provided or planned or being considered to supply this manpower, except by a 2-year extension of the draft.

What are we going to do with those men? Until now, most of the debate on the selective service bill was focused on the needs of a single service—the Army. Those who oppose an extension of the President's induction authority, as well as those who would limit it to a single year, emphasize the Army's needs. We also tend to speak of the problem of achieving an all-volunteer Army, rather than the problem of achieving all volunteer Armed Forces. That is what we will have to have if we do not renew the draft.

Today I want to emphasize how important the draft is for our other three services—the Navy, Air Force, and Marine Corps.

Many have been led to believe that since the services do not now use the draft directly, they are composed of volunteers in the strict sense of the word. This is a completely erroneous assumption. That is not a fact. About half of those who volunteer for the Armed Forces do so only because they are motivated to do so by the draft. This is no less true of the Air Force and Navy than it is of the Army.

Those are established facts according to the record. They are not disputed or denied by the services, or anyone else.

I went out and talked to these boys. I think, in a much higher percentage than the record shows, they went in because of the Selective Service Act.

The practice is for recruiters to get the names and addresses of the young men who will be next in line for induction. They go out with them—and it is proper for them to do so—and they make their pleas to volunteer and give them a choice, and they get many who will do so. If we meet with these young fellows later, however, at the training centers, they will laugh at the idea that they are actual volunteers. They will tell you exactly how it is.

Thus, it is not true that by stopping the draft we would be affecting only the Army manpower for the war in Vietnam or the manpower for our Army divisions in Europe. We would be affecting a great deal more than that. I point this out because I believe that many Senators who oppose the extension of the draft, and many who would limit it to a single year, take this position because of their opposition to the Vietnam war and to having U.S. ground forces stationed overseas. The problem with this position is, as I have said, halting the draft would affect much more than our ability to extend our power overseas by the use of ground forces. It would also affect those parts of our Armed Forces which are needed to deter nuclear attacks against us here in the United States and those forces which patrol the seas around us and protect our shores.

No one has offered an amendment here to call back our Polaris submarines using nuclear weapons. No one has offered an amendment to call back our aircraft carriers at sea or our attack submarines, or to call back, withdraw, or deactivate our ICBM's. No one is discussing that. No one is proposing that. Of course they are not. But that is exactly what we will have to do with a large percentage of them if we do not enact this power to induct men.

Let me give some illustrations. Over 42 percent of Navy first-term enlisted men are motivated to enlist by the draft. As I say, that is not disputed. That is in the record made within the past several years, a long time before this debate came up. This means that, on the average, about 3,650 out of the 8,600 first-term enlisted men who man our Polaris submarines would not be serving if it were not for the draft. The same proportion would apply to the 38,000 first-term enlisted men needed to man our aircraft carriers; over 16,000 of these, on the average, would not be in their current jobs without the draft. To be even more specific, about 245 enlisted men are needed to man a typical Polaris submarine. Fifty-four of those men, about 42 percent of the first-term men, would not be on that submarine if it were not for the draft. About 4,800 enlisted men are needed to man an aircraft carrier. About 1,320 of those men would not be in the Navy if it were not for the pressure of the draft.

Now, as I say, no one proposes that we deactivate the aircraft carriers or the submarines. We show here conclusively that a high percentage of the crews comes from the first-term men.

So where are we going to get the men? We cannot go down to 12th and Pennsylvania Avenue here and pick up a crew for an aircraft carrier at sea or for a submarine, in a few hours, a few days, or even a few months.

I will have the specific time element involved but these men have to be men of talent, they have to be men of reliability and the highest form of integrity and they have to have much, much, much training, retraining, in the many complex and difficult courses that they have to take.

Through the selective service, we can get the number of apt young men with agile minds and different kinds of talent. It is through those numbers that we have been able to find enough of these men that had ability and aptitude to take the training, along with the background, character, quality, that goes to make up integrity in order to entrust them with these superimportant positions.

There is no other plan that anyone has to get these men in the service—just overnight almost—in time to train them for these positions of responsibility before the terms of the men who are serving there expire—that is, the number of them that do not want to stay longer.

The 1 year I mention here on the extension of the draft is not enough time, not enough days and nights, to bring about the finding, the training, and the preparation of enough of these young men for these key places.

The statistics for the Air Force indicate an even higher percentage of first-term enlisted men motivated by the draft. Nearly half—over 47 percent—of our Air Force recruits are draft-motivated. This means that, on the average, over 14,000 of the 25,000 first-term enlisted men needed to keep our strategic bombers and tankers flying and to maintain our Minuteman missiles as a deterrent to nuclear war are motivated to serve in these jobs by the draft. Again, to be specific, about 200 of the 800 enlisted men to keep a strategic air command bomber squadron flying would not be wearing a uniform if it were not for the draft. About 350 of the 1,750 men needed to man a Minuteman wing would not be in the Air Force without the draft.

Mr. President, I call on anyone to challenge anything that is substantially wrong with these figures. One cannot be accurate to the last man in dealing with massive numbers of men like this; but I challenge anyone to come in with a plan that could be put into effect that would be a substitute for getting the necessary men into the services, to get them trained, and to get them into the field of operation, in order to make sure that our people here at home will be secure.

I challenge anyone to come up with a practical plan to do that, except by an extension of the draft laws.

Mr. President, I give you again as my firm, though humble opinion, that extension of the draft to meet these needs, and other needs for 2 years—not 1 year—is necessary if we are going to get the job done.

Thus, Mr. President, I believe it is absolutely clear that the draft is essential to the maintenance of all our Armed Forces. We would be taking a most unwise step if, in order to limit the use of Army ground troops in foreign countries, we undermine the entire basis for our procurement of military manpower. The Armed Forces serve many important functions and we should recognize that it is to them that we owe our national security. They cannot function without manpower. For at least the next 2 years obtaining the necessary manpower can only be done with the aid of the draft. I hope that all Senators will be able to support an extension of the induction authority for 2 years.

I hope that all Senators will find the opportunity and the time to look further into this matter and in turn, be able to support an extension of the induction authority for a minimum of 2 years.

I want to warn those that have not looked into this matter, if there be any, that they are overlooking one of the gravest and most serious matters that could possibly come before the Senate or will come before the Senate this year, and that no other plans have been put into effect. Unless we extend the draft for 2 years, it will be a signal that we are going to deteriorate. On second thought, we will come back and reintroduce this provision, and it should be on a basis of 2 years.

Mr. President, I have no doubt that we would have to come back and pass an additional measure. Mr. President, I think the Mansfield amendment is one of the important matters that we have pending before the Senate. I hope that before we vote on the Mansfield amendment and any of the other amendments to the pending bill that Senators who have not yet had a chance to look into this matter on the merits and find out what the basic facts are will not try to defeat, dilute, kill, or cripple this legislation because of some of the things that are happening in the Pacific or in Germany or somewhere else that we do not like.

Mr. President, I yield the floor.

Mr. GRAVEL. Mr. President, I would like briefly to take up the challenge of the Senator from Mississippi for someone to come up with a plan. I would like to come up with one. I am not a member of the Armed Services Committee, but I do not think that anyone has to be a member of the Armed Services Committee to come up with a very adequate plan, under the Senator's definition, to supply the number of people with the degree of training necessary. In fact, I can offer a superior plan, a much superior plan.

We have reservists all around this country who are already trained and equipped. It would take nothing more than a flick of the pen of the President to bring these people under arms. That is one plan that could be used.

I note that in recent newspaper articles the Secretary of Defense, Melvin Laird, agrees with me in that regard. He stated that the Reserves would have been more effective and that had he been the Secretary of Defense, he would have made that decision and required that the reservists be used.

There is another point that the Senator from Mississippi makes. That concerns the number of people needed by this administration or by any administration to continue the policy that we exercise today. We can very easily let the draft expire. There would still be a pool of 400,000 men, 200,000 or 100,000 who could be drafted.

If we accept the statement of the protagonists of the administration that they will not need any more than 150,000 men under the draft next year—if they have the draft—then they have 250,000 more than they need for a full year.

Obviously this country will not fall apart if we have 1 year's experience in living as a peaceful nation without the draft. This would be a new experience. I think that would be a very salutary experience for us to undergo.

So, as far as the exhortations that we will be in great danger, as mentioned by the Senator from Mississippi, I have noted the same exhortations in articles and elsewhere that are no more than opinions.

The President of the United States put aside the Gates Commission. He can do that. He is the President. However, that does not make his judgment any better. I think the President made a very vital mistake in judgment.

We can get along without a draft and have a volunteer army. It is a matter of judgment on the part of the President and the part of the Senate. If the Senate truly feels that there is a danger in the world that requires the draft, we should have at least the decency and the honesty to apply that draft equally across the board as we did before World War II and before the Korean war when we had a crisis, so that we would be drafting not only the younger people, but also everyone up to 45 years of age.

I submit to the Senator from Mississippi, that would be a lot more efficient way to get competent technicians into the service. Drafting them at age 35, they have a lot more skill than they would at age 19, fresh out of high school.

I would like to analyze one other statement. That is, of course, the core of the problem demonstrated by the Gates Commission. If we let the draft expire, we will have an opportunity to improve our military and improve our defense posture.

The other point, of course, is that we can provide justice to the young. There is no reason why we should discriminate against them and not seek our manpower across the board.

The Senator says that this is not the time or the place to bring up this matter. If this is not the time or the place, there is no time or place to bring up these questions. The Senate of the United States is the body that is responsible to the structure of our Government. It is responsible in its warmaking powers. If this Nation, through a misguided course of action in its foreign policy, has to call upon the fuel provided by human beings by calling them into service, no one would stand here and argue that this is not the time or the place to talk about the matter.

I submit that we place more value on money than we do on human beings. In times of war, it is much more difficult to confiscate private property than to draft someone. For some psychological reason it is easier to throw our flesh into the machine than to confiscate money or property.

So, if there is ever a time to bring this matter up, it is now when we are talking about extending the draft, when the President is not under the gun. He has 400,000 people in the pipeline. If we assume that 200,000 of those would be drafted, we see that the President has the manpower to use.

So, if there is ever a time to bring questions concerning what our troops are doing in Europe, in Asia, in Southeast Asia, or in Africa, now is the time to bring this question up, because if we bring this matter into question, we can make an intelligent determination as to whether we need 3 million men, 2.5 million men, or 2 million men under arms to maintain this last bastion of security.

As my distinguished friend has stated, what is at stake is defending our shores. If that is so, then I point out that in this day and age we can move anyone anywhere in the world within 7 to 10 hours.

Let us pull all of our troops back to this country and apply that same logic; but I do not apply that logic. I do think we need to show the flag in some areas, and because of the current level of European security we need to hold a force there to show that we will come to their support should the occasion arise. I merely ask what level of troops we must maintain to be secure, because I am concerned that we have an economic and productive machine that will carry us over a long period of time. If there ever was a time to bring all of this into focus it is now and in the ensuing months.

Mr. GURNEY. Mr. President, last week I outlined briefly my opposition to the resolution offered by the distinguished majority leader (Mr. MANSFIELD) which would mandate the withdrawal of 150,000 American troops from their NATO assignments by the end of this calendar year.

Since I first addressed this question on Wednesday, there have been several important developments as we are all aware. Many distinguished Americans have announced their opposition to the resolution—a list headed by our two living former Presidents, Harry Truman and Lyndon Johnson, and a list comprising almost every important living official who served in the Truman, Eisenhower, Kennedy, and Johnson administrations. It is a truly remarkable list of truly remarkable individuals:

To name a few, the list includes:

James Webb, Robert Murphy, Livingston Merchant, C. Douglas Dillon, George Ball and Nicholas deB. Katzenbach, all former Under Secretaries of State; Roswell Gilpatric and Cyrus Vance, former Deputy Secretaries of Defense; Matthew Ridgeway, Alfred Gruenther, Lauris Norstad and Lyman Lemnitzer, former Supreme Allied Commanders in Europe; and Lucius Clay, John McCloy and James Conant, former military governors or high commissioners for Germany.

The only exceptions that I have heard of are Clark Clifford, who briefly served as President Johnson's Secretary of Defense, and Arthur Goldberg, formerly President Johnson's Ambassador to the United Nations.

It is a completely bipartisan group of Americans who, though of widely differing persuasions on many public issues, have come together on this one: they oppose unilateral troop withdrawals from the NATO alliance accomplished by means of legislative enactment.

These gentlemen are not all against reducing the level of American forces in Europe. No indeed. As a matter of fact, many of them favor it, as I am sure many Senators who will vote against the Mansfield resolution favor it. The crucial question is how to accomplish that end. Many Senators I am sure, feel as I do, that a reduction in the level of American troops stationed in Europe would be a very desirable thing if it were part of a nego-

tiated reduction in which both American and Russian troops were withdrawn. Significantly, on Thursday, Leonid Brezhnev, the Communist Party chief, publically spoke again of need for the Soviet Union and the Western Powers to begin "exploratory negotiations on the reduction of military forces and armaments in Central Europe." I am quoting from the New York Times dispatch datelined Moscow, May 14. "Speaking in Teflis, the capital of Soviet Georgia, at ceremonies marking the 50th anniversary of Soviet control of that Caucasian republic, Mr. Brezhnev said the Soviet Union would do everything in its power 'to achieve the strengthening of peaceful coexistence of states regardless of their social system.' He proposed troop reductions in his address to the 24th Congress of the Communist Party on March 30. The move attracted some interest in Western capitals at the time, because it was similar to proposals made by members of the North Atlantic Treaty Organization." Surely, we must realize that if this resolution were to succeed, all hopes for such a negotiated reduction would be dashed. There would simply be nothing left to negotiate.

The distinguished majority leader should be aware that many of those who oppose his resolution do so, not because they favor the presence of American troops in substantial numbers in Western Europe in perpetuity, but because they consider his resolution a faulty and ill-timed means of achieving a legitimate end. I think we can all agree that we would like to see a reduction in troop levels in Europe if that meant a reciprocal reduction of Russian and Warsaw Pact troop levels. An easing of tensions is certainly to be viewed as a desirable goal.

I suggest, however, that it cannot be obtained by going the route suggested by the distinguished majority leader. That route, is full of pitfalls and uncertainties. This is, as I suggested last week, no small matter—it is a proposal of enormous importance with enormous consequences, for good or ill, attending it. It is not a casual or trifling thing because, if carried, the resolution would affect the NATO alliance for years to come. It would affect the balance of power in Europe; it would dislocate, possibly destroy the alliance so carefully erected over so long a period.

The irony is that in all probability, it would not achieve—even in the short term—the purpose for which it was undertaken—that is the restoration of equilibrium in the balance of payments.

There is no doubt that there would be some impact on our current unfavorable trade balance by pulling home 150,000 American troops and their dependents by the end of the year. But it would not solve the problem; it would not eliminate it. It would improve it slightly, by exactly how much, we do not know and cannot state with any precision.

Against this possible improvement—by how much we do not know—let us weigh the adverse consequences of such a move:

We would substantially weaken the conventional forces of the NATO alliance. Although U.S. forces in Europe comprise only some 10 percent of NATO ground forces, 20 percent of NATO's seapower and 25 percent of her airpower, these forces are among the best equipped and are positioned in key defense areas. U.S. ground and air forces defend the vital southern region of Germany and the 6th Fleet projects U.S. power and influence around the Mediterranean littoral. If U.S. forces in Europe were limited to 150,000 men, the United States would be constrained to reduce by 50 percent its forces currently stationed in Europe. Depending on the choice of reductions, this could mean withdrawals of U.S. Army divisions from Central Europe, U.S. Air Force tactical air wings from Central Europe, or the virtual elimination of the 6th Fleet. In any of these cases, both the conventional and the nuclear defense of NATO would be serisouly compromised. Our European allies, in December 1970, agreed to a special program of defense improvements to be undertaken over the next 5 years. In addition, our allies already have plans now formulating to improve the quality of their national forces over the years ahead. An examination of plans which the allies have submitted to NATO indicates that the improvements which the allies have in mind would substantially enhance NATO's capability to conduct a conventional defense against a Warsaw Pact attack. Our State Department's estimate is that if U.S. forces were severely cut back, the allies would necessarily reconsider their plans. They might, in fact, conclude that an effective defense against a major Warsaw Pact attack was no longer credible. The impact of such decisions on NATO defense budgets is obvious.

Furthermore, it is inevitable that reductions of U.S. forces stationed in Europe to 150,000 men would force NATO to reexamine its basic defense strategy. This strategy, adopted in 1967, provides for a "flexible" defense of the NATO area. It means that NATO should dispose of a variety of defense options and should not be constrained to use only one means of response to a Warsaw Pact attack. In particular, it means that NATO should have the forces to respond to a Warsaw Pact conventional attack with conventional forces. A reduction of U.S. forces to 150,000 men would probably mean that NATO would have no choice but to emphasize its strategic and tactical nuclear capabilities since its conventional assets would have been seriously undercut. In addition, the present U.S. ability to project its power to areas adjacent to Europe, such as the Middle East, would be severely damaged.

The implications of this are several, but they include the possibility that the United States would have to review its entire defense posture, and other critical defense-related policy questions such as SALT, nuclear nonproliferation, and mutual and balanced force reductions. In short, the effect of throwing away a hard-earned capacity to conduct a conventional defense in Europe could cause a most searching review of fundamental U.S. policy.

If we were to withdraw half of our troops unilaterally and without consultation with our NATO allies, our European allies would, in all likelihood, not compensate for that loss by increasing their own forces in NATO—to make up the difference because they would probably conclude that exercise to be a waste of time and money. They might be tempted to go the nuclear route themselves, which at a time when we are trying to neutralize nuclear weapons and avoid disturbing the fragile parity that the superpowers have achieved—this sort of possibility—admittedly, only a possibility—is still a nightmare possibility. Let us not even risk such a development.

In the question of priorities, the choice between a palliative lick and a promise solution for our current balance-of-payment difficulties and the survival of the Western Alliance is really not much of a choice: We have to opt for commonsense, the integrity and security of the Atlantic community. We should by all means, do something to improve our balance-of-payments deficit, but shooting down the Western Alliance is not a reasonable solution for that problem. If you have a headache, you can help it by taking an aspirin. Cutting off one's head would also cure the headache to be sure, but it is really not a sensible way to address the problem.

I would like to touch briefly on the Middle East. This is a facet of the problem which I think has been thus far neglected—or at least insufficiently emphasized in the discussion of the Mansfield resolution. But, it is a vital concern. Like so many things that sound good and sensible, we take NATO too much for granted. It is an alliance which has served us well. It has made our troubled times more bearable and it has been a force for stability and security because it has worked so well, although it has not received the praise or the credit it deserves. I suggest that one of its neglected attributes is the fact that it has, to a certain extent, been a factor for stability throughout the Mediterranean. The Sixth Fleet, on NATO patrol in the Mediterranean is a silent, but very considerable force operating to our benefit in our relations with Israel and the Arab nations. It is there and it is good that it is there. Like so many good things, we will not know how much it has contributed until we take it away, or lose it, or, in reference to the Mansfield resolution, until we unilaterally dismantle it. It does not make sense to court danger or to create conditions of uncertainty or instability in the world we live in today. This is yet another argument I think, for opposition to the Mansfield resolution—perhaps not as tangible as the others or as precise, but valid nonetheless, in my judgment.

In this connection, I think it would be helpful to this discussion to have a policy statement from the administration on this whole question. I have found such a document in a speech made by Elliot Richardson, now Secretary of Health, Education, and Welfare, while he was serving as Under Secretary of State. It was made in Chicago in January 1970, but it is, I think, still a valid presentation of the arguments against unilateral withdrawal of American forces from Europe and from NATO. I ask unanimous consent that it be included in its entirety in

the RECORD at the conclusion of my remarks.

Mr. President, the New York Times editorial page yesterday, May 16, carried a lead editorial which takes issue with his position on the question we are now debating in a friendly fashion. The last paragraph reads:

In nearly thirty years of service in House and Senate, Mr. Mansfield has made notable contributions to American foreign policy; but this move at this time is reckless in the extreme. Secretary Rogers may have exaggerated in saying such a withdrawal would "signal the end of NATO," but he was surely right in describing it as "a mistake of historic proportions"—a sentiment promptly and rightly endorsed by the President and a bi-partisan group of distinguished former officials.

I ask unanimous consent to have the entire editorial printed in today's RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GURNEY. Elsewhere in the New York Times review of the week's news yesterday, an editorial columnist remarks that the Senate debate on the Mansfield resolution recalls the great debate of 1950–51 in which the issue under discusssion was the wisdom and propriety of President Truman's determination to station four divisions in Europe. Those are the same divisions we are discussing today and the writer underscores the similarity of the questions at issue. But, Mr. President, I think there is a striking difference between the great debate of 1950 and the debate today on the Mansfield resolution and that is that we are being forced to debate the Mansfield resolution in a very cursory and superficial fashion. I am advised, our colleagues who were here then—the distinguished Senator from Mississippi (Mr. STENNIS), distinguished Senator from Arkansas (Mr. MCCLELLAN), and the distinguish Senator from Arkansas (Mr. FULBRIGHT)—could confirm that this great debate of 1950 extended over a period of months. All sides were heard, all issues fully discussed, all alternatives considered. In the end, by a vote of 69 to 21 the Senate voted to endorse President Truman's determination to send four divisions to Europe for NATO duty.

We have not had that kind of debate in this instance. I do not in any way dispute the sincerity of the distinguished majority leader or his right to offer this amendment at this time. I do think and I am constrained to say that I would hope he could be prevailed upon to withdraw it. I think we could have a more constructive debate, a fuller and more comprehensive discussion of it and the issues it raises, if he were to reintroduce it as a simple resolution, have it assigned to the appropriate committees for hearings at which we could elicit in detail the views of opponents and proponents; have the benefit of a committee report on it and a full-fledged debate on its merits, not in haste, but with the deliberation and attention it deserves. As I say, I offer this suggestion in the spirit of cooperation and friendship, detracting in no way from the sincerity or the integrity of our colleague and friend from Montana. Whatever his decision, we will, of course, esteem the distinguished majority leader no less. But, I candidly think a matter of this great consequence deserves a more penetrating debate and discussion than we will be able to give it in the few hours left before Wednesday's vote.

EXHIBIT 1

SENATOR MANSFIELD'S FOLLY

Senator Mansfield could not have chosen a more inopportune time to revive his effort to cut American forces in Europe in half by the end of the year. His amendment will surely be rejected next Wednesday unless the Senate has lost all sense of responsibility; but its mere introduction could harm nearly every ongoing negotiating effort by the United States and its allies.

Above all, the amendment will weaken an agreed NATO position for negotiations with the Warsaw Pact nations for balanced force reductions in Europe at the very moment when this initiative is finally drawing a positive response. Leonid Brezhev, the Soviet Communist leader, has at last proposed negotiations with NATO and promised that the Warsaw Pact members will make clear just what mutual troop reductions they are prepared to discuss. As Secretary of State Rogers says, Mr. Brezhnev will have no incentive to negotiate seriously if the United States intends in any event to withdraw 50 per cent of its forces unilaterally.

Even a narrow defeat for the amendment will shake the confidence of ten European allies who have committed themselves to a greater share of the common burden by spending a billion more dollars over five years to improve conventional forces and boost their contributions to the NATO infrastructure. In return for this pledge, President Nixon promised last December not to reduce United States forces in Europe "unless there is reciprocal action from our adversaries."

Such a drastic American pull-out would weaken the West's negotiating stance on many critical fronts. It would jeopardize chances for working out with the Soviet Union a viable solution to Berlin; and if there is no Berlin settlement, West Germany's treaties with the Soviet Union and Poland will be stillborn. Bonn's whole Ostpolitik—the effort to build more normal and peaceful relations with its Eastern neighbors—would thus be derailed and a severe political convulsion in West Germany would be inevitable.

It is easy to share Senator Mansfield's dismay that the United States still has 300,000 troops in Europe twenty-six years after the end of World War II. It is easier still to agree with him that the halving of these forces offers a quick way to ease America's balance of payments deficit and bolster the ailing dollar.

But can anyone really believe that this unilateral action in breach of agreed NATO policy is the proper way to bring about a safe reduction in forces? Or that such a highhanded American move could possibly lay the base for more orderly cooperation on international monetary problems or on anything else?

In nearly thirty years of service in House and Senate, Mr. Mansfield has made notable contributions to American foreign policy; but this move at this time is reckless in the extreme. Secretary Rogers may have exaggerated in saying such a withdrawal would "signal the end of NATO," but he was surely right in describing it as "a mistake of historic proportions"—a sentiment promptly and rightly endorsed by the President and a bipartisan group of distinguished former officials.

ADDRESS BY THE HONORABLE ELLIOT L. RICHARDSON, UNDER SECRETARY OF STATE, BEFORE THE CHICAGO COUNCIL ON FOREIGN RELATIONS, SHERATON-BLACKSTONE HOTEL, CHICAGO, ILL.

I would like today to examine one of the most fundamental of our foreign policy concerns, and one which in some ways is too much taken for granted, if not overlooked—the United States relationship to Western Europe and Western European security.

In a reverse twist on the early days of the Republic when George Washington used to preach against yielding to "the insidious wiles" of Europe's influence, our basic ties to Western Europe are now so firmly established that commentary on the subject is regarded as a tiresome reaffirmation of the obvious.

Whereas President Washington warned that European controversies were "essentially foreign to our concerns" President Nixon was moved to observe on NATO's birthday last spring that many people now find NATO "quaint and familiar and a bit old fashioned."

To much of the public the purposes of NATO have the character of a cliche. The very climate of security which NATO has fostered has, perversely, seemed to permit many to disregard it or to think it obsolete. In the wake of the re-examination of foreign commitments occasioned by the Viet-Nam war, there is a tendency by some to say that NATO has done its job, so why not bring those troops home? In the U.S. Senate this feeling has taken concrete political expression in the form of a resolution introduced by Senator Mansfield, one of the most thoughtful students of America's role in world affairs. His resolution calls for "substantial reductions" of U.S. forces in Europe.

Meanwhile, Western Europe itself, prosperous, mostly democratic, stable, and probably more secure than at any time in its modern history, has been preoccupied with the inevitable problems that are the by-product of affluence and rapid economic growth. These concerns seem to have caused it to drift somewhat from the lofty goals of a Unified Europe and Atlantic partnership which gave a sense of mission to its leadership two decades ago.

On both sides of the Atlantic then, there are feelings of complacency and a restless anticipation of new events. The memory of Czechoslovakia is fading, the Brezhnev Doctrine is dimmer, and a reduced sense of danger merges with the feeling that new initiatives are both called for and inevitable. Perhaps in response to this atmosphere the Warsaw Pact nations, led by the Soviet Union, have called for the convocation of a European Security Conference, although—ironically—their suggested agenda would not even touch the basic issues of European security.

In this situation, it is, I think, worthwhile to take a fresh look at the suppositions on which our European policy rests, to examine its continuing validity, and to appraise frankly and realistically the proposals being made for change and adjustment.

The World Wars have led the American people to perceive with great clarity that the security of the United States is directly linked to the security of Western Europe.

Pursuant to this belief, which was formalized in the North Atlantic Treaty of 1949, the United States has maintained a major military establishment on European soil since the early 1950's. U.S. nuclear power as well as conventional forces are available in support of this treaty commitment. Although Europe is now incomparably stronger than it was when this arrangement was first contracted, its ultimate security, like our own, continues to be linked to our power and nuclear deterrence. Because of this, one of President Nixon's first acts upon taking office was to reaffirm the American commitment to NATO

and to promise close and continuing consultation within the Alliance.

Deterrence is a subtle concept. Its reality takes form largely in the minds of those who might be contemplating aggression. It is effective only when they conclude that any possible advantages of aggression would be offset by its predictable costs.

NATO's strategy of flexible response is calculated to insure that any potential aggressor would come to just this conclusion.

Our conventional forces are maintained in position in Europe to resist possible attack by Warsaw Pact formations. They are meant also to deter piecemeal aggression which an enemy might be tempted to conclude he could get away with if the only alternative to our capitulation were the unleashing of nuclear war. These forces are supported by a broad arsenal of tactical nuclear weapons, available for use if the intensity of the aggression rises.

The entire effectiveness of the flexible response strategy rests perforce on the conviction in both parts of Europe that the United States will fulfill its determined role. And the United States military presence in Europe, whether we like it or not, continues to be taken as tangible evidence of our commitment.

We must face the fact, therefore, that any sudden or dramatic reduction in the United States military presence in Europe would have unpleasant consequence of two kinds.

First, as a practical military matter, NATO's conventional defenses would be significantly weakened. Other NATO members might be tempted to follow suit and cut forces further. In the event of aggression, a less powerful NATO Alliance might be driven to resort more quickly to nuclear weapons.

Secondly, and of probably greater consequence, any sudden or major withdrawal of American forces would have a distinctly destabilizing effect on the European scene.

The structure of the Alliance, as indeed the entire structure of world order which we have helped erect since the war, rests in the final analysis on the shared confidence that we shall honor our commitments.

If that confidence is eroded a rapid deterioration can occur—a deterioration not unlike that which can send prices on the stock market plummeting. And for this reason it is doubly necessary that we not lightly or hastily make moves that might undermine confidence in the strength of our support. It is for this reason that we have pledged to maintain our present troop strength in Europe through Fiscal Year 1971.

Let me stress that none of this suggests that U.S. troops will have to remain in Europe at present strength forever and ever. Certainly we hope that future conditions will allow modifications of our role. Our current force level in Europe of 310,000 men already, in fact, represents a considerable drop from the peak of 408,000 in 1962 during the Soviet war of nerves on Berlin. We are also continually studying and trying to improve the means by which troops stationed in the United States can be rapidly returned to Europe in case of crisis. The Mansfield Resolution urges that greater use be made of this redeployment option.

Our studies show, however, that under present conditions front-line forces hastily returned to Europe in time of crisis could not carry out their mission with the same effectiveness as forces already in place. Although rapid redeployment of limited forces is feasible, large-scale efforts of this sort expose these forces to hazards and potential confusion.

Moreover, financial savings would be negligible. If, for example, all of our current forces in Europe were brought home and stationed in this country, little or no savings would appear in our defense budget. We might even have to spend a bit more, because we would lose significant financial advantages.

In Germany, the Federal Government makes land, housing, facilities and services available to our forces at no cost, or at reduced cost. Duplicating such facilities and support in the United States would involve a heavy and continuing expense—one roughly cancelling out savings in shortened supply lines and transportation costs to Europe.

The balance-of-payments drain of our military deployment in Europe is currently about $1.5 billion a year. This is unquestionably a large figure, and, if our forces were returned to this country, many of those dollars would stay at home. The problem is partially neutralized, however, by offset arrangements with the European countries, particularly Germany and we are exploring means of making these arrangements more adequate. In addition, withdrawal of our forces from Europe would be likely to evoke prompt countervailing effects, notably in reduced sale of military equipment to our Allies and in general exports to those countries.

If we have not neglected the consideration of means by which our presence in Europe could be streamlined or modified without damaging the essential structure of the Alliance, neither have we ignored the opportunities which the era of negotiation we have now entered may hold for the future. In this area we must also make meticulous and balanced judgments, taking care not to allow our efforts to bring about agreements with the Soviet Union to undermine our relations with our friends in Western Europe.

We must have a proper regard for the always latent fear that agreements will be reached detrimental to European interests. We cannot, of course, allow the existence of this fear to deter us from seeking to lower tensions. Ironically, in fact, there exists among a younger generation of Europeans the converse suspicion that the United States and the USSR are collaborators in defense of the status quo. But we intend to do everything possible to allay such fears and suspicions by sticking strictly to our pledge to consult closely with our allies and take their interests into account as talks go forward. Only by such close consultation can we quiet the Cassandras who see every effort at US-Soviet reapprochement or even minor moves to adjust force levels as evidence of betrayal.

During the past year in-depth consultations have been held on a wide range of subjects, including the question of strategic arms limitations. The Deputy Foreign Ministers of the NATO governments, at President Nixon's suggestion, held the first of what we expect to be periodic reviews of major, long-range problems before the Alliance.

It is particularly important that there be the fullest consultations on the SALT talks. The very fact that these talks are going on has stimulated some uneasiness in Europe. It is well understood that the talks imply changing strategic relationships and that their success could further affect the situation. As President Nixon put it last spring: "The West does not have the massive nuclear predominance today that it once had, and any sort of broad-based arms agreement with the Soviets would codify the present balance."

Given the European sensitivities on SALT and nervousness about changing military relationships, it would seem wise not to compound anxieties at this time by any moves to reduce our troop strength on the continent.

While attempting to keep our allies abreast of our own negotiating activities, we are welcoming and encouraging their own efforts, particularly those of West Germany, to improve relations with the Soviet Union and the countries of Eastern Europe. One of the most promising areas of potential progress with the Eastern European nations lies, we believe, in reaching agreement on mutual and balanced East-West force reductions.

We are now working with our allies to develop models which could form the basis for such an agreement. The NATO countries Foreign Ministers, meeting last December, said in their Declaration that despite the fact that there had been no response on earlier suggestions, the Allies "will continue their studies in order to prepare a realistic basis for active exploration at an early date." They concluded their studies on the subject had already progressed sufficiently to permit the establishment of criteria which reductions should meet. They directed that further consideration also go forward on related measures such as advance notification of military movements or maneuvers, the exchange of observers at maneuvers, and the establishment of observation posts. This, we are convinced, is a constructive approach much more specifically directed at a concrete issue generating tension than the Warsaw Pact's vague proposal for a European Security Conference.

We hope the Warsaw Pact nations will respond. Realism, however, suggests that they will be less likely to respond if a unilateral reduction of U.S. forces appears in the offing anyway. The firm belief that it would weaken our bargaining position on balanced force reduction is thus another reason why the Administration opposes the Mansfield Resolution.

Among the questions raised by those who favor an immediate and substantial reduction of our forces in Europe is whether the burden of NATO defense is now fairly allocated. The prosperous Europeans should, they feel, carry a much larger share of the defense of their own continent.

We agree—up to a point. The United States believes that our European allies can and should do more. We have told them often that if they increase their own efforts, it would help us to maintain ours. So even though they actually have increased their defense budgets to cover improvements in their forces, while our own defense budget has been declining, we have and are continuing to press them to assume a larger share of Europe's defense responsibilities.

A precipitate reduction of United States forces in Europe would, however, not only fail to stimulate additional European effort, it would probably produce the contrary effect. The bulk of any substantial reductions in U.S. forces would have to be made up by West Germany, the most populous and wealthiest of our NATO allies. But the German people do not relish an enlargement of their country's military establishment. Nor certainly does a Soviet Union still highly emotional about its 20 million World War II dead and enormously sensitive on the subject of German "revanchism." Indeed, it would give pause even to some of Germany's allies.

Any significant rise in the German defense effort could thus destroy Chancellor Brandt's constructive efforts to improve relationships with the Federal Republic's Eastern neighbors and thereby halt the attempts to lay the foundation for a settlement of the issues still dividing Europe.

I spoke earlier of the fact that we did not want to suggest that the present number of U.S. troops in Europe was inviolate and could or would never be changed. We hope that conditions will eventually come about which will render their presence altogether unnecessary. But when such conditions do come, I feel certain they will be the result of hard and patient bargaining.

Back in 1948, when the Cold War was very cold indeed, Belgian Foreign Minister Paul Henri Spaak, addressing himself to the Soviet's Andre Vyshinsky at a UN Security Council session, said: "The basis of our policy

today in Europe is fear. We are afraid of you. We are afraid of your government and we are afraid of the policies which you are pursuing."

Twenty-two years later tensions are lower and East and West are engaged in substantive discussions aimed at lowering them further. But the basic cement holding together the Alliance is still the threat from the East. The United States does not control the Alliance. When France chose to withdraw from NATO we could not prevent it from doing so. Unlike the Warsaw Pact which rests on an ideological base guarded and sanctified by the Soviet Union, NATO has no dogmatic underpinnings. There is no Western version of the Brezhnev Doctrine. When there is no more threat to the security of the nations of Western Europe, there will be no more need for NATO. And only when the confrontation in Europe truly ends and a genuine peace replaces the always precarious peace of mutual deterrence will the role of our troops be finally accomplished.

On another front, in response to the President's initiative, the Alliance has taken on a new dimension by creating a permanent Committee on the Challenges of Modern Society to help deal constructively with some of the most pressing problems common to all its members—the problems of the environment.

The United States, meanwhile, continues to support the goal of a politically and economically integrated Europe. Despite the recent signs of drift, economic integration has come far, and there are indications that new moves forward may be developing. The most ambitious of the European regional arrangements—the European Community of the Six—has already gone beyond the earlier conception of international cooperation to a new form of relationship among nation states.

Since the EEC was established in 1958 its members have abolished tariffs among themselves, agreed upon important measures of the harmonization, instituted an ambitious common agricultural policy and removed most barriers to the free movement of capital and labor. As a group the Six have enjoyed significantly higher rates of economic activity, trade and growth than before 1958. Inter-Community trade has almost quadrupled. Since 1967 Community trade with the outside world has exceeded that of the United States.

The recent Summit Conference of the Six at the Hague and the success of the Council of Ministers of the Community in agreeing on a far-reaching plan for financing their common agricultural policy preface moves to perfect the economic union and extend it to new members in the next year or two. On the latter point, the interests of the United States are very much engaged, not only economically but militarily, for enlargement of the European communities to admit countries not committed to the defense of the West raises questions about the possibilities of political unity and the underlying strength of the NATO Alliance itself.

The United States sees no conflict between the goal of European integration and the efforts now going forward to end the dangerous and increasingly anachronistic division of the Continent. We welcome the indication that dissatisfaction over the continuing gulf between the two halves of Europe is growing in the East as well. Stronger relationships in Western Europe itself can, we believe, facilitate the building of stronger relationships with the east.

"I believe we must build an Alliance," the President has said, "strong enough to deter those who would threaten war; close enough to provide for continuous and far-reaching consultation; trusting enough to accept a diversity of views; realistic enough to deal with the world as it is; flexible enough to explore new channels of constructive cooperation."

In the past year, I believe, we have strengthened the Alliance on each of these counts. Strength, closeness, trust, realism, flexibility—these will be useful assets as we move toward the new hopes and new possibilities of the "era of negotiation."

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1181), an act to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 95

Mr. BAYH. Mr. President, I send an amendment to the desk in behalf of the distinguished Senator from Ohio (Mr. SAXBE) and the distinguished Senator from Connecticut (Mr. RIBICOFF). I appreciate the cooperation and the advice and counsel that they have given in the drafting and the consideration of this amendment.

The amendment is a perfecting amendment to the amendment of the Senator from Montana.

Mr. President, I ask unanimous consent that my amendment be printed immediately following my remarks.

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

(See exhibit 1.)

Mr. BAYH. Mr. President, for some time I have shared the concern of the Senator from Montana, our distinguished majority leader, over the troop strength of American forces presently assigned in NATO. My concern was expressed during the last administration as well. This concern exists despite the fact that the Senator from Indiana has been a consistent representative of this Government, along with several of his colleagues, to the NATO Parliamentarians Conference, and is strongly committed to maintaining a strong NATO alliance as a deterrent to possible misadventures on the part of the Soviet Union and its Warsaw Pact allies.

I find, despite my strong feeling that NATO has relevance in today's world, that we must recognize we are now addressing ourselves to the problem of security in Europe some 25 years after the founding of NATO. Despite the passage of 25 years we still find ourselves committed to the same four divisions recommended by President Truman when we first entered into this joint forces agreement.

Since the original agreement several things have happened. First of all, there has been significant European economic recovery. Second, we have only to look at last week's newspapers and this morning's newspapers to remind ourselves that the American dollar is under attack and that the stability of the dollar is at least partially attributable to the balance-of-payments problem which is aggravated by maintaining 300,000 U.S. troops in Western Europe.

The third matter, which has happened more recently, and which needs to be considered, is the apparent willingness of the Russians at least to talk about mutual troop withdrawals. I have been hopeful that the administration would pursue the possibility of deescalating the arms race more vigorously than it has, whether it is offensive nuclear weapons, ABM's, or general purpose forces. I do not discount the possibility of reaching some mutual agreement with the Russians.

However, I think we should consider that when we talk about Russian willingness to withdraw troops, we have to recognize that the Russians must consider more than just the number of troops necessary to balance the military picture between East and West. An important additional ingredient in any Russian decision will be the number of troops necessary to maintain political control of the Warsaw Pact nations.

The amendment which I have sent to the desk is an effort to reconcile the divergent thoughts that may be in more minds than my own. On the one hand we are concerned about the proper strength levels in NATO and the proper incentive necessary for mutual and balanced troop withdrawal. On the other hand, we are concerned that steps be taken that will persuade our NATO allies to increase their share of the cost of protecting Europe. They have the economic and political stability to do it.

I suggest that the amendment of the Senator from Indiana is a middle ground between the divergent thoughts that have been expressed pro and con relative to the Mansfield amendment. I think it gives us the possibility of sharing political responsibility on the one hand and fiscal responsibility on the other.

The heart of my amendment is to require that NATO allies be given a reasonable opportunity—until the end of this year—to agree to assuming a greater burden of the U.S. payments deficits resulting from the maintenance of our troops in Europe. Our allies have assumed only part of the total $1.7 billion deficit in our balance of payments.

My amendment urges the President to negotiate agreements requiring the added assumption of at least $325 million, or one-half of the $650 million, now left uncompensated as the direct result of our NATO troop commitment. If by the end of this year such agreements have not been negotiated, the United States would begin the staged withdrawal of troops down to 225,000 by June 30, 1972, and down to 150,000 by December 31, 1972.

As I said a moment ago, it seems to me this amendment is an effort to find a meaningful middle ground in this difficult and important debate. I believe this

amendment offers a way to protect the stability of the dollar, while offering our European allies a realistic alternative to troop withdrawals. It is our intention to be fair and open with our European friends, but to reflect our resolution to deal decisively with the problem of the dollar.

I personally feel that this amendment will strengthen the President's hand for negotiating for a reasonable cost-sharing agreement within NATO. I am not asking that they assume 100 percent of the deficit, as some could rightly demand. We are suggesting that they at least be willing to bear half of the remaining deficit.

I urge my colleagues to consider it carefuly as a vehicle for accomplishing the objectives that so many of us share in this difficult area.

Mr. President, I ask unanimous consent that there be printed in the RECORD a fact sheet concerning the amendment.

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

DATA ON NATO BALANCE-OF-PAYMENTS PROBLEM

Gross Balance-of-Payments drain caused by presence of U.S. troops and dependents in Europe: $1.7 billion per year.

Gross Balance-of-Payments in Germany: $1.1 billion per year.

Offsets of German Balance-of-Payments drain: $810 million per year.

Net Balance-of-Payments drain in Germany: $300 million per year.

Offset arrangements with Germany (a two-year agreement for $1.621 billion): $810 million per year.

Its provisions are as follows:

1. Military purchases in the U.S.: $410 million per year.

2. Civilian purchases in the U.S. (uranium for their stockpile): $65 million per year.

3. Loan from their treasury to ours (10 years at 3½%): $125 million per year.

4. German purchases of Eximbank and Mutual Security Administration paper (They pay U.S. in immediate cash and collect from our debtors over time $160 million, averaging): $80 million per year.

5. They established $164 million fund in U.S. to encourage new German private investment in the U.S., averaging: $82 million per year.

6. They prepaid certain outstanding debts: $22 million per year.

7. They agreed to forgo repatriation of interest on certain deposits in our Treasury: $32 million per year.

OTHER OFFSET AGREEMENTS AND MILITARY PURCHASES BY NATO ALLIES IN U.S.

There is only one formal offset arrangement with a NATO ally now operative. We agree over a period of years to purchase from Norway $40 million worth of supplies, and they agree to buy from us $120 million. However, apart from that, our NATO allies purchased $250 million in military supplies in the U.S. in fiscal year 1970. That is exclusive of German purchases under the offset agreements. That $250 million must be included in calculations of the total "uncovered" NATO BOP deficit. Thus:

Gross drain: $1,700 million.

Less German offsets: $800 million.

Less NATO allies purchased in U.S.: $250 million.

Net U.S. balance of payment deficit from NATO and amount affected by Bayh amendment: $650 million.

Amount Europeans are asked to cover: $325 million per year.

POSSIBLE SOURCES OF FURTHER OFFSETS OR ASSUMPTIONS OF U.S. COSTS IN EUROPE

1. Of the seven elements listed above as composing the German-U.S. offset arrangements, all but 5 and 6 are repeatable and possible expandable. However, as German arms production capacity increases, there is a good chance their willingness to buy arms and supplies here will decline. The same is true of other NATO allies, too. Improvements in these things would result in balance-of-payment savings only.

2. Allies picking up part of costs of operating U.S. bases and facilities in Europe. These costs are estimated as totalling about $800 million per year. They include (a) salary of local nationals employed by U.S. armed forces, (b) cost of constructon of permanent facilities which will never be repatriated to the United States, (c) materials and equipment purchased in local economies, (d) transport costs of U.S. armed forces within NATO countries. Allied assumption of some of these items would result not only in balance of payment but in budgetary savings.

EXHIBIT 1

In lieu of the language of amendment number 86, at the end of the bill, add a new title as follows:

TITLE IV—COMPENSATION FOR UNITED STATES NATO BALANCE-OF-PAYMENTS DEFICIT

SEC. 401. (a) The Congress hereby finds (1) that the number of United States military personnel stationed in Europe could be significantly reduced without endangering the security of Western Europe or lessening the prospects for improved East-West relations in Europe, and (2) that the present deployment in Europe results in an added burden to this Nation's balance of payments problems. It is therefore the purpose of this title to seek a more equitable sharing of the burdens arising from our deployment in Europe among the members of the NATO Alliance, and if such burden sharing cannot be accomplished, to provide for a significant phased reduction of U.S. forces stationed in Europe beginning at the earliest practicable date.

(b) The Congress urges the President immediately to undertake negotiations with the governments of our NATO allies for agreements resulting in the direct assumption of no less than one-half the United States balance of payments deficits resulting from the presence of United States military personnel in Europe and not compensated by military purchases or financial offset arrangements as of the date of enactment of this title.

(c) If such agreements have not been completed by December 31, 1971, no funds appropriated by the Congress may be used after June 30, 1972, for the purpose of supporting or maintaining in Europe any military personnel of the United States in excess of 225,000, and no funds appropriated by the Congress may be used after December 31, 1972, for the purpose of supporting or maintaining in Europe any military personnel of the United States in excess of 150,000.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 87 AS MODIFIED

Mr. MATHIAS. Mr. President, under the authority that was granted to me to offer a modification——

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MATHIAS. Under the authority which was granted to me by the Senate to offer a modification of the original language proposed by me as amendment No. 87, I hereby submit the revised language to the amendment which is now pending as a substitute to the amendment offered by Senator MANSFIELD, which is the subject of the unanimous-consent agreement previously entered into by the Senate.

Let me say that the modified substitute, which I now send to the desk, is cosponsored by the Senator from New York (Mr. JAVITS), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Illinois (Mr. STEVENSON).

The PRESIDING OFFICER. The clerk will state the modification.

The assistant legislative clerk read as follows:

In lieu of the language proposed to be added at the end of the bill by Mr. MANSFIELD, insert a new title as follows:

TITLE IV—UNITED STATES ROLE IN THE NORTH ATLANTIC TREATY ORGANIZATION

SEC. 401. (a) The Congress renews its support for the North Atlantic Alliance and reaffirms the policy of the United States for full partnership in the defense of Europe on the basis of self-help and mutual support.

(b) The President is requested to enter into negotiations, within the NATO framework, to achieve mutual and balanced force reductions in central Europe between the NATO and Warsaw Pact forces.

(c) The President is requested, in addition to regular consultations, to negotiate within NATO on the reduction of U.S. force levels and financial arrangements for U.S. forces which remain in Europe consistent with the balance-of-payments situation of the United States; and to reduce U.S. forces in Europe in accordance with such consultations and negotiations.

(d) The President shall report to the Congress on September 15, 1971, and every six months thereafter on the progress of such consultations and negotiations.

Mr. MATHIAS. Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. 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. PELL. Mr. President, there is no Senator for whom I have a higher regard, respect, and affection than the senior Senator from Montana. And rarely, if ever, do I find my thoughts or views different from his. I know, too, for how

many years he has expressed the opinion of us all with regard to the way Europe has declined to assume the cost of her own protection, continued to extract every possible dollar from us, and then not helped us in keeping up the value of the dollar.

But when it comes to arbitrarily reducing our forces in Europe by one-half by the end of this year, I believe this would prove a drastic step, although perhaps necessary. I know, also, how many of us have left unsaid our concern at the thought of the vacuum being filled by a rearmed Germany. Personally, I believe that neither Eastern nor Western Europe, nor even we in America, wish to see a Germany, both rearmed and reunified.

As one who was in charge of a small consular post in Europe, I saw the effect when the Iron Curtain fell on us—half of my employees fled and the other half went to jail. I believe the containment theory of the late forties and fifties absolutely correct in halting in its tracks the aggressive Stalin communism of the time. However, history moves and national interests change, but administrations apparently do not move, but follow policies imbedded in concrete rather than our true national interests. In this regard, I am reminded of how we ignore Lord Palmerston's old dictum.

We have no eternal allies, and we have no perpetual enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow.

I think the present tactics of resurrecting the views and policies of the past in terms of the needs of the future and is a mistake on the part of the administration.

The old and cold warriors who are being cited by the administration are looking behind and not ahead.

When Dean Acheson describes Senator MANSFIELD'S suggestion as "asinine," he turns off more Members of our body than he would turn on.

In fact, the way the administration is going, I would not be surprised to read in tomorrow's press of an ESP report from Woodrow Wilson to the effect that we should support the administration and maintain our 300,000 American troops in Europe.

My hope is that some form of compromise may be adopted. The administration's position of no compromise is wrong and negative. I believe the suggestion of the majority leader, while correct in the long haul, is perhaps drastic for the short haul. For this reason, I would hope that some form of compromise solution might emerge from our body.

ORDER FOR RECOGNITION OF SENATOR CHURCH AND SENATOR GOLDWATER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the 2 leaders under the standing order, the distinguished Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 15 minutes; that at the conclusion of his remarks, the distinguished Senator from Arizona (Mr. GOLDWATER) be recognized for not to exceed 15 minutes; that following the recognition of the two Senators under these orders, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, following which the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRAVEL ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Arizona (Mr. GOLDWATER) under the previous order, the distinguished Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes.

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

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECESS FROM TOMORROW UNTIL 9 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 tomorrow it stand in recess until 9 a.m. Wednesday.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

UNANIMOUS-CONSENT AGREEMENTS

Mr. BYRD of West Virginia. Mr. President, I am authorized by the majority leader to make two additional unanimous-consent requests, after counseling with the distinguished Senator from Mississippi (Mr. STENNIS) and the acting minority leader, the Senator from New Hampshire (Mr. COTTON).

Various Senators have expressed an interest in having some time for debate on Wednesday on the so-called SST amendment. Under the previous order, a vote will occur during the evening of Wednesday on that amendment, but without debate. In view of the fact that Senators do wish to have some further debate on the SST on Wednesday, I ask unanimous consent that, effective on Wednesday, May 19, 1971, the unfinished business, H.R. 6531, to amend the Military Selective Service Act of 1967, be laid aside from 9 a.m. until 11 a.m.; that during that time, the amendment to strike out the section providing funds for the SST—on page 24, lines 17 through 22, inclusive—to H.R. 8190, making supplemental appropriations for the fiscal year ending June 30, 1971, be debated, with the time to be equally divided between and controlled by the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Washington (Mr. MAGNUSON).

Mr. STENNIS. Mr. President, reserving the right to object, the question has to be put on the substance of the unanimous-consent request.

Mr. BYRD of West Virginia. I thought I would make the requests one at a time.

Mr. STENNIS. I have no objection, Mr. President, to the last request.

dent, I further ask unanimous consent that on Wednesday, May 19, 1971, after the Schweiker amendment has been temporarily laid aside and votes have been taken on all amendments to H.R. 8190 on which the yeas and nays have been ordered, further amendments to H.R. 8190 will be in order, but will not be open to further debate.

Mr. BYRD of West Virginia. Mr. Presi-

I make this request because of the fact that several Senators are absent from the Senate today and they have not had an opportunity to offer amendments on the second supplemental appropriation bill today. They were also not present at the time on Friday when the Senate entered into the agreement with respect to Wednesday next. It was, therefore, felt that no Senator should be shut out from offering amendments to the second supplemental appropriation bill on Wednesday when certain votes are scheduled.

So it is for that reason that this request has been discussed with various Senators and that the authorization from the majority leader has come that I propound it to the effect that, following the vote on the SST Wednesday evening, and following the vote on any other amendments that have been offered to the second supplemental appropriation bill and on which the yeas and nays have been ordered, any Senator would clearly not be shut out from offering an amendment to that bill and from having an immediate vote on his amendment, but without debate.

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—we worked out a very fine unanimous consent last week on the Mansfield amendment and then for a resumption of consideration of the Schweiker amendment. That was several days forward. So I was glad today that we could work on the second supplemental appropriation bill and have a debate on it and finish that and come back, then, for a reasonable amount of debate on the Mansfield amendment.

I am glad to yield further here to the circumstances of taking those votes on Wednesday, but I want to reiterate my purpose of getting back to the main bill as soon as we can, where we are under the gun of time, and it is thought by some but I do not believe it can be done, that they can delay this thing beyond June 30.

Anyway, it is the duty of the committee to push the bill.

Let me ask the Senator whether the additional unanimous-consent request he makes leaves all the other unanimous-consent agreements in full force and effect.

Mr. BYRD of West Virginia. It does.

Mr. STENNIS. Except as directly modified by the Senator's written request as he read it?

Mr. BYRD of West Virginia. Yes. The Senator is correct.

Mr. STENNIS. All right.

Mr. COTTON. Mr. President, reserving the right to object, I merely wish to say that this morning the Senator from New Hampshire consulted the Parliamentarian and was advised, under the unanimous-consent agreement, that any amendments had to be offered to the second supplemental appropriation bill before 3 o'clock this afternoon or they would be barred. Because of that, I advised the Senator from New York to call up his amendment, because I knew that he had one; and he offered it and then, under unanimous consent, I got agreement to offer my amendment to his amendment.

I appreciate the courtesy of the Senate in that regard.

I merely want to make it clear that the Senator from New Hampshire finds himself representing not only the minority of the Appropriations Committee but also the minority of the Senate, due to the absence of the distinguished minority leader and the distinguished assistant minority leader and, under those circumstances, would not wish to take the responsibility of expressing the agreement of the minority. But it has to be settled. It is inconceivable to me that, under any circumstances, the Senate would deprive any Senator who is absent from the privilege of offering an amendment to a bill, even though the unanimous-consent agreement did not specifically provide therefor.

I can foresee that a Senator could be offering several amendments and there could be requests for 2 minutes on each side to explain the amendments. So far as I am concerned, I would not object even to that, if it were requested to offer those amendments. As we know, without the opportunity to explain an amendment, that is a blind way to legislate.

So far as the unanimous-consent request is concerned; namely, that any Senator can offer amendments to the second supplemental appropriation bill on Wednesday night, after the other votes, without the opportunity to explain them, unless the Senate sees fit to grant them that opportunity by unanimous consent, that seems to me to be eminently fair and I therefore am going to take the liberty of agreeing to it.

Mr. BYRD of West Virginia. I thank the Senator from New Hampshire.

Mr. STENNIS. If the Senator will yield, I would not want to deny anyone the privilege, but we have had our day in court and we have been making unanimous requests now for several days. I think it is my duty to keep the bill moving, if I can. I hope that there will not be a deluge of requests for time to debate the amendments here, where we are quite deliberately agreeing that there will not be time to debate them. I do not know how we are going to take care of absent Senators except through someone representing them.

Mr. COTTON. I am sorry I raised that point because it should not have been raised. I do not suggest that we should have debate for a single minute. If anyone objects, of course they cannot.

Mr. STENNIS. I want to serve notice that I could not agree to a great number of requests for debate on these amendments.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection to the requests of the Senator from West Virginia, or any further reservation or right to object? The Chair hears none, and it is so ordered.

The unanimous-consent agreements later reduced to writing as follows:

Ordered, That, effective on Wednesday, May 19, 1971, the unfinished business, H.R. 6531, to amend the Military Selective Service Act of 1967, be laid aside from 9 a.m. until 11 a.m. and that during that time, the amendment to strike out the section providing funds for the SST (on page 24, lines 17 through 22, inclusive) to H.R. 8190, making supplemental appropriations for the fiscal year ending June 30, 1971, be debated with the time to be equally divided and controlled by the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Washington (Mr. MAGNUSON).

Ordered further, That, on Wednesday afternoon, after the unfinished business has been laid aside including the Schweiker amendment, and votes have been taken on all amendments to H.R. 8190, on which the yeas and nays have been ordered, further amendments to H.R. 8190, will be in order, but will not be open to further debate.

Mr. BYRD of West Virginia. Mr. President, may I just say, now that the request has been agreed to, under the agreement entered there can be no debate on Wednesday evening on any amendment that is offered to the second supplemental appropriation bill. Heretofore, it has been the general practice of the Senate not to rule out the opportunity of Senators offering amendments when all time has expired, but they have to content themselves with a vote thereon without debate in such a situation. Thus, we should not rule out the right of Senators to offer amendments in this instance. I understand that the senior Senator from Massachusetts wants to offer an amendment on Wednesday. We do not want to preclude him or other Senators from the right to the opportunity to offer an amendment, but such a Senator would not—under the agreement—have time to debate it.

This agreement, may I say to the Senator from Mississippi, has reference only to Wednesday. For if the vote on the SST amendment—offered by the Senator from Wisconsin (Mr. PROXMIRE)—should fail, the second supplemental appropriation bill will undoubtedly go back on the calendar and all bets are off.

So this has to do only with the session on Wednesday. What has made it so difficult with respect to unanimous-consent agreements dealing with the supplemental appropriation bill is the fact that it is impossible to foresee exactly what is going to happen on the SST amendment.

Mr. COTTON. If the Senator will yield, one thing should be clear on the record.

The Senator from New York (Mr. JAVITS) has an amendment which he has offered and which is pending. I have an amendment to his amendment, which is pending. We cannot debate that—either one of us.

If a Senator who is not present today, offers an amendment on Wednesday night——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. COTTON. Mr. President, if a Senator who is not present tonight offers an amendment on Wednesday night in accordance with the agreement just entered into, that amendment can be received and considered without debate. He has the right, of course, to ask for the yeas and nays.

Mr. BYRD of West Virginia. Absolutely. Under the Constitution he has that right.

Mr. COTTON. Does this agreement permit another Senator to offer an amendment to his amendment without debate?

Mr. BYRD of West Virginia. The Senator is correct. Whatever amendments may, under the standing rules, be appropriate are certainly not shut out. However, debate thereon would be precluded.

Mr. COTTON. That was my understanding. However, I thought we ought to be very clear on the matter. That is why I asked the question. I thank the Senator from West Virginia.

Mr. BYRD of West Virginia. The Senator is correct and I thank him.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:30 a.m. and, immediately following the recognition of the two leaders under the standing order, the Senator from Idaho (Mr. CHURCH) will be recognized for not to exceed 15 minutes, to be followed by the Senator from Arizona (Mr. GOLDWATER) for a period of not to exceed 15 minutes, to be followed by the Senator from Alaska (Mr. GRAVEL) for a period of not to exceed 15 minutes; at the conclusion of which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; following which the unfinished business will be laid before the Senate.

Based on understanding that have been entered into, there will be no rollcall votes on tomorrow unless it would be with regard to legislation dealing with the railroad strike. Of course, we cannot foresee what will develop. However, we would hope that action could be taken on any measure coming before the Senate tomorrow dealing with that emergency situation without a rollcall vote, in this instance, because Senators have been told that there would not be rollcall votes today or tomorrow.

ADJOURNMENT TO 9:30 A.M.

Mr. BYRD of West Virginia. If there be no further business to come before

the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed; and (at 5 o'clock and 12 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, May 18, 1971, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 17 (legislative day of May 14), 1971:

U.S. Army

1. The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title X, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. George Gordon Cantlay, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Stewart Canfield Meyer, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Maurice Wesley Kendall, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Adrian St. John II XXXX, Army of the United States (colonel, U.S. Army).

Brig. Gen. Harley Lester Moore, Jr. xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Curtis Wheaton Chapman, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. George Arthur Godding, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Ralph Julian Richards, Jr., xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Samuel Lafayette Reid, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Sidney Bryan Berry, Jr., xxx-xx-x... xxx-... Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. David Ewing Ott, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Bert Allison David, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert Morin Shoemaker, xxx-... xxx-xx-xxxx Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Frank Ambler Camm, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Ira Hayward, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Dennis Philip McAuliffe, xxx-... xxx-xx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Arthur Kissinger, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. George Monroe Bush, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Quint Henion, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Trevor Sawyer, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Neale Mackinnon, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Hulbert Groves, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Alexander Meigs Haig, Jr., xxx-... xxx-xx-xxxx Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Einar Murray, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Anton Hinrichs, xxx-xx-x... xxx-... Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert Leahy Fair, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Alfred Kjellstrom, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Ira Augustus Hunt, Jr., xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry Richard Del Mar, xxx-... xxx-xx-xxxx Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert Charles Hixon, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Carpenter Raaen, Jr., xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. James Bradshaw Adamson, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Terrell Carley, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Burton Gibson, Jr., xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Jeffrey Greenwood Smith, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Edward Fitzpatrick, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Dean Van Lydegraf, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

2. The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. Harley Lester Moore, Jr., xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Samuel Lafayette Reid, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. George Arthur Godding, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. James Leon Baldwin, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Albert Ernest Milloy, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. John Reiley Guthrie, xxx-xx-xx... xxx-x... Army of the United States (colonel U.S. Army).

Maj. Gen. William Allen Knowlton, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Ambler Camm, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert Creel Marshall, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Darrie Hewitt Richards, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Stewart Canfield Meyer, xxx-... xxx-xx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Edward Michael Flanagan, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Ralph Julian Richards, Jr., xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Carpenter Raaen, Jr., xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Adrian St. John II, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Hubert Summers Cunningham, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Maurice Wesley Kendall, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Maj. Gen. Bernard William Rogers, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Robert Parfitt, xxx-xx-xx... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Trevor Sawyer, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. George Gordon Cantlay, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Woodland Morris, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Clarke Tileston Baldwin, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Maj. Gen. Allen Mitchel Burdett, Jr., xxx-... xxx-xx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Alexander Russell Bolling, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Maj. Gen. Howard Harrison Cooksey, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Charles Hixon, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. CJ Le Van, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Quint Henion, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. John Holloway Cushman, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. David Ewing Ott, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. George Samuel Blanchard, xxx-... xxx-xx-xx... Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Ira Hayward, xxx-xx-xxxx xxx-... Army of the United States (colonel, U.S. Army).

Maj. Gen. John Joseph Hennessey, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. John Alfred Kjellstrom, xxx-... xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Maj. Gen. Verne Lyle Bowers, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Einar Murray, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Frederick James Kroesen, Jr., xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. James Cliffton Smith xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Leahy Fair, xxx-xx-xxxx Army of the United States (colonel, U.S. Army).

In the Navy

Robert G. Schultz, Jr., U.S. Air Force Cadet to be a permanent ensign in the line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Michael W. Longworth (Midshipman Naval Academy) to be a permanent ensign in the line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named U.S. Army Cadets to be permanent ensigns in the line or Staff

Corps of the Navy, subject to the qualification therefor as provided by law:

Richard E. Ryder
Roy W. F. Wurthmuller, Jr.

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or Staff Corps of the Navy, subject to the qualifications therefor as provided by law:

Frank J. Battle
John E. Boyle, III
Robert L. Collier
Bruce N. Hampton
John E. Jackson
Phillip L. Jody
John W. Kidd
Craig R. Larmon
Richard K. Stewart

The following-name chief warrant officers to be ensigns in the Navy, limited duty for temporary service in the classification indicated and as permanent warrant and/or permanent and temporary warrant subject to the qualification therefor as provided by law:

SUPPLY

Andrew P. Blackwell
George T. Boring
Clifford R. Hall
Jefferson C. Hughes
William B. Keith, Jr.
Gerald E. Kirkpatrick
Robert J. Reardon
Allen R. Siegel
Edward M. Strackbein
Joseph M. Thompson
Joel F. Tibbetts
James C. Woodiel

CIVIL ENGINEER

William G. Glynn
Robert E. Herning
Cecil M. Hillman
John G. Masler, Jr.
Francis S. Thomson, Jr.

DECK

Gideon W. Almy, III
James P. Bailey
Eugene Davenport
Charles D. Johnson, Jr.
Rodney R. Jones
Russel D. McEntire
Phillip B. Moaney
Kerry A. Peters
Tommy F. Shirley
David M. Valenta
James L. Worley
Ira G. Worrell

OPERATIONS

Richard M. Almand
Vincent G. Brackett
Stephen R. Jones
John A. King, Jr.
Raymond L. Marshall
John L. Sweet

ORDNANCE

Philip E. Dechene
Richard L. Goyette
David S. Haus
Ellis L. High
George K. Johns
Milton J. Moyer
Ralph W. Padgett
William L. Percival
Thomas L. Ratliff
Glenn Rice, Jr.
Thomas R. Stephenson
Donald R. Thomas

EXPLOSIVE ORDNANCE DISPOSAL

Robert F. Fisher
Donald R. Reeves

ADMINISTRATION

James C. Biernesser, Jr.
Vernon R. Bowen
Leonard H. Brown, Jr.
Edward H. Choate
Robert S. Erskine
Robert M. Grace
Bobby E. Greene
John D. Greene
Richard P. Gudis
Eli E. Hager
Ernest J. Malboeuf
Leon Morris
Jose T. Nededog
Patrick L. O'Sullivan
John M. Oyler
Joseph J. Pajuf
John E. Pearl, Sr.
George F. Pearman
Eugene J. Perry
Ronald O. Prestidge
Mirian E. Ruryk
Gerald D. Ryan
John C. Varley
Howard A. Wallace, Jr.

DATA PROCESSING

Harold T. Hugghins
John C. Mueller

BANDMASTER

Billy J. Aten
Eugene E. McGowan

ENGINEERING

David G. Bates
Raleigh T. J. Blanchard
Allen G. Brice
Richard L. Brisby
Robert A. Brouse
Frank L. Canfield
Harry M. Carter
Jerome J. Culberson
Richard W. Ellis
Leroy E. Gardner
Billy T. Gay
Raymond Hahn
Howard J. Kuhnert, Jr
Ralph E. Hite
Ted L. Hunt
Charles L. Jensen
Isaiah J. Jones
Raymond J. Kehoe
Richard B. Knighton
James F. Maddock
Elmer H. Mann
Edwin L. Neasham
James J. Ottesen
David E. Perkins
Henry W. Poch, Jr.
Charles J. Raggo
Richard A. Riddle
Edward E. Rundberg
Wayne A. Scott
Dallas T. Smith
Larry A. Tew
Donald E. Thomas
Kenney D. Williamson
Fred L. Wolking
Donald G. Smith

HULL

William J. Dills
Robert T. Finney
Daniel A. Frame
James O. Headrick
Raymond M. Hennessy
John A. Othmer
James L. Smith
William B. Stonecipher
Chester A. Watson, Jr.
Alfred E. Wollenburg
Robert R. York

ELECTRICIAN

Wyndolin G. Collins
Harold L. Drurey
Herbert Halpern
Clayton T. Hicks
Roger A. Hutchings
Richard L. Prevatte
Michael L. South

ELECTRONICS

Douglas W. Anderson
Joe R. Beaubouef
James R. Brown
Raymond E. Buote
Harry E. Clark
Leroy Dailey
Sammy L. Darr
Wallace G. Gutridge
Charlie H. Hall
Monte A. Hart
Noble F. Joel, Jr.
Robert J. Johnstone
William G. Kirby
Willie J. Mead
Wayne R. Merrill
Orville L. Meyers
Karl W. Nitschke
John W. Pierce, Jr.
Robert M. Smith
Francis L. Tosatto
Qube G. Watford
Cecil E. Wells

CRYPTOLOGY

Lloyd M. Ames
Andrew R. Buist
William O. Crank
David B. Dean
Hubert Moore
James C. Nadeau
Ronald E. Noel
Marvin E. Nowicki
James F. Perry
Walter F. Peszynski
Larry D. Poppe
Robert J. Robbins

COMMUNICATIONS

Joseph K. Butters
Gary D. Cooper
Andrew J. Eggett
Leon W. Gaut, Jr.
Bernard E. Gibson
John G. Greksouk
Thomas L. Harold
Clark G. Hill
Louis G. Loria
Herman D. Overton
Carl E. Rhudy
Donald J. Rossignol
James L. Townsend

AVIATION OPERATIONS

Clarence Forbes
Robert L. McPeak

AVIATION CONTROL

Norman E. Krug
George D. Zeitler

AIR INTELLIGENCE

William R. Bulmer

PHOTOGRAPHY

James R. Menhennett
Franklin D. Peele

METEOROLOGY

Raymond L. Boylan
Bobby E. May
William C. Oponick, Jr.

AVIATION ORDNANCE

Herbert Artis
Ronald A. Cleven
William T. Cox
James W. Ennis
Michael A. Harwell
Buddy R. Hembree
Dempsey D. James
Joe H. Lemaster
Ira J. Lewis
Charles E. Little
Carl W. Nolan
James M. Pokrywka
Gerald D. Stepherson
David J. Turriff
Richard A. Wales

AVIONICS

George E. Bollinger
Charles D. Evans
Walter S. Ingram
Edwin C. James
Donald D. Robbins
Aubrey P. Sauls
Dennis A. Westhoff

AVIATION MAINTENANCE

William E. Akins
Alfred E. S. Armfield
Ronald P. Baker
Gilbert H. Baron
Charles T. Barry
James A. Bartley
Gordon M. Bethune
Bobby G. Bettis
Gerlad C. Blocker
Arthur E. Carter
Ronald L. Coen
Albert C. Edmonson
James W. Fite
Charles R. James
James C. Rayburn
Arthur L. Johnson
Rudolf H. Jopp
Ralph C. Lasky
Robert E. Luce
Dewey J. Millsap
Donald A. Minor
Larry E. Murphy
Santiago Orosco
Terry D. Owens
Ellis E. Peach
Thomas J. Pruter
Boyd C. Fowler
Jerry W. Fox
George Freeman
Rolland R. Garrison
Boyd L. Goodrich
Marion W. Green
William J. Hicks
Charles E. Hughes
William K. Rodgers
Robert L. Royal
Richard N. Sayles
Donald G. Scott
John S. Stankoski
Warner R. Tyler
Raymond R. Wegrzyn
George D. Welch

The following-named (Naval Reserve officers) to be permanent commanders and temporary captains in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Charner W. Bramlett
Louis H. Eske

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Robert J. Demaio
Francis P. Madden
Jerry A. Perisho

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary Lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Robert L. Anderson
Thomas G. Carlton
Robert T. Clark
James L. Gentry
Robert M. Giasi
Richard D. Glasgow
Michael J. McGinnis
David A. Smith
Harry W. Smith

William R. Garrett (Civilian College graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

Gary S. George (Naval Reserve officer) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

Comdr. James M. Tobin, Civil Engineer Corps, U.S. Navy, for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant commander and the temporary grade of commander.

Lt. John E. Gordon, U.S. Navy, for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

Ens. John F. Lynch, U.S. Navy, for transfer to and appointment in the Supply Corps in the permanent grade of ensign.

The following-named officers of the U.S. Navy for transfer to and appointment in the Civil Engineer Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Brown, Richard E.
Dempsey, John G.
Givens, Larry R.
Hamm, Edward R.
Heintz, John W., Jr.
Holm, Stanley R., Jr.
Jeffries, Charles H., II
Lines, Richard A.
Moeller, Robert L.
Mohsberg, Sidney A., III
Osth, John A.
Prahl, Charles S.
Reid, Gary H.
Schierman, Eldon C.
Sholars, Robert E.
Slaughter, James T., II
Waters, William A.
Yankoupe, George W.

Stephen C. VanTasell (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to qualification therefor as provided by law.

Arthur P. Sibold, Jr., U.S. Navy, retired, to be reappointed from the temporary disability retired list as a permanent captain in the Line, engineering duty (ship engineering), of the Navy, subject to the qualification therefor as provided by law.